

## **PLANNING AND ZONING COMMISSION**

**MARCH 22, 2016**

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, March 22, 2016 at 6:35 p.m.

Commission Members Present: Chairman Bill Cox, Vice-Chairman Eric Zepp, Janet Cobbel, Deanna Kuykendall, Cameron McCall, Brian Mantzey, and Pamela Smith

Staff Present: Director of Planning Brian Lockley; Planning Managers Matt Robinson, Jennifer Arnold, and Samantha Pickett; Planners Eleana Galicia and Aaron Bloxham; GIS Planner Neil Rose; and Administrative Assistant Terri Ramey

There were approximately 70 guests present.

Chairman Cox called the regular meeting to order at 6:35 p.m. after determining a quorum was present.

Chairman Cox explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be only heard by the Planning and Zoning Commission and others would be forwarded on to City Council. Chairman Cox stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. He stated that guests would need to limit their remarks to three minutes and speak only once. Chairman Cox explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining the light will switch to yellow, and when the time is up the light will change to red. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking the issues.

Chairman Cox continued the meeting with the Consent Items. He stated that item number 15-223PF would be pulled from the Consent Agenda to be considered separately due to receiving a speaker's card from Mr. Eric Beeby, 2302 Forest Hills Ct., McKinney, TX, in opposition to this request. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that this item was not posted for a Public Hearing; therefore, Mr. Beeby would not be able to speak on this item during the meeting. He stated that Staff would give a presentation on this item to explain what was being proposed.

The Commission unanimously approved the motion by Commission Member Mantzey, seconded by Commission Member McCall, to approve the following two Consent items with a vote of 7-0-0.

- 16-325 Minutes of the Planning and Zoning Commission  
Regular Meeting of March 8, 2016**
- 16-028PF Consider/Discuss/Act on a Preliminary-Final Plat for  
Lots 1R, 2R, and 3 - 9, Block A, of the Encore McKinney  
Addition, Located on the Northeast Corner of Custer  
Road and Stacy Road**

**END OF CONSENT**

Chairman Cox called for the preliminary-final plat for Lots 1 and 2, Block A, of the Springhill-Hilton Addition.

- 15-223PF Consider/Discuss/Act on a Preliminary-Final Plat for  
Lots 1 and 2, Block A, of the Springhill-Hilton Addition,  
Located Approximately 700 Feet North of Craig Drive  
and on the West Side of U.S. Highway 75 (Central  
Expressway)**

Mr. Aaron Bloxham, Planner for the City of McKinney, briefly explained the proposed preliminary-final plat. He stated that the lot was being subdivided into two lots. Mr. Bloxham stated that a site plan for the subject property was also being presented later during the regular agenda items and public hearings tonight. He stated that Staff recommended approval of the proposed preliminary-final plat as conditioned in the Staff report. Mr. Bloxham offered to answer questions.

Commission Member McCall asked if there was going to be an entrance from Country Club to the subject property and if there would be adequate screening so the neighborhood behind the subject property would not see the proposed development on the subject property. Mr. Bloxham stated that there would not be a connection to County Club Drive from this property. He stated that the entrances would be off of US Highway 75 (Central Expressway) and through the Belk Department Store's parking lot. Mr. Bloxham briefly discussed the proposed screening for the property.

On a motion by Commission Member Smith, seconded by Vice-Chairman Zepp, the Commission unanimously approved the proposed preliminary-final plat as recommended by Staff, with a vote of 7-0-0.

Chairman Cox continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

**15-155FR3 Conduct a Public Hearing to Consider/Discuss/Act on a Facade Plan Appeal for Sewell Audi of McKinney, Located Approximately 1,500 feet West of Stacy Road and on the North Side of State Highway 121**

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed facade plan appeal. He explained the various changes made to the proposed development since it was previously approved. Mr. Bloxham stated that the style and materials had remained the same. He stated that Staff recommends approval of the proposed architectural elevations and offered to answer questions. There were none.

Mr. Carl Sewell, Sewell Automotive Companies, 3860 W. Northwest Highway, Dallas, TX, explained the proposed facade plan and explained why they were requesting the modifications. He offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and approve the facade plan appeal as recommended by Staff, with a vote of 7-0-0.

**15-222SP2 Conduct a Public Hearing to Consider/Discuss/Act a Site Plan for Springhill-Hilton, Located Approximately 700 Feet North of Craig Drive and on the West Side of U.S. Highway 75 (Central Expressway)**

Mr. Aaron Bloxham, Planning for the City of McKinney, explained the proposed site plan request. He stated that site plans could typically be approved by Staff; however, the governing planned development ordinance required the site plan to be approved by the Planning and Zoning Commission. Mr. Bloxham stated the applicant was proposing to construct two hotels on the subject property. He stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report. Mr. Bloxham offered to answer questions.

Commission Member McCall asked if the surrounding residential neighbors to the west would see the proposed development. Mr. Bloxham briefly explained the proposed screening. He stated that it would take some time for the proposed trees to fully grow to help with the screening.

Vice-Chairman Zepp asked about the possibility of light pollution. Mr. Bloxham stated that the applicant would have to follow the City's ordinances to address that possible issue.

Commission Member Cobbel wanted to clarify that the applicant had not requested any variances to the City's ordinances. Mr. Bloxham stated that was correct.

Mr. Chris Taranzo, Triangle Engineering, LLC, 906 Lakeview Drive, Richardson, TX, concurred with the Staff report and offered to answer questions.

Chairman Cox asked if there would be access to the subject property off of County Club Drive. Mr. Taranzo said no. He stated that there would be access off of the Highway 75 (Central Expressway) frontage road and two access points through the existing retail development.

Chairman Cox opened the public hearing and called for comments.

Mr. Eric Beeby, 2302 Forest Hills Ct., McKinney, TX, asked if the proposed hotels would be two or four stories tall. Mr. Bloxham stated that the subject property was under the "CC" - Corridor Commercial Overlay District under the Mid Rise subzone which allowed up to six stories to be built.

Mr. Beeby asked if the hotels started out two story and why they were now proposed to build up to six story hotels. Mr. Bloxham stated that the original ordinance for the property had a lower height limitation. He stated that later the City did a study for the "CC" – Corridor Commercial Overlay District and came up with four different subzones. Mr. Bloxham explained that one of these was the Mid Rise subzone, which allows up to six stories to be built, which this property falls under.

Mr. Beeby stated that he lives on the cul-de-sac near the subject property and would be most directly affected by the proposed development. He stated that he was a trained Free Market Economist; however, he makes his living as a trained Telecommunications Engineer. Mr. Beeby stated that he was not against progress. He stated that the proposed development was incompatible with the surround residential neighborhood to the west. He stated that if the proposed development was four to six stories tall then it would be in direct view of his neighborhood. Mr. Beeby stated that he did not feel that it could be adequately screened. He stated that he had traveled and stayed at a lot of hotels. Mr. Beeby stated that the proposed development was big box national chains that were not known for their architectural aesthetics, especially on the non-frontage areas of the development where his subdivision would be viewing. He expressed concerns about noise issues from slamming doors and vehicles coming and

going. Mr. Beeby stated that the hotel would not be benefitting the City of McKinney residents, just transient travelers passing through McKinney. He felt building the structure at this location as inappropriate. Mr. Beeby stated that the widening of Highway 75 (Central Expressway) had already increased the noise and light pollution for his neighborhood. He stated that they were planning to go to court regarding those issues. Mr. Beeby stated that the proposed development was just icing on the cake. He stated that the proposed development does not give any consideration to the residential subdivision to the west. Mr. Beeby stated that the proposed development needed a lot more discussion prior to be considered for approval by the City. He offered to answer questions.

Vice-Chairman Zepp asked when Mr. Beeby moved into his house. Mr. Beeby stated that he purchased his property in January 2013. He stated that his house was built by McKinney's former Mayor Don Dozier in a beautiful neighborhood. Mr. Beeby stated that he felt the area had eroded dramatically in the past eight months and his property value had diminished. He questioned why the architectural designs of the proposed buildings were not being considered during this proceeding.

Dr. Brian Berry, 2404 Forest Court, McKinney, TX, stated that he lived there for 30 years. He stated that he was a Certified City Planner, a founding member of the American Institute of Certified Planners (AICP), and was a professor of City and Regional Planning at Harvard University prior to coming to Texas. Dr. Berry felt there were several problems with the proposed development. He stated that the adjacent property could not be built without adequate and proper buttressing. Dr. Berry stated that there was a 20 foot slope in elevation from the back of the proposed development to Country Club Drive. He stated that they were told that area would be nicely graded, landscaped, and would have a water retention area. Dr. Berry questioned how well the water retention area would work during high water volume. He stated that there were mature trees on the property that would be removed to put in the water retention basin. Dr. Berry stated that this was a recipe for disaster on the west side with water and drainage coming down onto Country Club Drive. He felt that McKinney could face an oversupply of hotel and motel space in this area. Dr. Berry stated that he had no objections to a properly designed two story development on the property; however, he did have an objection to a four story development on the

property. He stated that a poorly designed development would lead to a facility that had poor patronage with rapid turnover of ownership.

Ms. Beverly Yoehle, 2408 Forest Court, McKinney, TX, stated that she lived in McKinney for over 30 years and in this neighborhood for 15 years. She stated that she was not against having a two story hotel at this location; however, she was against a four story or greater hotel on the subject property. Ms. Yoehle expressed concerns about a fence not being built on the west side of the property to keep people staying at the hotel/motel from walking across Country Club Drive to Eldorado's amenities. She expressed concerns about the screening around the proposed dumpster on the property. Ms. Yoehle stated that she was told that the dumpster would be enclosed; however, she did not believe that most dumpster enclosures kept their doors closed. She also expressed concerns about the mature trees on the property being cut down. Ms. Yoehle stated that it would be nice to save some of the large pecan trees on the property where the water retention area was proposed. She stated that there were three other large hotels and four to five motels in McKinney and that none of them had ever been full. Ms. Yoehle stated that McKinney did not need another four to six story building. She expressed concerns about seeing the development from her property and how it would affect the property owners nearby.

Chairman Cox stated that the following two individuals turned in speaker's cards in opposition to the request; however, did not wish to speak during the meeting.

- Mr. James Westerheid, 2714 Clublake Trail, McKinney, TX
- Mr. Colin Stacy, 2722 Clublake Trail, McKinney, TX

On a motion by Commission Member Mantzey, seconded by Vice-Chairman Zepp, the Commission unanimously approved the motion to close the public hearing, with a vote of 7-0-0.

Vice-Chairman Zepp asked Staff when the zoning changed on the subject property to allow up to six story structures. Ms. Bloxham stated that it went before Planning and Zoning Commission on April 26, 2011 and May 10, 2011. He stated that City Council adopted it on May 17, 2011.

Vice-Chairman Zepp asked if there was a public hearing held when it was changed. Mr. Bloxham said yes.

Vice-Chairman Zepp asked about the notices that were mailed to the surrounding neighbors within 200 feet of the subject property. He expressed concerns about the properties west of the golf course that were outside the 200 feet not being noticed. Mr. Bloxham showed an aerial exhibit that showed the 200 feet area around the subject property that received notices about the proposed request.

Vice-Chairman Zepp asked if the applicant had agreed to abide by the Tree Ordinance. Mr. Bloxham said yes. He stated that the applicant had also submitted a Tree Survey for the site.

Vice-Chairman Zepp wanted to clarify that this was not the time for any facade considerations for the development. Mr. Bloxham stated that the applicant had not submitted anything at this time. He stated that in the Architectural Standards required anything that faced a single-family zone to match the architectural features of the front side of the building.

Commission Member Cobbel wanted to clarify that the applicant had complied with all of the requirements for this request. Mr. Bloxham said yes.

Chairman Cox asked about the location of the proposed water detention area on the subject property. Mr. Bloxham stated that the detention pond would be located on the southwest corner of the property.

Chairman Cox asked what the distance was from County Club Drive to the first parking spot along the southwest corner. Mr. Bloxham stated that he did not recall the exact distance; however, he thought it might be about 75 to 100 feet. He stated that the distance from the proposed dumpster to the property line was 260 feet.

Chairman Cox asked about the proposed screening on the west side of the property. Mr. Bloxham explained that some evergreen bushes were required for screening the parking and that there would be trees along the roadway.

Commission Member Cobbel asked if the brick retaining wall that was currently behind the Belk's development would be continued behind the proposed development as well. Mr. Bloxham said yes.

Commission Member McCall wanted to clarify that the proposed development would be four story. Mr. Bloxham stated that they were proposing four story structures.

Commission Member Smith asked what the intent was having the site plan come before the Planning and Zoning Commission instead of being a Staff approval item. Mr. Bloxham stated that the “PD” – Planned Development District stated that the request must come before the Planning and Zoning Commission for approval. Mr. Brian Lockley, Director of Planning for the City of McKinney, explained that most “PD” – Planned Development Districts require site plans to be approved by the Planning and Zoning Commission or City Council to make sure that the City’s requirements were being met.

Vice-Chairman Zepp stated that he agreed with a couple of the speakers regarding the type of use, height, location, and that it was just north of the nearest exit. He stated that the zoning for the property was determined a long time ago. Vice-Chairman Zepp felt that the Planning and Zoning Commission did not have any grounds to deny the request.

Commission Member McCall stated that he had concerns regarding the location, number of stories, light issues, noise issues, and he did not feel that there was adequate screening for the residential neighborhood to the west. He stated that he would not vote for approval of this request due to his concerns.

Commission Member Kuykendall stated that she had some concerns about the proposed development. She stated that the request was meeting all of the City’s requirements and did not see where the request could be denied.

Chairman Cox stated that this was a tough one; however, it met all of the City’s ordinances. He stated that the Planning and Zoning Commission could subject themselves to legal issues if the request was denied. Chairman Cox stated that he was not willing to take that chance. He stated that there were avenues to change ordinance when needed.

On a motion by Commission Member Smith, seconded by Vice-Chairman Zepp, the Commission voted to approve the proposed site plan as conditioned in the Staff report, with a vote of 6-1-0. Commission Member McCall voted against the motion.

**16-024SP     Conduct a Public Hearing to Consider/Discuss/Act on  
a Site Plan for Automotive Sales, Repair and Car Wash  
(EchoPark McKinney), Located Approximately 430  
Feet South of Bray Central Drive and on the West Side  
of Central Circle**



Ms. Eleana Galicia, Planning for the City of McKinney, explained the proposed site plan request. She stated that site plans could typically be approved by Staff; however, the governing planned development ordinance required the site plan to be approved by the Planning and Zoning Commission and City Council. Ms. Galicia stated that the applicant was also requesting approval of a living plant screen for the proposed overhead doors and overnight parking spaces facing Central Circle. She stated that Staff recommends approval of the proposed site plan and the request to utilize a living screen as conditioned in the Staff report. Ms. Galicia offered to answer questions. There were none.

Mr. Sean Stichter, Sonic Automotive, 4401 Colwick Road, Charlotte, NC, concurred with the Staff report and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and approve the proposed site plan and associated variances as conditioned in the Staff report, with a vote of 7-0-0.

**16-056SP Conduct a Public Hearing to Consider/Discuss/Act a Site Plan for Bob Tomes Ford Expansion, Located at 950 South Central Expressway**

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed site plan request. He stated that site plans could typically be approved by Staff; however, the applicant was requesting variances to orient bay doors towards street frontage and to reduce the landscape setbacks along major thoroughfares from 20 feet to 10 feet which must be considered and acted upon by the Planning and Zoning Commission. Mr. Bloxham stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report. He offered to answer questions. There were none.

Mr. Brandon Tomes, 6501 Biltmore Lane, McKinney, TX, briefly explained the proposed site plan request and the associated variances. He concurred with the Staff report and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission

Member Cobbel, the Commission voted unanimously to close the public hearing and approve the proposed site plan as conditioned in the Staff report, with a vote of 7-0-0.

**15-281SP    Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan and Facade Plan Appeal for a Multi-Family Development (McKinney North), Located Approximately 700 Feet North of Wilmeth Road and on the East Side of State Highway 5 (McDonald Street)**

Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the proposed site plan request and facade plan appeal. She stated that typically site plans could be approved by Staff; however, the variance requests required that the site plan and facade plan receive approval from the Planning and Zoning Commission. Ms. Pickett stated that Staff was in support of three of the requested variances; however, there were two variances that Staff recommends denial. She briefly discussed the requested variances. Ms. Pickett stated that Staff recommends approval of the Site plan as conditioned in the Staff report with the following two variances: 1) to allow buildings on the subject property to orient exterior facing windows towards an adjacent property zoned or used for single family residential purposes that are within 150 feet of the proposed buildings and 2) to waive the masonry screening wall required along all side and rear property lines for all property lines located on the eastern portion of the property. She stated that Staff had no objections to the applicant's requested façade plan appeal in order to allow an alternate major architectural and site enhancement. Ms. Pickett stated that the applicant had also requested a façade plan appeal for the following of which Staff recommends denial: 1) a variance to not provide a full height facade offset that was a minimum of 5 feet deep and 10 feet wide for building elevations longer than 30 feet and 2) to not provide the minimum of four (4) minor architectural and site enhancements. She stated that the applicant was one short of the minor architectural and site enhancements. Ms. Pickett offered to answer questions.

Vice-Chairman Zepp asked about the building offsets. Ms. Pickett stated that they range from one foot to five feet.

Commission Member Mantzey asked about the 150 feet waiver. Ms. Pickett explained that was from the window on the building to the property line and gave examples.

Commission Member Mantzey asked if these were two-story buildings. Ms. Pickett said yes.

Commission Member Cobbel asked if they were proposing townhouses. Ms. Pickett stated that they were proposing a multi-family product with a townhouse design.

Commission Member Mantzey asked if the property was previously approved for 200 multi-family units. Ms. Pickett said yes, that in 2008 a site plan was approved for this property and briefly explained that site plan. She stated that a lot of requirements that must be followed today were not in existence back then. Ms. Pickett stated that site plan stayed active indefinitely since it was within a “PD” – Planning Development District.

Commission Member Cobbel asked if the current approved site plan was built if they would have to follow the requirement that no exterior facing windows were allowed towards an adjacent property zoned or used for single family residential purposes within 150 feet. Ms. Pickett stated that requirement would not apply to them, since the site plan was approved prior to this requirement being approved.

Commission Member Cobbel wanted to clarify that the current site plan was for 200 units and the proposed site plan was for 91 units. Ms. Pickett stated that was correct.

Ms. Jean Brown, Green Extreme Homes, 16812 Dallas Parkway, Dallas, TX, stated that they build Best Practices award-winning communities. She explained the proposed development on the subject property. Ms. Brown stated that to meet the setbacks they would lose the green space in the middle of the development.

Mr. Glen Kistenmacher, Kistenmacher Engineering Co., 6336 Greenville, Dallas, TX, stated that the front of the proposed units would be facing into the greenbelt in the middle of the development. He stated that they did not want to do the five-foot staggers due to reduction in the greenbelt area by approximately 10 feet. Mr. Kistenmacher explained that this greenbelt area would act as a common area for the community to gather, so they want to make it as big as possible.

Ms. Brown stated that they were required to have two major enhancements and four minor enhancements. She stated that they proposed three major and three minor enhancements. Ms. Brown stated that they would be willing to do another minor enhancement.

Chairman Cox opened the public hearing and called for comments.

Mr. Kevin Hanford, 520 Hampton Drive, Fate, TX, spoke in favor of the request. He gave a brief history of the property and the proposed development. Mr. Hanford stated that the property was initially approved for 1,000 apartment units; however, was currently approved to build 200 apartment units. He stated that the applicant had been working with the City to build townhomes on the property that would have 91 units. Mr. Hanford felt that the proposed townhome community would be a nice transition between the single family residential houses and the multi-family units nearby. He stated that it would be a quality project that would be an enhancement for the community.

Mr. Roger Sefzik, 7161 Valley View Road, Ferndale, WA, stated that he owned the land since 1993 and would like to sell it to the applicant. He gave a brief history of the property and the proposed development. Mr. Sefzik stated that the proposed development was less dense than what was currently approved to be built on the property. He stated that this property was zoned for multi-family development when everything to the north and south was built. Mr. Sefzik stated that the proposed development would be a very nice project. He asked for approval of the proposed site plan request.

Mr. Charles McKissick, 3001 Partridge Lane, McKinney, TX, stated that they had represented the property owner on trying to sell the property for the past 15 years or more. He stated that the applicant and City Staff had worked long and hard to come up with a solution to reduce the density from 200 to 91 units on the property that would still be feasible for the builder. Mr. McKissick requested approval of the proposed site plan request.

Mr. James Simmons, 512 Cypress Hill Drive, McKinney, TX, stated that he had been in real estate most of his adult life and had been the Chair of the Louisiana Real Estate Commission. He stated that the single-family residential neighborhood should have never been built in that location. Mr. Simmons stated that the residential neighborhood was slowly becoming a tenant-driven neighborhood due to not having amenities to draw families to the area. He stated that they should have the same amenities and benefits as other parts of McKinney. Mr. Simmons stated that the proposed townhomes were a better solution than the currently approved 200 apartment units that could be built on the property.

Ms. Ada Simmons, 512 Cypress Hill Drive, McKinney, TX, stated that they moved to McKinney approximately 10 years ago from New Orleans. She stated that they had been trying to get some of their concerns for the neighborhood addressed and gave examples. Ms. Simmons stated that the proposed development might satisfy some of the needs and concerns of their neighborhood. She requested approval of the proposed site plan request.

Mr. Brandon Derrick, 508 Cypress Hill Drive, McKinney, TX, spoke in favor of the proposed site plan request. He liked that the applicant offered access to the amenities of the townhomes to their neighborhood. Mr. Derrick felt that the proposed development would help increase their property values. He requested approval of the proposed site plan request.

Mr. John Powell, 440 Twin Knoll Drive, McKinney, TX, stated that the proposed development would be in his backyard with the parking next to his six foot wood fence in his backyard. He stated that he purchased his property in 2004. Mr. Powell stated that they were told that the subject property would be phase three of their residential development and would have single-family houses. He requested that all variances be denied. Mr. Powell felt that the townhomes could not be built without the variances. He expressed concerns about noise issues with the proposed townhomes being built on the subject property. Mr. Powell expressed concerns that his property value could decrease. He was not aware of the applicant offering the Trinity Heights residents access to the amenities of the proposed development. Mr. Powell stated that the nearby apartment complex was not part of their subdivision and was built prior to their subdivision.

Ms. Kathleen Trusty, 600 Terrace View Drive, McKinney, TX, stated that she would prefer the proposed townhomes over the 200 apartments that could be built on the property. She stated that she would love to have access to the proposed amenities on the subject property. Ms. Trusty liked the fact that the townhomes were planned for up to four bedrooms and might not have the turnover, traffic, and noise that apartments might have. She felt the proposed two-story development would be a nice buffer between the single family residential neighborhood and the three-story apartments. Ms. Trusty stated that she was in favor of the proposed townhomes.

Ms. Bridgette Paul, 500 Twin Knoll Drive, McKinney, TX, stated that she would prefer the proposed townhomes over the 200 apartments that could be built on the property. She asked how close the applicant planned to come to the property line near the single family residential neighborhood. Ms. Paul asked about the proposed screening. She expressed concerns about noise levels created by the proposed development. Ms. Paul stated that she was in favor of the request even with her concerns.

Ms. Kayla King, 608 Twin Knoll Drive, McKinney, TX, stated that she just purchased her property a little over a month ago and it backs up to the subject property. She stated that her real estate agent and the City had told her that her property backed up to a greenbelt and would not be built on. Ms. King stated that was a selling point for her to purchase this property. She stated that there are trees on the subject property that she can see from the back of her home. Ms. King expressed concerns about the view of the proposed development. She expressed concerns that the proposed development would be able to look down upon her property. Ms. King stated that she was also told the subject property was going to be an addition to their neighborhood. She asked why the subject property could not be developed into a park for their neighborhood to have access. Ms. King stated that she needed more information before she could decide if she was not for or against the request.

Ms. Lethia Harris, 600 Twin Knoll Drive, McKinney, TX, stated that she would like to see something on the subject property for the neighborhood children that would help build property values. She stated that they were promised there would be a phase three of their subdivision with single family houses built on the subject property. Ms. Harris stated that a builder had looked into building single family residential houses on the subject property about a year ago and the request was denied. She stated that right now she had green, open area behind her house and that she did not want to see that changed to parking lots and buildings.

Mr. Nathaniel Harris, 600 Twin Knoll Drive, McKinney, TX, stated that they had lived there about 10 years. He stated that when they were purchasing their property they were sold on all of the promised amenities that would come with phase three. Mr. Harris stated that the kids from the apartments walk through their neighborhood and cause

issues. He expressed concerns that these issues could increase with building multi-family units on the subject property instead of single family houses. Mr. Harris stated that he did not believe that the proposed site plan request was a good situation for their community. He stated that their neighborhood did not have a clue of what was being proposed on the subject property. Mr. Harris stated that their neighborhood had not been guaranteed access to the proposed amenities on the subject property. He stated that he opposed the proposed site plan request.

Ms. Trusty asked if the proposed development would be leased or owned. She stated that if the units were leased there would be a high number of turnovers.

The following individual turned in a speaker's card; however, did not speak during the meeting:

- Mr. Bill Fisher, 5232 Streamwood Lane, Plano, TX

On a motion by Commission Member Cobbel, seconded by Vice-Chairman Zepp, the Commission unanimously approved the motion to close the public hearing, with a vote of 7-0-0.

Commission Member Smith asked if the applicant plans to open up their amenities to the adjacent properties. Ms. Pickett stated that she could not speak to whether or not the adjacent property owners would have access to the proposed amenities and that would be at the applicant's discretion. She stated that the amenities were being built for the benefit of their residents. Ms. Pickett stated that they proposed to build a six-foot tall masonry wall along the northern property line with trees planted every 30 feet along there. She stated that the second entrance to the development from the adjacent single family neighborhood would be emergency access only with a gate.

Commission Member Smith asked if the proposed development was a community by itself. Ms. Pickett said yes.

Commission Member Smith asked how wide the green space between the proposed buildings would be if the facade plan appeal for the variance to not provide a full height facade offset that was a minimum of 5 feet deep and 10 feet wide for building elevations longer than 30 feet was not granted. Ms. Pickett guessed that it would be about 45 to 50 feet; however, suggested that the applicant answer the question.

Commission Member Smith asked if the applicant was now willing to do the four minor enhancements. Ms. Pickett read what the applicant had provided on the letter of intent that still showed they were short on the required enhancements. She also stated that the applicant had offered to install a traffic light; however, Texas Department of Transportation (TXDOT) did not permit one to be install at this time.

Chairman Cox asked when the current zoning on the property was approved. Ms. Pickett stated that the current zoning was established in 1995 that would allow single family or multi-family to be built on the property. She stated that the current approved site plan for 200 apartment units on the property was approved in 2008.

Commission Member Mantzey asked if the current site plan would expire. Ms. Pickett said no. She stated that if the proposed site plan was approved, then it would take its place.

Vice-Chairman Zepp asked about the proposed screening along the north side of the subject property. Ms. Pickett stated that there would be a fire lane, parking, 20-foot buffer with trees planted in it, and a six-foot tall masonry wall.

Vice-Chairman Zepp asked about the proposed parking. Ms. Pickett stated that all of the units would have a garage. She stated that there would be additional parking to accommodate guests.

Ms. Brown stated that they had made a commitment to the adjacent neighborhood that they would be allowed to use their amenities. She stated that each unit would have a garage and driveway for parking. Ms. Brown did not feel that the residents would be parking all over the place on the property. She stated that it would be the back of the units facing the single family houses nearby.

Chairman Cox asked Ms. Brown to explain in more detail the sharing of amenities. Ms. Brown stated that they plan to build a pool where a key fob would be needed for access. She stated that they would have to register at the clubhouse. Ms. Brown stated that there might be a minimal fee. She stated that there would be limitations on how many people could be in the pool at one time; however, they had never exceeded that before in any of their other developments. Ms. Brown offered the money that they had for a traffic light for another traffic light in that area that would benefit both communities. She stated that they also plan to have a green space.



Chairman Cox asked about the ownership of the units. Ms. Brown stated that the units would be leased for the first 15 years and then convert to homeownership. She stated that the proposed development was not Section 8 housing or vouchers.

Commission Member Mantzey asked if there would be on-site management. Ms. Brown said yes.

Chairman Cox asked Ms. Brown to explain what additional enhancement they were willing to make to satisfy the City's requirement. He stated that there were eleven items on the list. Ms. Pickett stated several options including two types of masonry with both being at least 25% every elevation, patterned brickwork, or screening of the mechanical equipment on the ground. Ms. Brown stated that screening the mechanical equipment would be an easy one to do and that they would probably do that anyway.

Mr. Kistenmacher stated that the property sloped down from the north; therefore, the subject property was at a lower elevation than the surrounding single family houses.

Commission Member Smith asked how the applicant could be held to sharing the proposed amenities. Ms. Brown stated that they were willing to sign an agreement.

Chairman Cox asked about how to word a motion for the flexibility to add the other enhancement per Staff's recommendation. Ms. Pickett stated that you could make a motion that they provide a third minor enhancement from the list and work at the Staff level to determine which one.

Chairman Cox asked Ms. Brown if there was a specific third minor enhancement that they would like to provide, instead of leaving it open. Ms. Brown said yes. She stated that they would do the pattern brickwork for the third minor enhancement.

Vice-Chairman Zepp asked if that would satisfy the major and minor enhancement requirements for the proposed site plan. Ms. Pickett said yes. She stated that Ms. Brown was checking to see if they would be able to meet the requirement that a minimum 15% of elevations facing right-of-way or single family homes feature the pattern brickwork. Ms. Pickett stated that they might decide to choose another minor enhancement.

Commission Member Kuykendall asked about whether or not the motion would be to support Staff's recommendation to deny the variance requests. Ms. Pickett said no. She stated that they would support the applicant's request with the condition that they provide a third enhancement from the list or provide a specific enhancement.

Commission Member Mantzey asked Staff if they felt the applicant did not provide sufficient offsets for building elevations longer than 30 feet. Ms. Pickett stated that was correct. She stated that they provided between one to five feet of depth. Ms. Pickett stated that if corrected most of that would need to come out of the greenspace.

Vice-Chairman Zepp asked Staff if the applicant was still requesting a variance to not provide a full height facade offset that was a minimum of five feet deep and ten feet wide for building elevations longer than 30 feet. Ms. Pickett stated that the Engineering working on the project did a lot of work to reconfigure the buildings to work for fire coverage. She stated that they managed to make it work without any variances and meeting those offsets may cause issues with meeting fire coverage. Vice-Chairman Zepp wanted to clarify that the offsets were no longer an issue. Ms. Pickett stated that was correct.

Commission Member Kuykendall wanted to clarify that the City could not require the applicant to provide access to the amenities to the surrounding neighborhood. She stated that in the meeting minutes it would be reflected that Ms. Brown publicly stated that they would have access to their amenities. Commission Member Smith stated that it seemed to be a major concern for the residents that spoke at the meeting, so she wanted to see it addressed. Ms. Brown stated that one of the reasons that they chose this site and development was to try to provide some of the amenities that they had been wanting for so long. She stated that they thought it was a good solution and were proposing less density on the site. Commission Member Smith stated that the Commission understands that there were rules for use of these types of facilities that have to be enforced. Ms. Brown stated that they were willing to provide a memorandum of understanding (MOU) between them and the surrounding homeowner's association (HOA).

On a motion by Commission Member Mantzey, seconded by Commission Member Smith, the Commission voted unanimously to approve the proposed site plan and variances per the applicant's request, with the additional requirement to provide 15% pattern brickwork, with a vote of 7-0-0.

**16-037SP    Conduct a Public Hearing to Consider/Discuss/Act on a  
Site Plan for Westridge Retail, Located on the**

**Northwest Corner of Westridge Boulevard and  
Independence Parkway**

Mr. Aaron Bloxham, Planning for the City of McKinney, explained the proposed site plan request. He stated that site plans could typically be approved by Staff; however, the applicant was requesting variances for the loading dock and its associated loading spaces to be located 68 feet from single-family residential uses, which must be considered by the Planning and Zoning Commission. Mr. Bloxham stated the applicant was proposing to a 42,000 square foot grocery store and 760 square foot fueling station on the subject property. He discussed the proposed landscaping and screening for the site and stated that it was more than what was required by the City. Mr. Bloxham stated that a concept plan and a preliminary-final plat that were both approved by the Planning and Zoning Commission. He stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report. Mr. Bloxham offered to answer questions.

Commission Member Mantzey asked if the zoning required was 200 feet and the applicant was requesting to reduce the distance to 68 feet. Mr. Bloxham stated that was correct.

Commission Member Mantzey asked if there was a loading dock with a trash compactor to the back. Mr. Bloxham stated that was correct.

Commission Member Mantzey stated that seemed like a great distance to cover. He stated that other grocery stores in McKinney were much closer to residential units. Commission Member Mantzey asked then the 200 feet requirement came into effect. Mr. Bloxham stated that the ordinance came into effect in 2006. He stated that a lot of McKinney's grocery stores were built prior to 2006; therefore, did not have this requirement at that time.

Commission Member Mantzey asked if the City had received complaints from neighbors that lived near grocery stores and that was why the ordinance was changed. Mr. Bloxham stated that he had not read all of the minutes associated with that ordinance change; however, thought that was probably the reasoning behind it.

Vice-Chairman Zepp stated that he thought it would be hard to get back there with a large truck and trailer. Mr. Bloxham stated that he had not seen or heard anything about it being hard to get back there.

Mr. Michael Westfall, Kimley-Horn and Associates, 5750 Genesis Court, Frisco, TX, stated that he concurred with the Staff report. He stated that along with all of the landscaping and screening improvements that Mr. Bloxham had mentioned earlier they were also increasing the trees along the back from the required 2" caliper to 4" caliper. Mr. Westfall stated that those trees were 12 to 15 feet tall at time of planting. He stated that it would make a bigger impact at time of planting. Mr. Westfall offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments.

Mr. Thomas Coffman, 10129 Waterstone Way, McKinney, TX, stated that he lived 1/10<sup>th</sup> of a mile from this location. He stated that there were seven grocery stores within a four mile radius of this location. Mr. Coffman stated that two of the grocery stores were within a two miles radius of his house. He stated that he grew up in McKinney and there were three grocery stores back then. Mr. Coffman expressed concerns about the safety of the children from their community walking the Roach Middle School during the construction of the proposed development. He also expressed concerns regarding increased traffic issues. Mr. Coffman felt that the property owners who just purchased properties located directly behind the subject property would be upset having a big box grocery store built there.

Mr. Carlos Hutt, 1909 Masterson Drive, McKinney, TX, felt that a reduction from 200 feet to 68 feet from the adjacent single family residential uses was inappropriate. He questioned why the layout could not be adjusted to have 120 to 150 feet between the proposed development and the adjacent single family residential uses. Mr. Hutt stated that there was a Corner Store located close by the subject property. He stated that there was seven to eight grocery stores within a five mile radius as well. Mr. Hutt did not feel that a grocery store was needed at this location and questioned why the grocery store was not built on another lot about a mile away.

Mr. Raghu Duvva, 10853 Sedalia Drive, McKinney, TX, concurred with the two previous speakers. He expressed concerns regarding safety of the children in the community that walk to the nearby school and ride their bikes in the area. Mr. Duvva asked if the proposed development was for a Neighborhood Walmart. He stated that they would be against having one built in their neighborhood because it would disrupt the

peace and tranquility of their neighborhood. Mr. Duvva questions why there were so many grocery stores in the area. He did not feel that another one was needed at this time.

Mr. Mike Broughton, 10516 Bolivar Drive, McKinney, TX, stated that he was approximately 2/10<sup>th</sup> of a mile from this location. He stated that they purchase their house in this quite community in 2012. Mr. Broughton expressed some traffic concerns in the area. He stated that he use to drive a big rig delivering beverages. Mr. Broughton stated that 68 feet from the back of the store to the adjacent single family residential properties were very small narrow space to maneuver a large semi-truck. He stated that there would be a lot of backing up and beeping, which would be an annoyance to the adjacent single family property owners. Mr. Broughton stated that he did not believe that this site plan worked in their community.

Mr. Chris Okonski, 308 Cherry Spring Drive, McKinney, TX, stated that he also opposed the proposed site plan request due to there already being plenty grocery stores and gas stations in the area, safety of the neighborhood children, and how the proposed development would impact the adjacent single family property owners. Mr. Okonski stated that the 80 single family development directly behind the subject property was just beginning to be developed. He thought that only two properties had been closed on to-date.

On a motion by Commission Member Mantzey, seconded by Commission Member Smith, the Commission unanimously approved the motion to close the public hearing, with a vote of 7-0-0.

Commission Member McCall expressed concerns about having 68 feet between the proposed development and the adjacent single family uses. He questioned if a large semi-truck could get stuck back there. Mr. Westfall stated that there would be a fire lane that met all of the City's requirements back there. He did not believe that the 68 feet distance between the proposed development and the adjacent single family uses would impact the ability of semi-trucks to maneuver back there. Mr. Westfall did not feel that the trucks would get stuck back there. He stated that there was also a 25-foot building set back as well. Mr. Westfall stated that the variance request was for the truck dock itself.

Vice-Chairman Zepp asked where the trucks were going to back up on the property. He expressed concerns about the trucks backing up in the mornings and evenings with a loud beeping noise. Mr. Westfall showed where the trucks would be driving behind the building and backing up into the docks. He stated that they proposed to build a 10-foot masonry wall, another 8-foot wall, and larger trees to be planted back there to help with the truck noise. Mr. Westfall stated that there was another fence at the property line as well. He stated that it was common for other grocery stores to be this close. Mr. Westfall stated that they did realize that they were asking for a variance; therefore, they were offering up a lot of mitigation to offset it.

Commission Member Mantzey stated that the Planning and Zoning Commission could not determine how many grocery stores, banks, drug stores, et cetera could be built in an area if it was already zoned for that use. He expressed concerns for the single family residential properties adjacent to the subject property. Commission Member Mantzey felt that those future residents would have concerns about being located so close to a grocery store. He felt that there was plenty of land on the corner to reposition the development. Commission Member Mantzey did not feel that it was a hardship trying to fill a lot; just, trying to maximize a site plan to the most extent. He stated that he found 68 feet to be too short of distance to the adjacent single family properties.

Mr. Westfall stated that there were four different screening options allowed. He stated that he felt that the proposed site plan was a much better situation for those residents. Mr. Westfall gave some examples of the other options that he did not feel would be better options than what was proposed.

Vice-Chairman Zepp questioned what dictated the position of this specific footprint of the grocery store. He asked why it could not be rotated 90 degrees counterclockwise. Mr. Westfall stated that typically a grocery store's parking would be located in the front. He stated that if the site plan was rotated 90 degrees that it would not leave any room for the parking. Mr. Westfall stated that if he offset it 200 feet from the back that would also leave no room for the parking. He stated that 200 feet from the property line came down to where the front of the building was currently shown on the proposed site plan to give reference to show how large that distance would be. Mr. Westfall stated that it would

hinder the ability to build a grocery store, which was allowed by the zoning on the property. He stated that they did look at various options when they saw that requirement.

Vice-Chairman Zepp asked about the entrance to the proposed development. Mr. Westfall stated that there were three points of access with one on Independence and two on Westridge.

Vice-Chairman Zepp stated that he was referring to the main entrance to the building itself. Mr. Westfall stated that it would be facing Westridge and pointed it out on the site plan projected on the screen.

Mr. Westfall stated that there were turn lanes being proposed on Westridge and Independence. He stated that they were also proposing to build a 10-foot trail along Westridge and a six-foot trail along Independence for individuals to walk or bike on. Mr. Westfall felt it would be a safer route for the children.

Vice-Chairman Zepp stated that with the current zoning that there would most likely be some sort of commercial use go in on the property and the surrounding neighborhood would probably have similar concerns with it. He stated that he had concerns about the proximity of the loading dock to the single family residential houses to the north. Vice-Chairman Zepp stated that he appreciated all of the additional screening the applicant offered to install; however, he was not convinced that it would be sufficient.

Chairman Cox stated that he would like to see the distance to the adjacent single family residential uses increased.

Commission Member Kuykendall concurred with Vice-Chairman Zepp's comments. She stated that what was being proposed was about a third of what was required. Commission Member Kuykendall felt that was a drastic difference and that she was having a hard time to coming to terms with it.

Commission Member McCall stated that if the adjacent homeowner's were coming out in support of the item it would be a different situation, but the surrounding homeowner's that came to the meeting are not in support of the request.

Mr. Westfall stated that the 68 feet was still wider than most all grocery stores in McKinney. He stated that there was a Kroger just down the street, technically located in Frisco, which was right on the property line. Mr. Westfall stated that 200 feet left a big burden on the developer of this property. He stated that most of the objections that he

heard tonight were towards it being a grocery store, which was an allowable use on the property. Mr. Westfall stated that he was not asking for a rezoning or change of use. He stated that the market dictates what would be build there. Mr. Westfall stated that he felt that they had offered up a lot of mitigation for the variance request.

Commission Member Kuykendall asked Staff if they felt the 68 feet distance was a concern for the potential homeowners. Mr. Bloxham said yes and that was why they did all of the additional mitigation. He stated that there were other ways that the site plan could layout. Mr. Bloxham stated that if the proposed site plan was rotated 90 degrees, then the loading dock would face the residents where it was currently blocked. He also questioned how that would affect another piece of future development. Mr. Bloxham stated that the "PD" – Planned Development District for this site had an increase parking ratio of 1:200 parking ratio; whereas, the City currently has 1:250 parking ratio. He stated that it was a difficult site in being able to provide what was allowed to be built on the site and satisfying all of the City's requirements. Mr. Bloxham stated that the City had been working with the applicant on the proposed development and this was what they came up with in the end.

Commission Member Mantzey stated that it was a difficult site for a grocery store; however, there were other things that could be built there. Mr. Bloxham stated that was correct.

Vice-Chairman Zepp asked what the zoning was for the property to the west. Mr. Bloxham stated that property had the same zoning as the subject property. He stated that it was all zoned for "R1" – Retail Zone.

Commission Member Cobbel asked Staff if they had heard anything from the neighborhood to the north. Mr. Bloxham stated that he had not heard anything from them.

Commission Member Cobbel asked if notices were sent out about this request. Mr. Bloxham said yes.

Commission Member Mantzey asked if the subject property and the residential development to the north had the same ownership. Mr. Bloxham did not know and stated that he would have to check on it. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that if the development to the north was owned by the same owner as this property, then they would be receiving the property owner notice for that area.



Vice-Chairman Zepp asked Mr. Westfall if the Planning and Zoning Commission tabled the item if he would be willing to continue working with Staff on a plan to increase the distance between the single family residential properties and the loading spaces. Mr. Westfall stated that he would prefer the item be tabled instead of denied. He stated that he would be willing to continue to discuss options with Staff. Mr. Westfall stated that he felt that they had already met a lot with Planning to do that. He stated that a reduction in parking requirements would help. Mr. Westfall felt that was a larger issue than asking for the proposed variance.

Mr. Bloxham asked for clarification on what the Planning and Zoning Commission wanted to have accomplished by tabling the item. Vice-Chairman Zepp stated that he personally believed that 68 feet was too close. He wanted to see that distance increased.

On a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission voted to table the item to the April 12, 2016 Planning and Zoning Commission meeting to encourage Staff and the applicant to continue to work on the set back of the loading dock, with a vote of 6-1-0. Commission Member Smith voted against the motion.

Commission Member Smith stated that she liked the proposed 10-foot wall and 8-foot trees as screening. She stated that it was a nice feature.

**16-044Z      Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Zone Approximately 400 Acres of Land to "AG", Generally Located in an Area East of the McKinney National Airport and Along the Eastern North-South Section of Enloe Road from an Area Situated Approximately 2,900 Feet South of U.S. Highway 380 and Approximately 3,900 Feet East of Airport Road and Extending in a Southerly Direction to an Area Situated South Along Either and/or Both Sides of the East-West Section of C.R. 722 and in an Area East of the McKinney National Airport and Along the Southern East-West Section of F.M 546 from an Area Situated Approximately 3,900 Feet East of Airport Road and Extending in a Southerly Direction to an Area Situated South Along Either and/or Both Sides of the North-South Section of C.R. 317**

Mr. Neil Rose, GIS Planner for the City of McKinney, explained the proposed zoning request and briefly discussed the current annexation proceedings for the subject property. He stated that this zoning request was not associated with any impending

development. Mr. Rose stated that Staff recommended approval of the proposed zoning request and offered to answer questions. There were none.

Vice-Chairman Zepp opened the public hearing and called for comments.

Ms. Monica Robinson, 4852 County Road 317, McKinney, TX, stated that she was not directly affected by the zoning request; however, her property was within 200 feet of the subject property. She expressed concerns about the future location of the Old Mill Road extension. Ms. Robinson stated that her property has acreage and horses on it. Ms. Robinson stated that she liked the fact that there was not a six lane highway in front of her house. She felt if Old Mill Road ended up being located in front of her property that it could affect the value and enjoyment of her property. Vice-Chairman Zepp suggested that she speak with Staff about the future location of Old Mill Road in that area.

Ms. Meg Bryson, 2695 Briar Trail, McKinney, TX, stated that she did not live within 200 feet of the subject property. She asked why the property was being zoned "AG" – Agricultural District. Ms. Bryson stated that she had called the City multiple times requesting to be annexed into the City of McKinney. She questioned why this property was being annexed into the City and not her property. Ms. Bryson stated that they have a road that needs repair and would like to receive City services. She expressed concerns about the property being annexed into the City and then some of being taken by eminent domain for a future highway or road.

Ms. Lauren Pelizza, 3108 Almeta Lane, McKinney, TX, stated that she received a notice in the mail about the zoning request. She wanted to know why the property was being zoned to "AG" - Agricultural District since they were already using the property for that purpose. Ms. Pelizza asked if the annexation and zoning would cause taxes to increase on the properties. She asked if there would be additional animal restrictions on the properties. Ms. Pelizza asked if City services would be provided to the properties affected by the annexation and zoning. She stated that their road was in need of repair.

Mr. Mark Pelizza, 3217 Breton Drive, Plano, TX, stated that he was not able to tell if his daughter's property was going to be affected by the zoning request by looking at the map included in the Staff report. He stated that a better educational process was needed to address the questions and concerns of the property owners in or near the property

being affected. Mr. Pelizza stated that until his questions had been answered, that they would not know if they were for or against the proposed changes.

Mr. Jon McKee, 2500 Farmer Market 546, McKinney, TX, stated that he called the City about a year ago about the possible annexation and was told that the City was not going to annex anything north of the Jehovah Witness church. He stated that it now appears that that the City plans to annex property east of the church, so he felt that he was lied to a year ago when he called. Mr. McKee stated that he called and spoke with Mr. Rose this past week about whether or not his property was included in the zoning and annexation process and was told that his property was not included. He stated that he received a notice in the mail, so he felt that he had been lied to again about whether or not his property was part of the property being zoned and annexed into the City.

On a motion by Commission Member Mantzey, seconded by Commission Member Kuykendall, the Commission voted to close the public hearing, with a vote of 6-0-1. Chairman Cox abstained from voting.

Vice-Chairman Zepp asked Staff to address the questions and concerns raised during the public hearing. Mr. Rose stated that he had received calls for the past two weeks regarding the zoning signs being posted and the notices being mailed to all of the properties within 200 feet of the subject property. He stated that this project had been going on for quite a while. Mr. Rose stated that the reason to move forward with the annexation and zoning was for land use protections for the future expansion of the airport to the southeast and east. Mr. Rose explained that "AG" - Agricultural District does not force any specific development of the land. He stated that a property owner could go through a rezoning process if they wanted a different zoning district for their property. He stated that annexation hearings were held on March 14 and 15, 2016. Mr. Rose stated that any property that was part of the annexation process received an intent to annex letter. He stated that the proposed annexation area was originally approximately 1,600 acres; however, now only approximately 400 acres are being considered for annexation and zoning into the City. Mr. Rose stated that any public right-of-way annexed into the City would fall under the maintenance purview of the City. He stated that private roads would have to be brought up to City code prior to maintenance being taken over by the City. Mr. Rose stated that any property being brought into the City by annexation and

zoning would receive McKinney Emergency Medical Service (EMS), Fire, Police, and Waste Services. He stated that a Service Plan is going to City Council on April 19, 2016, which outlines how the City will respond to providing utilities to the properties being brought into the city limits. Mr. Rose gave some examples of the timeline. He stated that the subject property was currently covered by Milligan Water Supply. Mr. Rose stated that the City has been in negotiations with the Milligan Water Supply to develop a Dual Certificate of Convenience and Necessity.

Vice-Chairman Zepp asked to clarify that the Service Plan would be discussed at the City Council meeting in April. Mr. Rose stated that the Public Hearing for the Service Plan was held on March 14 and 15, 2016. He stated that Service Plan was scheduled to be read and adopted at the City Council meeting on April 19, 2016.

Vice-Chairman Zepp asked if the property owners in the subject area should read the Service Plan. Mr. Rose said yes. He stated that it had been available on the City's website since the public hearings in March 2016.

Ms. Jennifer Arnold, Planning Manager for the City of McKinney, stated that the properties shown in blue hatching on Exhibit A of the Staff report are the properties that would eventually be annexed into the City limits and zoned. She stated that any property within the City limits must be zoned. Ms. Arnold stated that the "AG" - Agricultural District was the most conducive to what the properties are currently being used for. She explained that the uses on the properties would be considered legally non-conforming, so long as they stay as they are today.

Commission Member Mantzey wanted to clarify that the zoning of the property was the only thing being considered today. Mr. Rose stated that was correct.

Vice-Chairman Zepp asked to clarify that the blue hatched area was the properties being annexed and zoned. He asked if the blue dotted area just outside the subject property showed the properties within 200 feet of the subject property that received notices about the zoning request. Mr. Rose stated that was correct. Vice-Chairman Zepp stated that some of the property owners within 200 feet of the subject property that received notices might be confused thinking that they were part of the subject property being annexed into the City and zoned.

Vice-Chairman Zepp asked why some properties were being annexed into the City and others were not. Mr. Rose stated that any property currently classified as being used for agricultural, wildlife or timber by the Collin Central Appraisal District (Collin CAD) was offered a Development Agreement. He stated that such Development Agreements allow property owners to remain in the City's "ETJ" – Extraterritorial Jurisdiction for up to 10 years as long as they do not develop or move towards any type of development process. He stated that the original annexation area was all connected; however, through execution of Development Agreements, the area now looks different.

Vice-Chairman Zepp suggested that anybody that still had questions or concerns regarding the zoning request and annexation process should contact Staff.

On a motion by Commission Member Mantzey, seconded by Commission Member Smith, the Commission voted to recommend approval of the zoning request as recommended by Staff, with a vote of 6-0-1. Chairman Cox abstained from voting.

Vice-Chairman Zepp stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on April 19, 2016.

Chairman Cox returned to the meeting.

#### **END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS**

Chairman Cox and Commission Member Kuykendall thanked Staff for their hard work.

There being no further business, Chairman Cox declared the meeting adjourned at 9:24 p.m.

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BILL COX  
Chairman