

PLANNING AND ZONING COMMISSION

OCTOBER 25, 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, October 25, 2016 at 6:00 p.m.

City Council Members Present: Travis Ussery and Church Branch

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

Commission Member Absent: Mark McReynolds – Alternate

Staff Present: Executive Director of Development Services Michael Quint, Director of Planning Brian Lockley; Planning Manager Matt Robinson; Landscape Architect Emily Braht, Planners Aaron Bloxham, Eleana Galicia, and Melissa Spriegel; and Administrative Assistant Terri Ramey

There were approximately 22 guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairman Cox continued the meeting with the Consent Items.

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

16-1088 Minutes of the Planning and Zoning Commission Work Session of October 11, 2016

16-1089 Minutes of the Planning and Zoning Commission Regular Meeting of October 11, 2016

16-206PF Consider/Discuss/Act on a Preliminary-Final Plat for 43 Single Family Residential Lots and 4 Common Areas (Emerald Heights), Located Approximately 140 Feet South of Gray Branch Road and on the East Side of Ridge Road

16-295PF Consider/Discuss/Act on a Preliminary-Final Plat for 62 Single Family Residential Lots and 4 Common Areas (Spicewood at Craig Ranch, Phase 2), Located at the Northwest Corner of Van Tuyl Parkway and Meyer Way

END OF CONSENT

Chairman Cox stepped down on the following item # 16-255Z3 due to a possible conflict of interest.

Vice-Chairman Zepp continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

16-255Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "LI" - Light Industrial District, Located at 717 Tower Lane

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone the subject property to "LI" – Light Industrial district to redevelop the site for a new user. Ms. Galicia explained that the "LI" – Light Industrial district would allow for industrial uses that would not be compatible with the existing residential uses located to the west. She stated that some of the uses allowed by right in the LI" – Light Industrial district included, but were not limited to, automotive repair, food processing plants, metal fabrication, which could be a nuisance to adjacent residential uses. Ms. Galicia stated that it was Staff's professional opinion that uses permitted by right in the "LI" – Light Industrial district would not be compatible with adjacent residential uses. She stated that Staff recommended denial of the proposed rezoning request and offered to answer questions. There were none.

Mr. Buddy Martin, Buddy Martin Erosion Control, 717 Tower, McKinney, TX, explained the proposed rezoning request. He gave a brief history of the various businesses that had been located at the subject property and his business. Mr. Martin stated that he was unaware of how or when the subject property was zoned residential. He stated that he had two letters of support from Mr. Rick Monroe and Mr. Sergio Troiani, which are surrounding property owners. Mr. Martin stated that this area had always been light industrial and that he did not have plans to develop the property into something that would not be compatible with the area. He stated that he had tried to lease the property; however, was unsuccessful due to the current zoning on the property. Mr. Martin stated that there was a high fence that screened the property.

Commission Member McCall asked to clarify that Mr. Martin had discussed his plans with the nearby residential neighbor. Mr. Martin said yes, and that Mr. Sergio Troiani had submitted a letter of support that was included in the Staff report.

Vice-Chairman Zepp asked if Mr. Sergio Troiani was the next door neighbor that lived on the corner and just to the west of the subject property. Mr. Martin said yes.

Commission Member McCall asked if Mr. Troiani's property faced College and if backed up to the subject property. Mr. Martin stated that was correct. He also stated that the lots in this area were really large. He stated that he was looking to be able to use the property as it has been in the past. Mr. Martin stated that the property had been a great location for his business the past 15 years.

Commission Member Smith asked if Mr. Martin had a specific tenant that was looking at using the subject property. Mr. Martin stated that he had multiple people interested in the property; however, the current zoning would not allow them to get a Certificate of Occupancy (CO) to be able to operate at this location. He stated that the property had never been used as residential.

Vice-Chairman Zepp asked if Mr. Martin was operating out of the building at this time. Mr. Martin stated that his business has grown and he purchased another building that he is currently operating out of. He stated that the subject property was currently using it a storage for his business. Mr. Martin stated that he would prefer to be collecting rent for the property. He stated that he had completed a lot of work on the building and parking lot since he owned it. Mr. Martin offered to answer further questions. There were none.

Vice-Chairman Zepp opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded by Commission Member Kuykendall, the Commission approved the motion to close the public hearing, with a vote of 6-0-1. Chairman Cox abstained.

Commission Member McCall stated that he did not have an issue with the rezoning request due to the nearby residential properties facing College Street and the subject property facing Tower Lane. He stated that Mr. Troiani was in support of the rezoning request.

Vice-Chairman Zepp stated that the subject property was an orphan property. He questioned the property being used for residential use after being used for various business uses for so long.

Commission Member Smith asked Staff for a situation where they would recommend approval of a rezoning request when it did not conform to the Comprehensive Plan. Ms. Galicia did not have an example of where Staff would make a recommendation that did not follow what the Comprehensive Plan showed for a property.

Commission Member Smith stated that the property could change ownership in the future and if the subject property was rezoned to allow light industrial uses then all uses allowed by right in that district could be developed on the property. She stated that based on Staff's professional opinion she was not comfortable recommending approval of rezoning request.

Commission Member Mantzey wanted to clarify that Staff's main concern was a residential use next to a light industrial use or what the Comprehensive Plan shows for the property. Ms. Galicia stated that Staff's concerns had to do with all of the uses allowed in the "LI" – Light Industrial district. She stated that even though there had been some letters of support submitted, Staff was looking at the best interest for all of the surrounding property owners.

Commission Member Cobbel asked for the size of the current building on the subject property. Mr. Martin stated that it was about 3,000 square foot building.

Commission Member Kuykendall asked when the property was zoned "RS 60" – Single Family Residence district. Ms. Galicia was not aware of when the existing zoning went into effect. She stated that past Certificate of Occupancy (CO) had noted that it was a non-conforming use.

Commission Member McCall asked about the zoning for the business located next to the subject property. Ms. Galicia stated that property was zoned "ML" – Light Manufacturing district and a utility company used it.

Commission Member Mantzey asked what uses were allowed under the "ML" - Light Manufacturing district. Ms. Galicia stated that the "ML" – Light Manufacturing district had recently been replaced with the "LI" – Light Industrial district in the Zoning Ordinance. She stated that the uses for these two districts were comparable.

Commission Member Mantzey asked if Staff's concerns about allowed uses on the property if rezoned were currently allowed on the property directly next door. Ms. Galicia said yes. She stated that the Mr. Martin could continue using the subject property for his business or the property could be altered to a residential use.

Commission Member Cobbel stated that the subject property would still be next door to a light industrial use. Ms. Galicia said yes. She stated that Staff looked at how many uses surrounding the property were industrial in nature and that there were not many. She stated that there was more industrial uses east of Church Street and gave some examples.

Commission Member Cobbel stated that if the rezoning request was approved and later a food distribution center was proposed for the site that a new larger building would be required and that it would need to receive additional approval from the City before they could move forward. Ms. Galicia stated that they would be required to go through the site plan process and parking requirements would also need to be met which potentially limit the size of the building.

Commission Member Cobbel wanted to clarify that the subject property was about a half an acre. Ms. Galicia stated that was correct.

Vice-Chairman Zepp asked if there were any plans to widen Tower Lane or College Street. Ms. Galicia stated that she believed that Tower Lane was expected to be a 60' right-of-way. She stated that typically the right-of-way was expanded when the area is developed.

Vice-Chairman Zepp asked if rezoning request was approved and later someone wanted to development to property with a light industrial use that they would be required to pay fees to widen the road as well. Ms. Galicia stated that would be done during the site plan process. She stated that they would be held accountable for improvements the City requires at that time and gave some examples.

Commission Member Kuykendall stated that she agreed with Staff's concerns about all of the uses that could be allowed by right under the new zoning. She stated that after hearing from Mr. Martin and knowing that the property had always been used for various businesses that she was really torn on this issue. Ms. Galicia stated that Staff was not opposed to the subject property not having any non-residential use allowed on it;

however, Staff had concerns about the proposed district's allowed uses. She stated that Staff felt there could be other districts the subject property could be rezoned to that would be more appropriate.

On a motion by Commission Member Cobbel, seconded by Commission Member McCall, the Commission voted to recommend approval of the proposed rezoning request as conditioned in the Staff report, with a vote of 5-1-1. Commission Member Smith voted against the motion. Chairman Cox abstained.

Vice-Chairman Zepp stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 15, 2016.

Chairman Cox returned to the meeting.

16-270SP2 Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Multi-Family Development (The Kinstead), Located on the Northeast Corner of McKinney Place Drive and State Highway 121 (Sam Rayburn Tollway)

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed site plan request. He stated that the applicant was planning to construct a 386-unit multi-family development. Mr. Bloxham stated that typically site plans were approved by Staff; however, the applicant was requesting approval to reduce the amount of enclosed parking from the required 50% of the units to 30% of the units, which must be considered by the Planning and Zoning Commission before going before City Council for consideration. He stated that this project had come before Planning and Zoning and had received a recommendation of approval; however, City Council denied the previous request. Mr. Bloxham stated that City Council would have liked to see more architectural enhancements to the buildings. He explained the changes between this request and the previous request for this project. Mr. Bloxham stated that they were keeping the same layout. He stated that the enclosed parking was reduced. Mr. Bloxham stated that they were still planning to increase the size of the open space. He stated that the applicant removed the additional amenities from this request; however, they planned to provide them as part of the development. Mr. Bloxham stated that they were adding 55 additional Crape Myrtles to various locations around the site. He stated that they had increased the architectural enhancements by increasing the required masonry percentage from 50% to 75% for all elevations that face a public right-of-way. Mr. Bloxham stated that they plan

to place all of the mechanical, heating, and air conditioning equipment on the rooftops. He stated that Staff recommended approval of the proposed site plan as conditioned in the Staff report and offered to answer questions.

Commission Member McCall asked if the applicant had meet all of City Council's requests from the original denial. Mr. Bloxham stated that City Council did not give specifics, other than they wanted to see additional architectural features. He stated that the applicant did add some additional architectural features to this request by increasing the masonry on the buildings.

Commission Member Mantzey asked about a facade plan for this project. Mr. Bloxham stated that one had not been turned in at this time.

Commission Member Mantzey asked if City Council gave any feedback regarding the decrease in enclosed parking spaces provided at this site. Mr. Bloxham stated that he was not aware of any feedback on the request to reduce the enclosed parking spaces.

Commission Member Mantzey asked about the variances from the Fire Marshal's Office. Mr. Bloxham stated that they proposed to have some planters along an emergency access only area. He stated that they had also discussed the fire department connection (FDC).

Commission Member Smith asked if the additional enhancements were offered in exchange for the reduction in covered parking. Mr. Bloxham said yes.

Mr. Martin Sanchez, Sanchez and Associates, 2000 N. McDonald Street, McKinney, TX, explained the proposed site plan request. He stated that after City Council denied the previous request that they had worked with City Staff to make additional enhancements to the proposed development. Mr. Sanchez stated that the 50% enclosed parking requirement had an option to decrease the percentage amount if certain other things were accomplished. He stated that there had been some questions on the definition of an enclosed parking versus covered parking. Mr. Sanchez stated that the proposed architecture was unique to McKinney and more expensive. He felt it was a better product. Mr. Sanchez stated that the proposed site plan should address what was originally approved by the Planning and Zoning Commission and the additional requirements requested by City Council. He offered to answer questions and asked for a favorable recommendation.

Commission Member Smith asked what the applicant's benefit was to reducing covered parking for the proposed development. Mr. Sanchez stated that there was not a benefit to reducing covered parking as much as it was a space limitation. He explained that they could fit only so much tuck under parking in each building. Mr. Sanchez briefly discussed the possibility of having standalone parking pod at the site; however, stated that he was not a fan of them. He stated that the parking pods end up turning into storage units.

Chairman Cox asked Mr. Sanchez if he was in agreement with the conditions listed in the Staff report. Mr. Sanchez stated that he concurred with the Staff report. He also stated that City Staff and his team worked diligently to come up with these solutions.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Commission Member McCall, the Commission voted unanimously to close the public hearing and recommend approval of the proposed site plan as conditioned in the Staff report, 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 November 15, 2016.

16-200Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Southwest Corner of U.S Highway 380 (University Drive) and Hardin Boulevard (REQUEST TO BE TABLED)

Ms. Eleana Galicia, Planner I for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item tabled to the November 8, 2016 Planning and Zoning Commission meeting per the applicant's request.

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 continue the public hearing and table the proposed rezoning request to the November 8, 2016 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

16-286Z 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 500 Feet

**South of Westridge Boulevard and on the West Side of
Independence Parkway**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone the property to generally allow for a medical office building to be developed on the subject property. Ms. Spriegel stated that although the existing zoning allows for office uses, it limits said uses to 50% of the total floor area for an individual site; however, the applicant would like to develop the property with 100% office uses. She stated that the current zoning was part of the original Stonebridge Ranch zoning ordinance, which is designed to provide retail/commercial uses. Ms. Spriegel stated that as a primarily commercial zoning district, the proposed zoning of "C1" – Neighborhood Commercial District maintains both the intent of the existing zoning and that of the Future Land Use Plan (FLUP), which designates the area for commercial uses, but also does not limit office uses. She stated that "C-1" – Neighborhood Commercial District was more restrictive than the current zoning. Ms. Spriegel stated that the "C-1" – Neighborhood Commercial District provides for less intensive commercial development, which was more appropriate for the area given the surrounding residential uses. Ms. Spriegel stated that Staff recommended approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Rajesh Pericherla, 6772 Martel Place, Frisco, TX, stated that 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 Smith, 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 November 15, 2016.

**16-261SP Conduct a Public Hearing to Consider/Discuss/Act on a
Site Plan for the Collin College Public Safety Training
Center, Located Approximately 750 Feet South of
Bloomdale Road and on the East Side of Redbud
Boulevard**

Ms. Melissa Spiegel, Planner I for the City of McKinney, explained the proposed site plan request. She stated that the site plan was for an approximately 146,442 square foot public safety training facility. She stated that typically site plans could be administratively approved by Staff; however, the applicant was requesting approval to waive the required screening of the overhead doors located on the north side of the main building at both the shooting range and simulations area. Ms. Spiegel stated that these areas were precluded from being screened due to the access and shared drive along the north property line, required by the interlocal agreement between the City of McKinney and Collin College. She stated that this agreement required the north drive on the site to straddle the property line to be split between the subject property and the property to the north. Ms. Spiegel stated that the applicant had indicated that these drive areas would need to be clear in order for proper access and training at the facility. She stated that Staff recommended approval of the proposed site plan as conditioned in the Staff report and offered to answer questions. There were none.

Mr. Jesse Miller, PBK Architects, 14001 Dallas Parkway, Dallas, TX, concurred with the Staff report. He stated that the rezoning request for the subject property was approved at the October 18, 2016 City Council meeting. Mr. Miller offered to answer questions.

Commission Member Smith asked if the facility may be open to the public at some point in the future. Mr. Miller stated that this was a joint venture with the City of McKinney and Collin College and that they had first rights to certain hours at the facility. He stated that the facility could possibly be open to the public if scheduling allowed.

Chairman Cox opened the public hearing and called for comments.

Mr. Walter Nelson, 1812 Carla Avenue, Arlington, TX, stated that he was representing Mr. David Huang, who could not be present at this meeting. Mr. Nelson stated that they were opposed to the site plan request. He stated that he believed it was a beautiful site. Mr. Nelson stated that they laid out the site as if screening it from Redbud Boulevard was more important and then placed the tower 85' from the rear property line. He stated that they were not requesting that the tower be moved. Mr. Nelson explained that the tower would not be very visible from Redbud Boulevard. He stated that there was not any proposed screening for the rear of the tower and therefore it would be very

visible to the property owners to the east. Mr. Nelson stated that there was a 4' chain link fence proposed around the detention pond on the subject property. He requested that additional screening be placed along the eastern property line and the rear of the tower. Mr. Nelson stated that the surrounding property was currently zoned "AG" – Agricultural district and the Future Land Use Plan (FLUP) shows it as "LI" - Light Industrial district. He felt the front part of Mr. Huang's property would most likely be retail in the future, since it was located along State Highway 5 (McDonald Street); however, he was not sure what the back of the property might be rezoned to in the future. Mr. Nelson stated that they were proposing to plant 8" caliper trees in front of the tower; however, he felt that it would be better to plant more 4" caliper trees around the tower for more screening. Mr. Nelson also recommended that the tower be fenced to discourage people from going over to it. He stated that the tower would help save lives in the future. Mr. Nelson stated that they were in favor of the site; however, would like to see some screening on the east side of the subject property.

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

Commission Member McCall asked Staff to clarify that the screening requirements for the proposed tower. Ms. Spiegel stated that there were no screening requirements for the tower or the eastern property line.

Vice-Chairman Zepp asked if there was no screening requirement since the surrounding property to the east was zoned "AG" - Agricultural district. Ms. Spiegel said yes. She stated that the ordinance only requires buildings and equipment to be screening when it is located next to residential uses or right-of-ways.

Vice-Chairman Zepp asked if the property to the east was rezoned at a later time if screening would then be required. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that additional screening would not be required on the subject property once it is developed.

Vice-Chairman Zepp asked Mr. Miller if there was any consideration for additional screening along the eastern property line. Mr. Miller stated that they were trying to follow the City of McKinney's requirements for the development. He explained that there was landscape and screening proposed for the north and west elevations of the building on

the subject property. Mr. Miller stated that there was currently a grove of trees that goes along the eastern property line that he felt acted as a good buffer. He stated that they had tried to locate the burn structures and tower as far away from the nearby school and residential development to the north as possible.

Commission Member Smith asked if these type of facilities were normally fenced in. Mr. Miller stated that it would depend on the security issues and gave some examples. He explained that building a fence around the property might not fit into the development budget. Mr. Miller explained that the current structures were locked and not easily accessed.

Vice-Chairman Zepp asked what the Comprehensive Plan called for the surrounding property to be developed in the future. Ms. Spiegel stated that it shows the property as industrial uses.

Vice-Chairman Zepp wanted to clarify that the grove of trees were located on the next door property and should not be taken out during this development. Ms. Spiegel said yes.

On a motion by Commission Member Cobbel, seconded by Commission Member McCall, the Commission voted unanimously to recommend approval of the proposed site plan as conditioned in the Staff report, 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 November 15, 2016.

**16-283SP Conduct a Public Hearing to Consider/Discuss/Act on a
Site Plan for the Church of Jesus Christ of Latter-Day
Saints, Located Approximately 320 Feet South of
Wilmeth Road and on the East Side of Hardin Boulevard**

Ms. Melissa Spiegel, Planner I for the City of McKinney, explained the proposed site plan request. She stated that the subject property was for a church meetinghouse. Ms. Spiegel stated that typically site plans could be administratively approved by Staff; however, the applicant was requesting approval to reduce the height of the required screening of the mechanical, heating, and cooling equipment. She stated that the screening of this equipment was required to be 6' in height; however, the applicant was requesting to reduce the requirement to 4' 3" in height. Ms. Spiegel stated that the proposed heating and cooling equipment and screening were located on the north and

south sides of the main building. She stated that the screening device was proposed to be constructed of solid masonry materials to match the building and would be just over 4' tall, while the equipment would be just under three 3' in height. Ms. Spiegel stated that Staff was of the opinion that the proposed height of the screening device, being approximately a foot and a half taller than the equipment, would be sufficient to screen the equipment from the view of public right-of-way and adjacent residential properties. She stated that elevations were included in the Staff report for informational purposes only. Ms. Spiegel stated that Staff was recommending approval of the proposed site plan as conditioned in the Staff report. She offered to answer questions. There were none.

Mr. Jim Dewey, JDJR Engineers and Consultants, Inc., 2500 Texas Drive, Irving, TX, explained the proposed site plan request. He stated that they proposed to have 14 mechanical, heating, and cooling units spread out between the four areas that would be screened with a masonry wall that matches the masonry on the building. He stated that the compressors were approximately 33" in height. Mr. Dewey stated that the proposed screening wall was approximately 51" in height. He stated that if they built 6' screening walls around the units that it would block the view from some of the office windows in the building. Mr. Dewey felt that they were meeting the spirit of the ordinance. He stated that the units would be screened from public view. Mr. Dewey requested approval of the proposed site plan request and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments.

Mr. Brent Coffey, 2828 Briargrove Lane, McKinney, TX, stated that his property backs up the subject property. He stated that he purchased his property because it was away from everything and there were no street lights nearby. Mr. Coffey expressed concerns about bright lights on the subject property and how they might affect his property. He asked if they plan to build a retaining wall along the south side of the subject property.

Ms. Mikki Gaddis, 2840 Briargrove Lane, McKinney, TX, stated that her property also backs up to the subject property. She also had concerns regarding lighting on the property. Ms. Gaddis expressed concerns regarding possible loud sounds coming from

the proposed 14 mechanical, heating, and cooling units. She stated that they had not fixed their fence due to their concern about a solid barrier on the easement.

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

Ms. Spriegel stated that the applicant would have to follow the City's lighting standards. She stated that the applicant is proposing a screening wall and a 10' landscaping buffer along the south and east sides of the subject property near the surrounding residential properties. Ms. Spriegel stated that there were screening and buffering requirements when a non-residential use was built next to a residential use.

Commission Member Mantzey asked if the mechanical, heating, and cooling units would be located approximately 60' – 70' from the property line. Ms. Spriegel stated that the closest unit was approximately 100' from the property line.

Chairman Cox asked Mr. Dewey if he could share more specific details regarding the proposed lighting and screening on the subject property. Mr. Dewey stated that they were planning to build a masonry screening wall around the south and east side of the property. He stated that they plan to save the large existing trees. Mr. Dewey stated that there was currently a wood fence along the property lines. He stated that it was okay with him if the surrounding property owners wanted to remove part of their wooden fence once the masonry wall was built. Mr. Dewey stated that no light poles will be immediately adjacent to the surrounding residential properties. He stated that there would be lighting around the building and some in the back parking lot. Mr. Dewey stated that they would comply with the City's lighting requirements. He stated that the church would have some nighttime activities; however, most activities would be held during the day. Mr. Dewey stated that the mechanical, heating, and cooling units would be screened and there would also be screening and buffering along the property lines near the surrounding residential properties to help with the sound. He stated that the residential property owner's adjacent residential neighbor's air conditioning units were closer than the church's units. Mr. Dewey stated that the church intended to be a good neighbor.

On a motion by Commission Member Mantzey, seconded by Commission Member Kuykendall, the Commission voted unanimously to approve the site plan as conditioned in the Staff report, with a vote of 7-0-0.

16-296M Conduct a Public Hearing to Consider/Discuss/Act on an Amendment to Chapter 146-130 (Vehicle Parking) of the Code of Ordinances, the Creation of Chapter 138, Article VII (Donation Collection Containers) of the Code of Ordinances, and an Amendment to Appendix A (Schedule of Fees) of the Code of Ordinances

Mr. Michael Quint, Executive Director of Development Services for the City of McKinney, explained the proposed amendments to the Code of Ordinances regarding donation containers and gave a brief history of the U.S. Court of Appeals for the Sixth Circuit's opinion in the case *Planet Aid v. City of St. John's, MI*. He stated that he had received feedback from City Council during a work session to develop regulations to address this issue. He noted that today a developer sent in some comments regarding the proposed amendments that focused on the requirement for a locking mechanism. Mr. Quint stated that some minor revisions to the proposed amendments had been made and those revisions had been previously distributed to the Planning and Zoning Commission. He pointed out that Section 138-509 (a) (3) was changed to say: Have a tamper-resistant locking mechanism for all collection openings to prevent theft and vandalism. Mr. Quint gave an example of the Community Food Pantry of McKinney. He noted that the door to their collection box should not be kept locked at all times, so that it allowed residents in to pick up food items as needed. He stated this revision clarified the use of a locking device when it is appropriate. He stated that the City of McKinney wished to follow the new case law. Mr. Quint stated that the proposed amendments should be going before City Council for consideration on Tuesday, November 1, 2016. He offered to answer questions.

Chairman Cox asked if there was a difference between a tamper-resistant locking mechanism versus a mechanism that prevents theft and vandalism. Mr. Quint stated that he was not aware of any locking mechanism that was not there to prevent vandalism or theft.

Commission Member Smith asked if the proposed amendments would also apply to the book bins around town. Mr. Quint said yes. He stated that any bins where people were expected to take from it would not need to be locked, since taking the items would not be considered theft.

Chairman Cox opened to public hearing and called for comments.

Mr. Martin Sanchez, Sanchez and Associates, 2000 N. McDonald Street, McKinney, TX, stated that he contacted Mr. Quint earlier today regarding not all donation sites needing to be locked and gave an example of the Community Food Pantry of McKinney. He appreciated Mr. Quint addressing this concern with the revised proposed amendments. Mr. Sanchez stated that he also had concerns about someone needing to submit four-sided elevations of what a donation bin would look like; however, there were currently no approval or denial process in place for it. He stated that Mr. Quint told him that Staff would be working to address this issue.

On a motion by Commission Member Cobble, seconded by Commission Member Smith, the Commission voted unanimously to close the public hearing and recommend approval of the revised amendment to Chapter 146-130 (Vehicle Parking) of the Code of Ordinances, the creation of Chapter 138, Article VII (Donation Collection Containers) of the Code of Ordinances, and an amendment to Appendix A (Schedule of Fees) of the Code of Ordinances as listed in the Staff report, 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 November 1, 2016.

**16-297M Conduct a Public Hearing to Consider/Discuss/Act on
an Amendment to Chapter 146-135 (Landscape
Requirements) and Chapter 146-136 (Tree Preservation)
of the Code of Ordinances**

Ms. Emily Braht, RLA, Landscape Architect for the City of McKinney, explained the proposed amendments to Chapter 146-135 (Landscape Requirements) and Chapter 146-136 (Tree Preservation) of the Code of Ordinances. She stated that revisions to the proposed amendments were made after hearing comments from a developer earlier today. Ms. Braht stated that revised copies of the proposed amendments were distributed to the Planning and Zoning Commission prior to the meeting.

She stated that amendment to the Landscaping Requirements section of the ordinance related to the number of trees required for a single-family lot to the lot size. Ms. Braht stated that currently two canopy trees were required on each single-family residential lot being developed with at least one of the trees being located in the front yard. She stated that proposed amendment would reduce the number of trees required

to one canopy tree located in the front yard on any lots that was less than 40'. She stated that lots 40' or greater would still be required to provide two canopy trees per lot.

Ms. Braht stated that there were three amendments proposed for the Tree Preservation section of the ordinance. First, with concerns regarding the 15' tree preservation zone requirements with respect to the type of trees on the developing property to be saved. Second, mitigation tree placement with respect to which type of trees may be used for mitigation purposes, and third, future preservation of mitigation trees during development. She gave a brief description of a tree preservation zone. Ms. Braht stated that some residents do not differentiate between what is a quality tree and simply a tree. She stated that the proposed amendment to the Tree Preservation ordinance will require a perimeter tree zone for all trees 6" or greater regardless of the type of tree and requires that zone to be indicated on the plat as a perimeter tree zone easement.

Ms. Braht briefly discussed how trees can be mitigated. She stated that the trees that currently may be used for tree mitigation come from the quality plant list within the City of McKinney's Approved Plant List which is attached to the City's ordinances. Ms. Braht stated that the quality plant list has canopy trees and ornamental trees. She stated that the amendment to the Tree Preservation Mitigation amends the term quality tree to canopy tree as approved on the tree preservation plan.

Commission Member Smith asked what the difference was between a quality tree and a canopy tree. Ms. Braht explained that there were some ornamental trees listed on the quality plant list that would not qualify as a canopy tree. She stated that they had never had an issue with this; however, the City wanted to close a loophole just in case it arises in the future.

Vice-Chairman Zepp stated that he thought the current mitigation looked at the caliper of the tree trunk in inches. Ms. Braht stated that was correct. She stated that some developers had tried to plant lots of smaller ornamental trees in place of a larger canopy tree that was mitigated on the property.

Ms. Braht stated that there is nothing in the Tree Preservation ordinance that protects trees that have been planted as mitigation from mitigation tree removal due to future development. She stated that the proposed amendment says if an applicant cannot

replace trees on the same property, the property will have future phases of development that may impact the preservation of replacement trees in perpetuity, and/or if the landscape administrator does not approve replanting on an alternate site, the applicant shall make a payment into the reforestation fund.

Commission Member Smith asked if trees were removed on a property if they would be required to make up for those trees somehow. Ms. Braht gave an example of what would happen when trees were mitigated on a property and later removed during another phase of development that currently those newer trees were just lost and not mitigated.

Commission Member Smith asked if this happens often. Ms. Braht stated that generally people prefer to pay into the reforestation fund.

Commission Member Mantzey asked if the payment into the reforestation fund was adequate. Ms. Braht said yes and gave examples of how the funds were used to plant new trees at other locations within the City.

Vice-Chairman Zepp asked if the reforestation fund fee was based on caliper of inches as well. Ms. Braht said yes and gave examples of how it is calculated.

Commission Member Mantzey stated that there could be an issue with all of the long term maintenance of the trees being planted on public property versus private property using the reforestation fund. Ms. Braht stated that was true.

Vice-Chairman Zepp asked Ms. Braht to go back over the proposed Perimeter Tree Zone. Ms. Braht explained that currently quality trees, 6" or greater, that exist within 15' of the boundary line between an existing platted single-family residential development and a proposed development shall require a perimeter tree zone. She stated that some residents have concerns about trees that are not on the City's quality plant list that provide some buffer between the properties being removed. Ms. Braht stated that the amendment removes the requirement that it is only for quality trees. She stated that a perimeter tree zone shall extend 15' out from each tree that is 6" or greater onto the proposed development for a maximum 30' wide perimeter tree zone. Ms. Braht stated that no tree within the perimeter tree zone may be critically altered.

Vice-Chairman Zepp asked if the trees within the perimeter tree zone could be mitigated. Ms. Braht said no.

Commission Member Kuykendall stated that she liked the fact the City was taking into consideration that some residential lots were too small to require two canopy trees.

Chairman Cox opened the public hearing and called for comments.

Mr. Martin Sanchez, Sanchez and Associates, 2000 N. McDonald Street, McKinney, TX, stated that he contacted Ms. Braht earlier today with some of his concerns. He stated that the revised amendments addressed some of his concerns; however, he still had some concerns about the proposed perimeter tree zone being required on the plat. Mr. Sanchez stated that at some point in the future when the property is being sold that the plat will show that a tree should be located on the property that may or may not still be there due to not being a quality tree. He thought that the all tree requirement for the perimeter tree zone was only good for the developer and not for the homeowner who could later take down the tree. Mr. Sanchez stated that a lot of times along fence rows there are non-quality trees. He asked how this might affect drainage on the lots when no grading was allowed in this easement. Mr. Sanchez asked if a tree was mitigated and later on needed to be removed if the new tree could also be mitigated. He stated that at some point a mitigated tree is just a tree.

Chairman Cox asked if Mr. Sanchez's concerns should be taken up by the Planning and Zoning Commission or taken up between now and when it goes to City Council. Ms. Braht stated that the builder would have to keep the trees while the development is going on. She stated that Staff was hoping the future residents would not be taking down the trees within the 15' perimeter. Ms. Braht stated that she should be contacted if a tree that has a caliper of 27" or larger before being removed. She stated that Staff was hoping that including it on the plat would help address this issue. Ms. Braht stated that the 15' perimeter tree zone has been in place and that there had not been any drainage issues associated with it. She stated that it is not always a straight line of trees in the protected zones.

Commission Member Smith wanted to clarify that if she had a 27" caliper tree on her property that she wanted removed that she would need to request permission from the City to remove it. Ms. Braht said yes. She stated that there are usually good reasons why trees this size are being removed and typically other trees on the property that will remain.

Vice-Chairman Zepp wanted to clarify that homeowners could remove any tree on their property that was less than 27" in caliper whether or not it is considered a quality tree. Ms. Braht stated that was correct.

Vice-Chairman Zepp asked if the property would need to be replatted to remove the easement if a tree that was in the 15' perimeter tree zone no longer exists. Ms. Braht did not feel that the property would need to be replatted if there were no longer trees remaining in the easement. She suggested that it could be treated as an abandoned easement. Mr. Michael Quint, Executive Director of Development Services for the City of McKinney, explained that there are various options available to abandon an easement. He gave the examples of doing a separate instrument and amending the plat for their lot. Mr. Quint stated that it was not an overly cumbersome process to resolve the issue.

Commission Member Mantzey asked if a tree was 10' from the property line if the 15' easement would start where the tree was located. Ms. Braht said yes, that it would be a half circle around the trunk of the tree that would be protected. Commission Member Mantzey wanted to clarify that a house could not be built within 25' of the back property line in this example. Ms. Braht stated that was correct. She stated that this is already a requirement in the ordinance. Ms. Braht stated that the change was currently the ordinance says quality trees are being protected and the amendment says that all trees would be protected and now the 15' foot perimeter tree zone would be required to be shown on the plat. She stated that some of the plat being submitted to the City were already including this information. Ms. Braht stated that there are properties where there are no trees along the property lines or large sections where there are no trees. She gave an example of where the 15' perimeter tree zone might occur between a commercial development and single-family residential development, where it would act as a buffer.

Commission Member Smith asked when the Tree Preservation Ordinance was last revised. Ms. Braht stated that there were some amendments to the ordinance approved within the past year.

Chairman Cox stated that the Commission seemed to hone in on the platting issue that Mr. Sanchez mentioned. Ms. Braht stated that Staff could try to address the issue prior to the City Council meeting being held on November 15, 2016.

Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that the Commission could make a recommendation on the item that it go forward to the City Council meeting and still allow Staff to try to address some of the concerns mentioned.

Vice-Chairman Zepp suggested tabling the request to allow time to address some of these issues.

Commission Member Smith asked if the ramifications of the easement item under the perimeter tree zone would be addressed prior to this request being presented to City Council. Ms. Braht said yes.

On a motion by Commission Member Mantzey, seconded by Commission Member Cobbel, the Commission voted to recommend approval of the proposed amendments as recommended by Staff with the comment that Staff keep in mind future homeowners and possible issues that might arise on the resell of the property, with a vote of 6-1-0. Vice-Chairman Zepp voted against the motion.

Vice-Chairman Zepp questioned if 2 – 3 weeks was enough time to address all of the concerns raised during the meeting.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 15, 2016.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

There being no further business, Chairman Cox declared the meeting adjourned at 7:52 p.m.

BILL COX
Chairman