

## **PLANNING AND ZONING COMMISSION**

**JUNE 14, 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, June 14, 2016 at 6:00 p.m.

City Council Present: Mayor Pro Tem Travis Ussery, Don Day, and Chuck Branch

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

Alternate Commission Member Absent: Mark McReynolds

Staff Present: Director of Planning Brian Lockley; Planning Manager Matt Robinson; Planners Eleana Galicia, Aaron Bloxham, Danielle Quintanilla, and Melissa Spiegel; and Administrative Assistant Terri Ramey

There were approximately 55 guests present.

Chairman Cox called the regular meeting to order at 6:00 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.

The Commission approved the motion by Commission Member Smith, seconded by Commission Member Kuykendall, to approve the following four Consent items, with a vote of 7-0-0.

**16-623 Minutes of the Planning and Zoning Commission  
Regular Meeting of May 24, 2016**

**15-333PF Consider/Discuss/Act on a Preliminary-Final Plat for  
Lots 1, 2, and 3, Block A, of the Leon Capital Addition,  
Located on the Northwest Corner of Virginia Parkway  
and Custer Road**

**16-120PF Consider/Discuss/Act on Preliminary-Final Plat for Lot  
3R, Block A, Craig Ranch North Phase 12, Located at  
the Northwest Corner of Stacy Road and Alma Road**

**END OF CONSENT**

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

**16-129Z2 Conduct a Public Hearing to Consider/Discuss/Act on a  
Request to Rezone the Subject Property from "PD" -  
Planned Development District to "C1" - Neighborhood  
Commercial District, Located Approximately 365 Feet  
North of Virginia Parkway and on the West Side of  
Ridge Road**

Ms. Eleana Galicia, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Arlyn Samuelson, Westwood Professional Services, 1512 Bray Central Dr., McKinney, TX, explained the proposed development on the subject property. He stated that the developer is a lifelong resident of McKinney and a resident of Stonebridge Estates. Mr. Samuelson stated that the developer had reached out to the neighbors on the Facebook page on multiple occasions. He stated that the developer's cell phone number was included in one of the posts; however, he had not received any calls to discuss the proposed development. Mr. Samuelson stated that the developer personally spoke with more than ten families in the neighborhood about the project. He stated that the zoning signs had not been posted in time for the previous Planning & Zoning Commission meeting, so the request was tabled that evening. Mr. Samuelson stated that the zoning signs had been up roughly three weeks. He stated that the Staff report indicated that Staff had not received any comments or phone calls in support of or opposition to this request. Mr. Samuelson stated that there would be some changes made to the site plan that had been submitted to the City, since one of the surrounding property owners will be allowing access to Virginia Parkway. He stated that the primary

access will now be from Virginia Parkway with secondary access from Ridge Road. Mr. Samuelson asked for a favorable recommendation and offered to answer questions.

Chairman Cox opened the public hearing and called for comments. The following residents spoke in opposition to this rezoning request.

Mr. Robert Dixon, 400 Windwood Ct., McKinney, TX, stated that he had been a resident in Stonebridge Estates for seven years. He stated that when they purchased their house that they were told the property was zoned for a different use than what is proposed. Mr. Dixon questioned if the rezoning request had already been approved and this was just going through the motion to reapprove it.

Mr. Dick Ferrell, 5948 Meletio Ln., Dallas, TX, stated that he owns property at the northwest corner at Virginia Parkway and Ridge Road. He stated that a combination of uses including some retail that is really well conceived and coordinated would be a benefit to the community. Mr. Ferrell stated that a quality of development that would not be impactful would be well received in the community. He stated that he had not been contacted by the applicant or representative to discuss the proposed development on the subject property. Mr. Ferrell stated that today he saw the submitted 11x17 site plan and proposed plat for the subject property. He stated that he had some concerns with various issues that would impact his property, including the proposed circulation and fire lanes. Mr. Ferrell stated that he had questions regarding the adverse impact of the proposed development.

Mr. Huddleston, 5805 S. Woodcreek Cir., McKinney, TX, stated that he lived in Stonebridge Estates for approximately 15 years and had not received a public hearing notice regarding this meeting. He stated that his property backs up to Ridge Road. Mr. Huddleston stated that he chose his property due to the amenities and zoning in the area. He stated that he felt it was a bait and switch with the proposed rezoning of this property. Mr. Huddleston stated that this would be a bad location for a commercial site due to being at the bottom of a hill and that you cannot see it from Virginia Parkway. He questioned how they would get road traffic when you could not see the site. Mr. Huddleston stated that there was a Junior High School directly across the street and an elementary school down the street from this site. He did not feel that a restaurant selling alcohol beverages was appropriate. Mr. Huddleston stated that there was a YMCA across the street and

questioned how this would affect the proposed athletic club. He stated that approximately eight to nine years ago someone tried to develop this property for a gas station and convenience store; however, it was denied. Mr. Huddleston stated that once the property was rezoned for commercial that other uses, like a gas station, could be built on the property. He stated that the developer knew what the zoning on the property was prior to purchasing it. Mr. Huddleston expressed concerns about possible light pollution, increased traffic, consumption of alcohol, late night noise, and loss in property value. He stated that all of the single-story office spaces along Virginia Parkway were occupied. Mr. Huddleston questioned why the developer did not want to build office uses on this property. He stated that he was trying to sell his house. Mr. Huddleston stated that he was told by some Realtors that his property's value would decrease \$100,000 if the rezoning request was approved.

Ms. Kim Brewer, 5801 S. Woodcreek Cir., McKinney, TX, stated that she had been a Realtor for over 34 years. She stated that there was a lot of noise and street light pollution from having Ridge Road behind her house. Ms. Brewer stated that she recently listed her house up for sale. She believed that the main concerns of potential home buyers was the road noise from Ridge Road and for that reason her house had not sold as of yet. Ms. Brewer stated that she had concerns that this request could be setting a precedent in the neighborhood. She stated that the surrounding properties were low level office buildings and the proposed rezoning request was not compatible. Ms. Brewer stated that there were plenty of retail spaces in other locations in McKinney where this could be built. She felt the proposed development was inappropriate for this area and would devalue their neighborhood and her property.

Commission Member McCall asked if Ms. Brewer had received a notice. Ms. Brewer said no and that she had not be contacted by the applicant to discuss the plans for the subject property.

Ms. Katherine Brewer, 5804 N. Woodcreek Cir., McKinney, TX, stated that she purchased her house in the 1990's. She stated that she liked the fact that the subject property was zoned for professional office with up to 5% retail, which she felt with in harmony with the estate size lots of the Stonebridge Estates neighborhood, when she purchased her property. Ms. Brewer stated that she liked the winding streets through the

Stonebridge development. She stated that Stonebridge Estates only had one way in and out of their subdivision onto Ridge Road. Ms. Brewer stated that traffic had increase on Ridge Road since it was expanded to Highway 380 (University Drive). She expressed concerns regarding rezoning the property to “C-1” – Neighborhood Commercial District, which would allow various uses other than the proposed development for the subject property. Ms. Brewer stated that it could negatively impact their neighborhood. She requested denial of the rezoning request.

Ms. Margaret Reynolds, 505 Creekside, McKinney, TX, read a statement written by Dick Hester, 5811 N. Woodcreek, McKinney, TX, who could not be in attendance at this meeting. He stated that all landowners, both residential and developers, purchased their land with the current zoning. Mr. Hester stated that all parties thought that they could depend upon the City for this consistency and without consistency zoning means nothing. He felt that a change in zoning now would be like a bait and switch scheme benefitting the business plans of persistence and well connected developers. Mr. Hester felt there was ample room in the Adriatica area for commercial development to serve Stonebridge. He stated that rezoning the subject property was not necessarily progress and it was not how responsible council members treat their constituents. Mr. Hester stated that he Council’s predecessors made a plan 20 years ago and that there was nothing wrong with it. He stated that the current Council should have the integrity to stick with it.

Chairman Cox stated that Ms. Reynolds had also turned in a speaker’s card and asked her to continue with her comments regarding the rezoning request.

Ms. Margaret Reynolds, 505 Creekside, McKinney, TX, stated that she had lived in this neighborhood for about 15 years and was raising four children. She stated that the Stonebridge Estates was one of the most expensive neighborhoods in McKinney and that they paid some of the highest residential taxes in the City. Ms. Reynolds expressed concerns on how the rezoning of this property could affect their property values and the tax base for the City. She also concurred with earlier statements from Stonebridge Estates residents.

Mr. Michael Brown, 5800 Creekside Ct., McKinney, TX, stated that he had lived in Stonebridge Estates since 2002 and had served as the President of the homeowner’s association (HOA) board since around 2005. He stated that the zoning process was

heavily tilted towards the developers. Mr. Brown complained that the Planning & Zoning Commission agenda was not published until Friday afternoon. He stated that if you were not watching for the agendas concerning areas around us it could get by you. Mr. Brown felt that there should be required meetings between the developer and surrounding residential property owners to discuss proposed developments. He stated that Brandon Pogue was a good man, a resident of Stonebridge Estates, and was a friend of his. Mr. Brown stated that Mr. Pogue had reached out individually to some of the Stonebridge Estate residents. Mr. Brown stated that it was suggested that Mr. Pogue schedule a meeting with all of the surrounding residential neighborhoods to discuss the proposed development; however, that had not taken place. He stated that they still had a lot of questions regarding the proposed development that could have a large impact on their neighborhood. Mr. Brown stated that he would like to see the property developed; however, he did not want a restaurant located there due to the liquor license. Mr. Brown did not feel it would be appropriate in a family neighborhood. He requested that the rezoning request be denied.

Ms. Pegah Packard, 5901 Waterview Ct., McKinney, TX, stated that they moved to McKinney 18 years ago. She stated that approximately eight years ago a request for a restaurant at the corner of Virginia Parkway and Ridge Road was denied. Ms. Packard expressed concerns regarding the neighborhood children's safety walking to the nearby schools. She also expressed concerns regarding having restaurants nearby that sold alcohol. Ms. Packard questioned why the proposed development was not being planned for Highway 380 (University Drive). She stated that she did not receive a notice about tonight's Planning & Zoning Commission meeting.

Mr. Bill Munck, Munck Wilson Mandala, 5608 S. Woodcreek, McKinney, TX, stated that he was a Dallas attorney practicing in intellectual property. He stated that He had did not receive a notice about the Planning & Zoning Commission meeting to discuss this item; however, there was a Facebook post on the neighborhood page about it this past weekend. Mr. Munck stated that he did not know Mr. Brandon Pogue personally. He stated that he contacted Mr. Pogue on Facebook and requested a meeting with the Stonebridge Estates residents to discuss the proposed development. Mr. Munck stated that Mr. Pogue refused. Mr. Munck stated that the more stink that he made the more Mr.

Pogue wanted his phone number to contact him to discuss it with him. Mr. Munck stated that he had invested in various restaurants in the Dallas area. He stated that this was the wrong location for a restaurant with the surrounding residential neighborhoods, various schools, and YMCA nearby. Mr. Munck expressed concerns regarding the safety of the children in the neighborhood, increased criminal activity in the neighborhood, and traffic issues. He stated that he was a Police officer prior to becoming an attorney. Mr. Munck stated that they moved to Stonebridge Ranch in 1996 and then to this house in Stonebridge Estates in 2006. He felt the requested rezoning was spot zoning. Mr. Munck stated that there was a lot of empty spaces available in Adriatica. He stated that the subject property was downhill. Mr. Munck wandered about the signage that would be necessary for the proposed development. He suggested that the item be tabled so that the surrounding residents could get some additional information about the proposed development.

Mr. Brett MacKinnon, 5600 S. Woodcreek Cir., McKinney, TX, spoke in opposition to the rezoning request. He stated that he and his wife did not feel that the proposed development would be suitable for the surrounding neighborhood. Mr. MacKinnon stated that there was a fair amount of traffic on Ridge Road already. He stated that there was only one way out of Stonebridge Estates that was into Ridge Road. Mr. MacKinnon expressed concerns about possible increase in traffic causing additional safety hazard issues. He stated that having a Whiskey Cake restaurant at this location was unsuitable. Mr. MacKinnon was not sure how a health club would affect their neighborhood. He concurred with earlier concerns raised on this rezoning request.

Ms. Sheila Steinmark, 5113 S. Woodcreek Cir., McKinney, TX, stated that their property backups to the subject property. She stated that they had invested their future in their property. Ms. Steinmark stated that they have a beautiful backyard and that was a huge portion of their property's assets. She expressed concerns about elevations, signage, lighting, and layout of the property for the proposed development on the subject property. Ms. Steinmark stated that she works in marketing and understands that there would be a need to promote their businesses; however, she did not want it in her backyard. She stated that she did not believe that enough information had been shared to make an intelligible decision. Ms. Steinmark stated that the surrounding property

owners had not been brought into the process to discuss what they felt was appropriate for the neighborhood. She stated that she wanted to support Mr. Brandon Pogue and thought that he had the best of intentions. Ms. Steinmark stated that she would like to have more information on what is being proposed and that there had not been open dialog between the developer and surrounding residential neighbors.

Mr. Bob Stuckey, 6400 Spring Wagon Dr., McKinney, TX, stated that he moved into the Saddlehorn development about 1 ½ years ago and checked into the surrounding zoning first. He stated that he liked the idea of having small office development nearby; however, he did not approve on having restaurants that sold liquor and alcohol. Mr. Stuckey stated that they had a lot of small kids and families in their development. He concurred with the earlier comments expressing their concerns regarding noise, lights, children's safety, and property value issues. Mr. Stuckey stated that he did not receive a notice regarding this public hearing either.

Mr. Michael Russell, 403 Creekside, McKinney, TX, asked why the change in zoning for the subject property. He asked if it would be that much better. Mr. Russell expressed concerns about additional traffic accidents at this location. He stated that a house represented a large portion of most people's assets and everyone likes to protect their property's value. Mr. Russell stated that he loved Whiskey Cake; however, he did not want one in his backyard. He asked the Commission if they had a chance to not have something that would impact probably financially and your safety if they would do the same thing that the Stonebridge Estates residents were doing at this meeting.

Ms. Penny Hawkins, 5801 N. Woodcreek Cir., McKinney, TX, stated that they moved to McKinney about 1 ½ years ago for all of the reasons that McKinney is the number one place to live in the nation. She stated that according the Whiskey Cakes website they are open until 2:00 a.m. on Fridays and Saturdays. Ms. Hawkins stated that the website showed that they just serve liquor on Mondays through Thursday from 11:00 p.m. to 12:00 midnight, Fridays and Saturdays from 12 midnight to 2:00 a.m., and Sundays 10:00 p.m. to 11:00 p.m. She stated that they did not want a location that only served liquor in the late hours backing up to their neighborhood and patrons on their street after drinking late at night. Ms. Hawkins express concerns about the lack of information

shared with the surrounding residents of what the developer plans to build on the subject property. She stated that she was in opposition to the rezoning request.

The following two residents turned in speakers cards in opposition of the proposed rezoning request; however, did not wish to speak during the meeting:

- Ms. Felicia Brown, 5800 Creekside Ct., McKinney, TX
- Ms. Deborah Landrum, 5800 N. Woodcreek Cir., McKinney, TX

Chairman Cox asked if there were any additional comments. Being none, on a motion by Commission Member Kuykendall, 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 McCall asked if there was a distance between a church or a school and where a business was allowed to sell alcohol. Ms. Galicia stated that there were specific requirements, which were typically reviewed when a business was applying for an alcohol license. She believed that there was a required distance of at least 300' from front door to front door.

Commission Member Cobbel asked Staff to clarify why the surrounding residential property owners did not receive a notice for tonight's Planning & Zoning Commission meeting. Ms. Galicia stated that the blue line on the Location Map within the Staff report shows the 200' buffer. She stated that Staff was required to issue public notices to property owners within 200' of the subject property. Ms. Galicia stated that this case was originally scheduled for the May 24, 2016 Planning & Zoning Commission meeting. She stated that notices were issued 10 days prior to that meeting. She explained that due to that public hearing being continued and the item being tabled to this meeting, the notices did not have to be reissued. Ms. Galicia reiterated that the notices were issued for all properties within 200' for the May 24, 2016 meeting. She stated that she had a list of all properties within 200' if anybody wanted to view it.

Commission Member Cobbel asked Staff to go over the uses currently allowed and the uses that the proposed zoning would allow on the subject property. Ms. Galicia stated that the current zoning on the property was a "PD" – Planning Development District. She stated that it primary allowed for office uses; however, there was a stipulation that allowed retail for up to 5% of the total floor area of each building. Ms. Galicia stated that this

particular “PD” – Planning Development District does not refer back to the City’s Schedule of Uses; however, it specifies what would be allowed to be developed. She stated that this “PD” – Planning Development District would allow professional administrative offices that included, but not limited to, the following offices: doctors, dentist, attorneys, architects, engineers, insurance, real estate, travel agents, business or commercial school, institutions of education, government, religious buildings, clinics, medical, dental, banks or other financial institutions, and research or other scientific laboratories of primarily office nature.

Commission Member Cobbel asked if multi-family was an allowed use and read a portion of Ordinance #2000-11-092 Section 1. Ms. Galicia stated that the mentioned zoning ordinance was the current zoning on the subject property, however it was not the original Stonebridge Ranch zoning ordinance. She explained that Stonebridge Ranch first created a master plan for the community, then sectioned it off into different areas that follow different districts. Ms. Galicia stated that Stonebridge Ranch has come back several times to amended bits and pieces of the original master plan. She stated that this property was not intended for multi-family uses. Ms. Galicia stated that it follows a tread of “PDs” – Planning Development Districts, so you have to reference all of them. Mr. Brian Lockley, Director of Planning for the City of McKinney, briefly explained the zoning process and the permitted uses.

Mr. Lockley stated that all board and commission agendas must be posted at least 72 hours prior to the meeting per state law. He explained that agendas for the various City’s boards and commissions were posted on the City’s website along with other meeting documents.

Mr. Lockley explained that the City of McKinney did not require a neighborhood meeting when an application is submitted to the Planning Department. He stated that Staff usually suggests the applicant host a neighborhood meeting to speak with the residents; however, it was not a requirement. Mr. Lockley stated that the notices that go out the property owners within 200’ of a subject property are part of the public hearing process to allow the property owners to attend the meeting and speak during the public hearing or to provide information to Staff that can be provided to the board or commission.

Commission Member Cobbel mentioned that the City's website also had a list of recent submittals that individuals could view to see possible upcoming development. Mr. Lockley stated the submittal database can be accessed through the Planning Department's webpage on the City's website. He stated that Staff tries to provide as much information to the public in various formats. Mr. Lockley stated that the City of McKinney does a better job than other cities in providing information based on his past experience working at other cities. He stated that Staff was available to discuss the various ways the public can receive information about upcoming projects.

Commission Member Smith asked if any other areas of Stonebridge Ranch had been rezoned to "C1" – Neighborhood Commercial District. Ms. Galicia said yes.

Commission Member Cobbel asked for clarification on the 5% of retail use that was currently allowed on the property. Ms. Galicia stated that was defined in the original "PD" – Planning Development District.

Vice-Chairman Zepp asked if the "PD" – Planning Development District specified height limitations on the buildings. Ms. Galicia stated that the height limitation was 35'; however, the height could be increased by 1' for each 1' that required yards are increased. She stated that the height would be limited to 35'; however, no building would be taller than eight stories. Ms. Galicia stated that the proposed "C1" – Neighborhood Commercial District also had a 35' height limit requirement.

Vice-Chairman Zepp asked if all commercial or retail structures within Stonebridge Ranch must comply with their architectural standards. Ms. Galicia stated that they must comply with the City's standard architectural requirements and also the Stonebridge Ranch Homeowners Association (HOA) architectural requirements.

Commission Member Cobbel asked if a possible restaurant on the subject property would be allowed to sell alcohol until 2:00 a.m. Ms. Galicia explained that the Planning Department did not regulate how late an establishment could serve alcohol. She stated that the Planning Staff did not review whether or not the establishment had a permit to sell alcohol when Staff reviews zoning or site plan submittals. Mr. Brian Lockley stated that the Texas Alcoholic Beverage Commission (TABC) regulates the selling of alcohol. He stated that how late they can sell alcohol depends on the type of permit that they obtained. Vice-Chairman Zepp stated that if the establishment was an allowable use on

the property and was following the regulations set by the City of McKinney and the Texas Alcoholic Beverage Commission (TABC) then he did not see an issue with it.

Chairman Cox stated that several public speakers had mentioned traffic issues on Ridge Road. He asked where in the process a traffic study would be completed. Ms. Galicia stated that the applicant was currently going through the rezoning request process. She stated that at this point the City does not require a site plan; however, the applicant had submitted a proposed site plan. Ms. Galicia stated that Staff had only reviewed it once and there are various things that the applicant needed to address. She stated that the applicant was also still in the design process of trying to determine the distribution of uses, building orientation or location; which is typically done during the site plan process. Ms. Galicia stated that the applicant should be resubmitting the site plan after the rezoning request is approved. She stated that a site plan for this property would need to meet all of the zoning regulations. Ms. Galicia stated that the Engineering Department would then look at how it impacts traffic.

Commission Member McCall asked if athletic clubs would be an allowable use under the current zoning on the property. He also asked if the rezoning request was primarily to allow a restaurant on the site. Ms. Galicia stated that they needed to rezone the property for both the proposed athletic club and restaurant. She stated that an athletic club would be considered a retail use; therefore, it could only take up 5% of the structures floor space. Ms. Galicia stated that would not allow enough space for an athletic club.

Chairman Cox wanted to clarify that several issues were discussed during the meeting regarding the rezoning request and also a site plan. He asked if the rezoning request was approved if the site plan would then come before the Planning & Zoning Commission. Ms. Galicia stated that land uses were the only thing being considered with this rezoning request. She stated that the site plan would be submitted to the Planning Department and would then be approved administratively by Staff, unless they request a variance or any request that would need to come before the Planning & Zoning Commission to be approved.

Chairman Cox requested that the applicant, Mr. Arlyn Samuelson, come back up to address some comments and questions raised during the meeting.

Mr. Samuelson stated that the proposed development focuses around the fitness center that was not allowed by the current zoning on the subject property. He stated that they also wanted to incorporate in some office uses which were allowed in the current zoning. Mr. Samuelson stated that they felt a restaurant would be supported by the surrounding neighbors, since there was not much in the area. He stated that the Staff report stated that no letters of opposition had been received by Staff. Mr. Samuelson suggested tabling the request to allow them to meet with the surrounding property owners to discuss the proposed development and try to address some of their concerns. He stated that the last thing that the developer wanted to do was be a bad neighbor, especially since he lives in the neighborhood. Mr. Samuelson offered to answer questions.

Commission Member Smith thanked the surrounding residents for attending the meeting and voicing their concerns. She stated that a change in the zoning could significantly impact their properties and this was an important part of the process. Commission Member Smith stated that she was glad to hear the applicant's willingness to table the request to meet with the neighbors to try to come up with a win-win situation for the developer to develop their property and the resident's right to speak on any zoning changes.

Vice-Chairman Zepp felt it was appropriate to table the item. He stated that while the property owner has a wide latitude to develop their property, you must also take into account the surrounding property owners who purchased their properties knowing that the subject property was zoned a certain way and had certain expectations for how it might be developed.

Commission Member Smith wanted to verify that if the item was tabled that property owners within 200' of the subject property would be noticed for the next meeting. Mr. Lockley stated that new notices would go out since tonight's public hearing had been closed.

Commission Member Mantzey stated that the City did a fine job of getting information out to the public using multiple platforms.

Commission Member Smith stated that the City strives to be transparent. She stated that there was a comment made about the meeting agenda being available on the

Friday prior to the meeting. Commission Member Smith stated that the Commission also gets the agenda and packet on that Friday when it is posted on-line.

Vice-Chairman Zepp stated that the Commission also had to do homework on every item on the agenda.

Chairman Cox thanked the citizens and property owners taking the time to attend the meeting. He stated that he appreciated Mr. Samuelson calling the developer to discuss tabling the item.

On a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission unanimously approved the motion to table the item indefinitely, with a vote of 7-0-0.

**16-145MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor-Replat for Lot 14R, Block C, of the Millie Muse Addition, Located on the Northeast Corner of U.S. Highway 380 (University Drive) and Church Street**

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed minor replat. He stated that Staff recommends approval of the proposed minor replat and offered to answer questions. There were none.

Mr. Frank Hise, 9 Prado Verde Dr., Lucas, TX, 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 Mantzey, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and approve the minor replat as recommended by Staff, with a vote of 7-0-0.

**16-141Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "SF5" - Single Family Residential District, Located at 904 Baker Street**

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Richard Doss, Tenth Street Investments, LP, 2908 Golden Meadow Ct., McKinney, TX, 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 McCall, the Commission voted unanimously to close the public hearing and recommend approval of the rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 19, 2016.

**16-053SP    Conduct a Public Hearing to Consider/Discuss/Act on a  
Site Plan for an Office Building, Located at 400 West  
Virginia Street**

Mr. Aaron Bloxham, Planning I for the City of McKinney, explained the proposed site plan request and a brief history of the existing building that was built in 1965 on the site. He stated that a letter of opposition was included in the Staff report. Mr. Bloxham stated that typically site plans were administratively approved; however, the applicant was requesting a variance to the Zoning Ordinance to continue using the existing screening to screen the property from an adjacent residential property. He stated that there was adequate parking on the site that no additional parking was required for the new construction. Mr. Bloxham stated that the back of the parking lot curb was less than two feet from the property line, which would not provide adequate space to provide an approved screening device. He stated that the Chamber of Commerce currently meets in this building. Mr. Bloxham stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report. Mr. Bloxham offered to answer questions.

Commission Member Smith asked if there was adequate parking or excess parking on the site. Mr. Bloxham stated that he believed there would be one excess parking space.

Commission Member McCall asked about the three photographs shown on the Existing Conditions page of the Staff report. Mr. Bloxham explained where these photographs were located.

Commission Member McCall asked if there would be additional lighting added to the site that could cause an issue for the surrounding neighbors. Mr. Bloxham deferred the question to the applicant.

Commission Member Smith briefly discussed rose bushes planted on the property and that they did not cover the whole fence area. Mr. Bloxham stated that was correct.

Mr. Matthew King, 1212 Cabernet, Allen, TX, stated that this project had been approved and permitted by the City of McKinney and was currently under construction. He stated that the screening issue was brought to their attention halfway through construction. Mr. King stated that this request was requesting a variance to the Zoning Ordinance to continue using the existing screening material being used on the property. He offered to answer questions. There were none.

Mr. Cox opened the public hearing and called for comments.

Mr. Mark Heinrich, 409 W. Virginia St., McKinney, TX, stated that he lives across the street from the subject property. He questioned the proper sequence of events for conducting a public hearing regarding a site plan, site plan approval, and start of construction. Mr. Heinrich asked if the proper process was followed. He questioned if the proper process was not followed then what actions would be taken. Mr. Heinrich asked why construction was allowed to continue prior to the public hearing. He asked what the impact of the surrounding resident's discussion and/or opposition would have on this request. Mr. Heinrich stated that he opposed the request.

Ms. Robyn Schneider, 414 W. Virginia St., McKinney, TX, stated that she lives on the west side of the subject property. She spoke in opposition to the request due to increase in traffic, noise, and trash in their yard. Ms. Schneider stated that these issues did not start a few months back when the new construction started. She stated that the property use to be gated in the back. Ms. Schneider stated that when Mr. Don Day purchased the property they took the gate down, which allowed people to drive through the parking lot as a shortcut. She stated that they can see and hear a lot of what goes on in the parking lot, since the chain link fence was missing some of the wooden slates and it was not adequately screened. Ms. Schneider stated that people park in the parking lot drinking, playing loud music, and talking. She stated that they have requested that people in the parking lot that were causing issues to leave or they would call the Police Department on them. Ms. Schneider stated that the employees and visitors at the subject property seem to have forgotten that the parking lot is next to residential neighborhood. She stated that they have issues with the people throwing various trash into their yard.

Ms. Schneider stated that she does not feel comfortable letting her dogs play in the backyard now. She stated that this might seem like a slight annoyance to some people; however, these issues happen all the time now. Ms. Schneider was worried that the new construction might make a bad situation even worse.

Mr. Jerry Schneider, 414 W. Virginia St., McKinney, TX, stated that they had lived at this location for approximately 23 years. He stated that the developer claims that the existing landscaping acts as a barrier; however, he disagreed. Mr. Schneider stated that the landscaping on the north end was high canopy trees and old chain link fence that you can see through. He stated that the south end of the parking lot did not have any fencing; however, there were four Redbud trees with some lilies, daffodils, and irises in this area. Mr. Schneider stated that greenspace had been removed, several hundred square feet of concrete had been removed, and the parking lot had been redesigned and rebuilt during the new construction. He felt that there could be some adjustments made to the parking lot to allow for adequate screening between the surrounding residential neighbors. Mr. Schneider did not believe that there was a hardship for this variance request.

Ms. Gisella Olivo, 407 W. Virginia St., McKinney, TX, turned in a speaker's card in opposition to this request; however, did not wish to speak during the meeting.

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

Commission Member Smith asked about the parking on the site. Mr. Bloxham stated that there were 41 parking spaces required per the ordinance. He stated that 53 parking spaces were being proposed on the site. Mr. Bloxham stated that would leave 12 extra spaces. He stated that 20 parking spaces could be lost along the western property line if City approved screening materials were required. Mr. Bloxham stated that would cause the parking lot not to be adequate for the new construction.

Commission Member Smith asked about the designated parking spaces in the lot. Mr. King stated that those labeled parking spaced on the west side of the parking lot were for the tenants of the building.

Vice-Chairman Zepp asked about the permitted screening materials. Mr. Bloxham stated that solid six feet masonry wall or a wrought iron fence with masonry columns spaced a maximum of 20' on center with structural supports spaced every ten feet, and with sufficient evergreen landscaping to create a screening effect. He stated that any other screening material would need approval by the Planning & Zoning Commission.

Chairman Cox wanted to clarify that if a masonry wall or wrought iron fence were required on the western property line, then the parking lot would lose 20 parking spaces. Mr. Bloxham said yes.

Chairman Cox asked if there was a fire lane at the back of the western facing parking spaces. Mr. Bloxham said yes, there is a 24' drive aisle located along the western parking spaces and if the fence makes the parking shift you would lose parking spaces on one of the two sides of the drive aisle.

Mr. King stated that to install the required screening would cut the roots of the six to seven hardwood trees and he did not feel that was feasible. Mr. Schneider felt the parking lot could be reconfigured to address the issue.

Commission Member Smith stated that the current fence was unsightly and in disrepair. She asked what the plan was to repair the fence and upgrade the view.

Commission Member Smith stated that there was some living plants and trees around the property line between the subject property and the Schneider's property; however, there were large sections where there was not any landscaping. She stated that she could easily see through these areas into the Schneider's backyard. Mr. King stated that the property owner offered to build a new wood slate fence on the existing chain link posts which he felt would address some of their concerns. He stated that the fence would not be able to run all the way to the property corner due to site line setbacks. Commission Member Smith stated that adding the wood fence to the existing posts was an excellent solution. She felt it was a win-win for the developer and the surrounding property owners.

Commission Member Kuykendall agreed with Commission Member Smith's comments and stated that she appreciated the applicant's willingness to make this change to the screening for the subject property.

Chairman Cox suggested that it might help if the applicant engaged to some degree with the surrounding property owners.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Smith, the Commission voted unanimously to recommend approval of the site plan per Staff's recommendations with the condition that the property owner build a six foot tall wooden screening fence per City Code along the western property line, with a vote of 7-0-0.

**16-058SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for a Service Station (CST Corner Store), Located Approximately 300 Feet East of Stonebridge Drive and on the South Side of U.S. Highway 380 (University Drive)**

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed specific use permit request. She stated that Staff recommended approval of the proposed specific use permit with a special ordinance provision listed in the Staff report. Ms. Galicia offered to answer questions. There were none.

Mr. Barry Guttridge, 1101 Central Expwy. S., Allen, TX, stated that the proposed specific use permit was to allow seven gas pumps on site instead of six gas pumps. He concurred with the Staff report and offered to answer questions. There were none.

Ms. Galicia clarified that the proposed specific use request was to allow a service station in general on the property and the request was not to increase the number of gas pumps allowed at the site. Commission Member Mantzey wanted to clarify that the current zoning on the property did not allow a service station by right. Ms. Galicia stated that was correct.

Chairman Cox opened the public hearing and called for comments. There were none.

Commission Member Mantzey asked about the City's regulations regarding all night lighting near residential development. Ms. Galicia stated that lighting was not allowed to glare onto adjacent properties within the city's lighting requirements, but would defer to the applicant to answer any question associated with lighting on the site. Mr. Guttridge stated that he was not aware of the specific lighting requirements; however, they plan to hire a lighting engineer that would address the City's lighting requirements.

Commission Member Mantzey asked if the closest house was about 500 feet from the proposed service station. Mr. Guttridge stated that to the east of the property there

is an existing creek with some natural landscaping that would act as a buffer. Ms. Galicia stated that the closest house was approximately 421 feet.

Commission Member Mantzey asked if the City had any concerns regarding egress onto Highway 380 (University Drive). Ms. Galicia stated that the Engineering Department had generally approved the driveway at this location. She stated that they would be reviewing specific details during the Civil Review process. Ms. Galicia stated that this should be the only driveway for this development along US Highway 380.

On a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission voted unanimously to recommend approval of the specific use permit as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on July 19, 2016.

#### **END OF THE REGULAR ITEMS AND PUBLIC HEARING ITEMS**

Mr. Brian Lockley, Director of Planning for the City of McKinney, welcomed Danielle Quintanilla and Melissa Spriegel, two new Planners to the City of McKinney Planning Department.

There being no further business, Chairman Cox declared the meeting adjourned at 7:59 p.m.

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BILL COX  
Chairman