

## **PLANNING AND ZONING COMMISSION**

**JANUARY 24, 2017**

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, January 24, 2017 at 6:00 p.m.

City Council Present: Tracy Rath

Commission Members Present: Chairman Bill Cox, Janet Cobbel, Deanna Kuykendall, Cam McCall, Brian Mantzey, and Mark McReynolds – Alternate

Commission Members Absent: Vice-Chairman Eric Zepp and Pamela Smith

Staff Present: Director of Development Services Michael Quint; Director of Planning Brian Lockley; Planning Managers Matt Robinson and Samantha Pickett; Planners Aaron Bloxham, Eleana Galicia, Danielle Quintanilla, and Melissa Spriegel; and Administrative Assistant Terri Ramey

There were approximately 60 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 Kuykendall, seconded by Commission Member McCall, to approve the following five Consent items, with a vote of 6-0-0.

**17-094 Minutes of the Planning and Zoning Commission Work Session of January 10, 2017**

**17-095 Minutes of the Planning and Zoning Commission Regular Meeting of January 10, 2017**

**16-378CVP Consider/Discuss/Act on a Conveyance Plat for Lots 5, 6, and 7, Block A, of Custer's Bobos Addition, Located on the North Side of Virginia Parkway and West of Custer Road**

**16-387PF Consider/Discuss/Act on a Preliminary-Final Plat for Lot 4R, Block A, of Southern Hills at Craig Ranch Commercial, Located Northwest Corner of Craig Ranch Parkway and State Highway 121 (Sam Rayburn Tollway)**

**16-382PF Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1R-5R, Block A, of 380 Crossing at Headington Heights, Located on the Northeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard**

## END OF CONSENT

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

**16-365Z2     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 Southeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard (REQUEST TO BE TABLED)**

Mr. Brian Lockley, Planning Director for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely due to public notification signs not being posted on the subject property within the timeframe required by the Zoning Ordinance. He stated that Staff would re-notice prior to an upcoming Planning and Zoning Commission meeting.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission voted unanimously to close the public hearing and table the proposed rezoning request indefinitely as recommended by Staff, with a vote of 6-0-0.

Commission Member Mantzey stepped down on the following item # 14-297Z3 due to a possible conflict of interest.

**14-297Z3     Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District, "PD" - Planned Development District, and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District, "SO" - Suburban Office District and "CC" - Corridor Commercial Overlay District, Located on the Southeast Corner of Meadow Ranch Road and U.S. Highway 380 (University Drive)**

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed rezoning request for McKinney Ranch Estates. She stated that Staff had received four additional letters of opposition and one letter of support, which were distributed to the Planning and Zoning Commission prior to this meeting. Ms. Quintanilla stated that the northern property with the "PD" – Planned Development District label currently allows for office uses. She stated that the northern tract has existing office uses

and an office complex on the property. Ms. Quintanilla stated that the southern property with the “AG” – Agricultural District label generally allows for agricultural uses. She stated that the southern tract has an existing single-family residence on the property. Ms. Quintanilla stated that adjacent to the subject property there are single-family uses to the south and an existing 380 West Animal Hospital to the west. She stated that the surrounding northern and eastern tracts of property were undeveloped. Ms. Quintanilla stated that the zoning for the property to the north allowed for commercial uses. She stated that the zoning for the property to the east allowed for industrial uses. Ms. Quintanilla displayed an aerial exhibit of the area that showed additional commercial uses nearby. She stated that at the intersection of Lake Forest Drive and U.S. Highway 380 (University Drive) there were several commercial establishments, including Walgreens, Taco Bell, Chicken Express, Subway, and Baylor Hospital. Ms. Quintanilla stated that there was also a Kroger proposed at the southwest corner of this intersection. She stated that the applicant was requesting to rezone the northern tract to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District and the southern tract to “SO” – Suburban Office District and “CC” – Corridor Commercial Overlay District. Ms. Quintanilla stated that due to the subject property’s adjacency to a major regional highway and nearby commercial land uses to the west, the proposed zoning districts would help enhance this area as a prime commercial corridor, while also providing a transition to the existing residential uses located to the south, known as the Meadow Ranch Estates. She stated that the “SO” – Suburban Office District would help provide this transition as it is designed to allow for low intensity office uses. Ms. Quintanilla stated that the most intense uses allowed within the “SO” – Suburban Office District by right were a museum, library, art gallery, school, bank and financial institutions. She stated that there were not many uses permitted in this district and some of the commercial uses allowed would require a specific use permit, which would allow Staff to further evaluate whether or not that use would be appropriate in the “SO” – Suburban Office District. Ms. Quintanilla stated that it was Staff’s professional opinion that the proposed rezoning request would remain compatible with adjacent and future surrounding land uses. She stated that Staff recommends approval of the proposed rezoning request Ms. Quintanilla stated that Staff also received a zoning change written protest that was signed by at least 20% of the

property owners within 200' of the subject property, which meets the requirements of a formal petition and would require a favorable vote by a supermajority (6 of 7) of City Council to be approved. Ms. Quintanilla offered to answer questions.

Mr. Martin Sanchez, Sanchez and Associates, 2000 N. McDonald Street, McKinney, TX, stated that they worked closely with City Staff to come up with a good solution for the subject property for a non-residential prospective. He briefly discussed the nearby commercial uses and that the adjacent property to the east was zoned for light industrial uses. Mr. Sanchez stated that the subject property was located on a highway and over time would continue to have commercial pressure. He stated that they were trying to buffer the adjacent properties to the south with the proposed "SO" – Suburban Office District, which would have a lighter, less intense office use. Mr. Sanchez stated that they proposed to have the more intense commercial use on the front end, near the highway. He 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.

The following eight people spoke in opposition to the request.

Mr. Ron Holmes, 1505 Stoneoak Drive, McKinney, TX, stated that he was a lawyer that represented the Meadow Ranch Estates Neighborhood Association. He stated that the association was formed to keep the subdivision unique by design. Mr. Holmes stated that the estate homes were two acre lots. He stated that the aerial displayed on the overhead project cut off some of the southern lots in the subdivision. Mr. Holmes stated that there was no outlet from the southern side of the subdivision. He stated that there was residential uses behind the Meadow Ranch Estates subdivision. Mr. Holmes stated that most of the nearby office complex was a single-story structure that looked similar to single-family house. He stated that this area used septic systems. Mr. Holmes questioned how much it would cost to bring utilities to this area and whether or not a four acre development could afford even the sewer to service the development. He stated that they were unsure of what the applicant proposes to develop on the subject property. Mr. Holmes stated that it may be a very high intense use that would require a great deal of City services. He stated that this was the only entrance to the 19 residential homes on two acre tracts to the south. Mr. Holmes stated that the residential neighbors would have

to drive through whatever the applicant developed to get to their properties. He requested that the proposed rezoning request be denied, because they would like to keep that neighborhood unique by design and keep McKinney unique by nature. Mr. Holmes offered to answer questions. There were none.

Mr. Mike Gorman, 1910 Meadow Ranch Road, McKinney, TX, gave a PowerPoint presentation during his comments. He stated that his property was two lots away from the subject property. Mr. Gorman stated that he did not have an issue with the commercial use on the front of the property near the highway; however, he did have an issue with rezoning the residential property. He stated that the entrance to their residential development was well defined. Mr. Gorman stated that there was a definite break, with a wall, between the commercial development to the west of the subject property and the residential development. He stated that the properties fronting U.S. Highway 380 (University Drive) were zoned for commercial uses, which they all knew that when they moved into the residential development. Mr. Gorman stated that the Meadow Ranch Estates had estate homes built on two acre lots. He stated that all but three property owners had signed the petition. Mr. Gorman stated that one was the nursing facility and the other two residential properties that did not sign the petition had business dealing with the Mr. Keith Andre and wished to stay neutral. He stated that the Meadow Ranch Estates was David Craig's first development in McKinney. Mr. Gorman stated that it should be kept unique and maintained in McKinney. He stated that the Comprehensive Plan showed the subject property as being residential and low-density. Mr. Gorman requested that the property be kept residential to preserve the community. He expressed concerns about the proposed rezoning and future more intense development that could decrease the Meadow Ranch Estates property values. Mr. Gorman felt it would cause a cascading effect of other surrounding properties becoming commercial developments.

Mr. Stephen Martinez, 1920 Meadow Ranch Road, McKinney, TX, stated that his property was immediately adjacent to the subject property. He stated that he was strongly opposed to the proposed rezoning request of lot # 19. Mr. Martinez stated that in 1985 the City of McKinney approved the Meadow Ranch Estates development of 20 single-family residences. He stated that lots 1, 2, and 20, that border U.S. Highway 380 (University Drive), were rezoned to allow limited commercial development. Mr. Martinez

stated that a muffler shop, veterinary practice, and an accounting firm occupy those three properties. He stated that Meadow Ranch Estates was shielded from those commercial developments by the masonry wall and trees in the landscaping buffer. Mr. Martinez stated that the remaining 17 lots in Meadow Ranch Estates have remained zoned "AG" – Agricultural District as originally zoned. He stated that a previous proposal to rezone the property was presented back in December 2014; however, it was tabled due to the neighborhood opposition. Mr. Martinez stated that due to that request, the Meadow Ranch Estates Association was established to promote, protect, and enhance the longstanding environment of Meadow Ranch Estates. He stated that it was shocking that the owner of lot 19 plans to cram over 16,000 square feet of commercial development and 68 parking spaces on two acres of land within their neighborhood. Mr. Martinez stated that when one considers development density and traffic alone that commercial development in their neighborhood was not in the best interest of keeping McKinney unique by nature and it undermines the intentions of their neighborhood with keeping them unique by design. He stated that he and his wife were proud to join the over 80% of the Meadow Ranch Estate property owners in urging the Commission Members to recognize the uniqueness of their neighborhood by denying the rezoning of lot # 19.

Mr. Chuck Howard, 1810 Meadow Ranch Road, McKinney, TX, stated that the commercial property that faced the highway was there when he purchased his property. He stated that the lot inside the brick wall being proposed to be rezoned would be similar to a cancer that would spread. Mr. Howard stated that on occasion there have been residents from the Alzheimer's homes, located in the last lot in the subdivision, that have wandered over to his yard before they were found. He stated that they have fire trucks and ambulances that go to the Alzheimer's home every time a new person moves in or when one of the residents passes. Mr. Howard expressed concerns about additional traffic or congestion. He stated that the proposed rezoning request was not in the benefit of the surrounding residential property owners.

Mr. Darrell Groves, 1900 Meadow Ranch Road, McKinney, TX, stated that he was the fourth house on the left. He stated that they love their neighborhood. Mr. Groves stated that all of the neighbors know each other and help each other out. He pleaded that we don't change their neighborhood.

Ms. Debbie Kessler Martinez, 1920 Meadow Ranch Road, McKinney, TX, concurred with the previous Meadow Ranch Estate resident's comments in opposition to this proposed rezoning request. She stated that there have to be people who live in McKinney to support the various businesses. Ms. Martinez stated that it would be a domino effect and would destroy the Meadow Ranch Estates neighborhood. She stated that she doubted that Mr. Richard Atchison, possible tenant if developed, would want to live next to it. Ms. Martinez stated that this would be a deterrent to living in McKinney. She stated that if they ever thought that they might be living next to that many parking spaces, then they never would have purchased their property.

Ms. Sandra Hanson, 1800 Meadow Ranch Road, McKinney, TX, stated that they live the furthest away from the subject property within the Meadow Ranch Estates. She stated that they might be the least impacted by the proposed development with the exception on having to drive through the entrance with possible parking lots and office buildings. Ms. Hanson stated that the street was developed by the Developer David Craig. She gave a brief history of the development of Meadow Ranch Estates. Ms. Hanson stated that they reside in David Craig's mother's home. She stated that when they purchased the property that they knew the properties facing U.S. Highway 380 (University Drive) were commercial, which was outside of their subdivision entrance. Ms. Hanson stated that she had concerns about the proposed rezoning request taking the commercial uses inside of their subdivision entrance. She stated that there would be a parking lot butting up to the adjacent residential property. Ms. Hanson expressed concerns about a possible decrease in property values for the surrounding residential neighborhood. She expressed concerns about losing the uniqueness of their subdivision. Ms. Hanson asked if the Commission Members lived there if the proposed rezoning and possible development was something that they would want to see happen.

Ms. Juliette Buchanan, 1830 Meadow Ranch Road, McKinney, TX, stated that they moved to the neighborhood about 1 ½ years ago. She stated that the Meadow Ranch Estates was a special neighborhood. Ms. Buchanan stated that was only one of two neighborhoods in McKinney with multi-acre estates that is completely enclosed. She stated that homeowners were able to keep horses on their property and how that is special. Ms. Buchanan stated that if commercial development was built on the subject

property that it would ultimately destroy their neighborhood. She stated that there were a lot of other locations where the commercial uses could be built in McKinney.

The following two people spoke in favor of the request.

Mr. Richard Atchison, 1423 Bucksnot Road, Van Alstyne, TX, stated that he was an architect with an architectural firm in Downtown Ft. Worth. He stated that they had been in discussion with Mr. Keith Andre about moving their corporate offices to the subject property as a possible tenant. Mr. Atchison stated that they were looking to bring their skills and talents to McKinney.

Mr. Keith Andre, 4695 W. University Drive, McKinney, TX, stated that he had been a good neighbor to the surrounding property owners. He stated that if the proposed rezoning request was approved that there still would be commercial property to the south of his property across the street. Mr. Andre stated that he was not trying to antagonize the neighbors. He stated that there was a peninsula of residential properties surrounded by industrial, commercial, and office properties. Mr. Andre stated that the entrance that the residents are so proud of is located on his property. He stated that the commercial property on the other side of the street is owned by the veterinarian. Mr. Andre stated that they would be happy to build a new entrance way to their neighborhood. He stated that he would not be opposed if the neighbors wanted to put up a gated entranceway. Mr. Andre stated that there was another entrance to the subdivision to the south; however, they decided to put a gate up on it. He stated that Meadow Ranch Estates was a unique development. Mr. Andre stated that many of the residential property owners had multiple buildings on their property. He felt that the residential property owners got to do exactly what they wanted on their properties; however, he could not. Mr. Andre stated that there were 20 lots in the Meadow Ranch Estates subdivision and seven of the property owners had not signed the petition. He stated that he would like to work with the surrounding residential property owners. Mr. Andre stated that he had outgrown his facilities and would like to continue doing business in McKinney for another 30 years.

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

- Ms. Samantha Arrington, 1820 Meadow Ranch Road, McKinney, TX
- Ms. Jan Gunn, 1911 Meadow Ranch Road, McKinney, TX



- Mr. Vincent Gunn, 1911 Meadow Ranch Rd., McKinney, TX
- Mr. John Hanson, 1800 Meadow Ranch Road, McKinney, TX
- Ms. Jan Howard, 1810 Meadow Ranch Road, McKinney, TX
- Ms. Liz McElhaney, 1811 Meadow Ranch Road, McKinney, TX
- Ms. Yvonne Ralph, 1820 Meadow Ranch Road, McKinney, TX
- Mr. William L. Smith, 1811 Meadow Ranch Road, McKinney, TX
- Ms. Kimberly Tisserand, 1901 Meadow Ranch Road, McKinney, TX
- Mr. Daniel Tisserand, 1901 Meadow Ranch Road, McKinney, TX

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

- Ms. Kay Bertschi, 3191 Medical Center Drive, McKinney, TX
- Ms. Teresa Dempsey, 2214 Woodcrest, McKinney, TX
- Ms. Melissa Simmons, 4907 Redwood Drive, McKinney, TX
- Mr. Paul Sturkie, 202 Redbud Trail, McKinney, TX

On a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission unanimously approved the motion to close the public hearing, with a vote of 6-0-0.

Alternate Commission Member McReynolds asked Mr. Sanchez if his intent was to plat both of the properties together. Mr. Sanchez stated that it was undecided at this point. He stated that it probably made sense to replat that in some configuration, so that a building could be centered on the overall track. Mr. Sanchez stated that without entitlements that it was hard to predict what could be developed on the property. He stated that once they go through the development process, then all development regulations would apply. Mr. Sanchez stated that they would have to pay for the water and sewer services to develop the site, not the City. He stated that they would also have to pay for the screening and buffering between the residential site and a non-residential site. Mr. Sanchez stated that if the veterinarian clinic ever decided to develop the empty portion of their property then they would need to align the driveway, so that there would only be one driveway cut going into their facility and going into our facility. He stated that Mr. Keith Andre had outgrown his current facility.

Alternate Commission Member McReynolds asked Mr. Sanchez for the dimensions for the two properties that Mr. Andre owns. Mr. Sanchez stated that they were both tracts were approximately 200' deep and 400' wide. He stated that there was an existing curb cut on U.S. Highway 380 (University Drive) other than the Meadow Ranch Road that would continue. Mr. Sanchez stated that when the Meadow Ranch Association was formed that they did not include the subject property. He questioned how they would have dominion of that lot.

Commission Member Cobbel asked if the veterinarian clinic's property, to the west of the subject property, went inside the entrance fence of the subdivision. Mr. Sanchez said yes. Commission Member Cobbel asked if that property was zoned for commercial uses. Mr. Sanchez said yes. Commission Member Cobbel wanted to clarify that property could already build a commercial use inside the subdivision. Mr. Sanchez stated that was correct. Ms. Quintanilla stated that zoning on that property did allow for commercial uses. Commission Member Cobbel asked what type of uses were allowed on the property to the west. Ms. Quintanilla stated that the zoning was a "PD" – Planned Development District with a base zone of "C" – Planned Center District. She stated that the "C" – Planned Center District was one of the older, more generous zoning districts. Ms. Quintanilla stated that it allows a lot of commercial uses by right. She stated that when that property develops, there was a provision in the ordinance that requires a minimum 7' tall finished metal screening wall and at least a 15' wide landscaping buffer along the southern property line.

Mr. Sanchez stated that the property immediately to the east was zoned for light industrial uses and gave some examples. He stated that "PD" – Planned Development District specially removed some uses, while others required a "SUP" – Specific Use Permit. Mr. Sanchez stated that property was adjacent to the back of some of the Meadow Ranch Estate lots.

Commission Member Cobbel asked about the gated entrance on the south end of Meadow Ranch Estates subdivision. Mr. Sanchez explained that it was a second point of access for another subdivision. He stated that it had a crash gate blocking it off; however, he was unsure how it was agreed upon by the two subdivisions and approved by the City. Commission Member Cobbel asked what allowed the gate to be locked and

closed. Mr. Sanchez stated that the crash gates typically have a lock on them to only allow emergency vehicles through and a box nearby with a key to the lock. He stated that the gates were not intended to be structural. Commission Member Cobbel stated that you do not typically see them on a through street. Mr. Sanchez stated that City Staff would not normally allow a road between two subdivisions to be gated off like this.

Commission Member Kuykendall asked what type of communication about the proposed rezoning request and possible development had occurred between the property owner and/or applicant and the community. Mr. Sanchez stated that he had spoken with the veterinarian and some of the surrounding property owners at different times; however, he had not spoken with the Meadow Ranch Estates property owners directly. He stated that Mr. Andre had visited with a number of the residential property owners. Mr. Sanchez stated that Meadow Ranch Estates was not different than any other residential development that was located near a major road. He stated that there was always pressure for land to go to the highest and best use.

Chairman Cox asked what type of screening may be installed on the subject property if developed. Mr. Sanchez stated that there would be a screening wall, landscaping buffer, additional trees planted, parking, fire lane, probably more parking, and then the building. He stated that it was usually about 80' in distance from the property line to where the building was located. Mr. Sanchez stated that the proposed "SO" – Suburban Office District limited the building height to 35'. He stated that the building would be approximately the height of a house.

Ms. Quintanilla stated that the applicant was requesting to rezone two different tracts of land. She stated that they would have to develop as two separate tracts. Ms. Quintanilla further explained that one building could not be built on the two tracts of land, since they would have split zoning. She stated that if the applicant wanted to come back at a later time to develop the entire four acres as one development with one building, then the whole property would need to be rezoned.

Alternate Commission Member McReynolds asked about the setback for the northern property along U.S. Highway 380 (University Drive). Ms. Quintanilla stated that there would be a minimum 20' front yard setback and a 20' landscape buffer. She stated

that there could not be any parking within the landscape buffer. Ms. Quintanilla stated that they would have to plant some trees as well.

Commission Member Cobbel asked where the Alzheimer's center was located within the Meadow Ranch Estates. Chairman Cox stated that it was located in the back of the subdivision and was using one of the residential structures.

Chairman Cox asked what Staff would be looking for in regards to traffic counts if the subject property was developed. Ms. Quintanilla stated that the City of McKinney Engineering Department would review the plans to make sure that they have the right amount of access on the site. She stated that they would check to see if they would be required to provide additional right turn lanes based on the traffic counts. Mr. Brian Lockley, Planning Director for the City of McKinney, stated that that would also include any intersection improvements based on the number of trips for this development. He stated that they would also take a look at nearby intersections to ensure that they were adequate to meet the demand.

Alternate Commission Member McReynolds asked if the two lots stay separate if that meant that there could only be a specific building type of each lot. He also asked about the setbacks for the two lots. Ms. Quintanilla stated that each lot would have to follow the setbacks, landscape buffer, provide adequate parking, and site circulation. She stated that they would have a maximum lot coverage of 70% within the "SO" – Suburban Office District, which might not allow for two buildings to be built on one lot. Ms. Quintanilla stated that these would be reviewed by Staff during the site plan process.

Alternate Commission Member McReynolds stated that it would be hard to develop the two separate lots with the depth of the lots, setbacks, screening requirements, et cetera. He stated that he felt it would be a bad idea to turn the southern property into an office use. Alternate Commission Member McReynolds stated that the Comprehensive Plan showed the property as residential. He stated that it was a bad idea to split it from the other residential properties in the subdivision.

Commission Member Kuykendall stated that she could understand Alternate Commission Member McReynolds's comments; however, she felt that the property owner's rights for his property should also be considered. She stated that she was not

crazy about seeing the overwhelming dissent from the surrounding neighborhood. Commission Member Kuykendall stated that she would weigh both sides of the argument.

Alternate Commission Member McReynolds stated that if the subject property was originally one large lot, then he would not have as much of an issue with the request. He stated that the southern property was currently part of the subdivision. Alternate Commission Member McReynolds stated that there had to be commercial uses along U.S. Highway 380 (University Drive). He stated that he did not agree with the proposed rezoning request for the southern property.

Commission Member Cobbel asked if it was likely that the applicant would come back at a later time to request that the two lots be replatted into one large lot. Mr. Sanchez stated that there was a strong likelihood that was exactly what they would do. He stated that the dimensions work with having two lots. Mr. Sanchez stated that if you really want to make the site the best that it can be, then it probably would need to be replatted into one larger lot so that everything flows smoothly. He stated that he could not replat the two lots into one larger lot without knowing what he could develop on the property.

Commission Member Cobbel wanted to clarify that the current wall at the entrance would need to be moved and a new wall would be built. She asked for the height of the new wall compared to the current wall. Mr. Sanchez stated that a new wall would be 6' tall. He thought the current wall was approximately 5' – 6' tall.

Commission Member Cobbel stated that the property to the west was already within the subdivision and had the right to build commercial uses on their property. She reiterated that the commercial uses were technically already allow in there. Commission Member Cobbel stated that there would still be a buffer like there was to begin with. She also stated that there was industrial property to the east of the subject property.

Commission Member McCall stated that he was on both sides of the fence on this request. He expressed concerns about the two properties having different zoning on them. Commission Member McCall questioned if the property owner would be back at a later time to rezone the property. Mr. Sanchez stated that when they first came in to discuss rezoning the property with Staff, they discussed rezoning all four acres to a straight commercial tract. He stated that they decided to take the southern tract to a lesser intense use to help buffer from the residential development. Mr. Sanchez stated

that this was not the perfect solution; however, they need a starting point on the entitlements. He stated that they could then bring forward a plan for exactly what they want to do at that point.

Alternate Commission Member McReynolds asked if they decided to rezone the four acre tract of land into one zone which one with they chose. Mr. Sanchez stated that if he had to develop two separate tracts given these dimensions with the proposed rezoning, then he could do it. He stated that the math works to do it. Mr. Sanchez stated that he could not say at this time if that is what they plan to ultimately do with the subject property.

Commission Member McCall expressed concerns about taking away residential uses for commercial development. He stated that there has to be commercial uses at U.S. Highway 380 (University Drive). Mr. Sanchez stated that if his concerns were over the screening between the residential property and the non-residential property, then he was willing to do whatever the City ordinance requires and additional items that were reasonable to make it more palatable. He gave examples of things that they were willing to do like increasing the height of the screening wall, increasing the number of trees planted, et cetera. Commission Member McCall asked if the entrance would match on the other side of the street on the adjacent western property. Mr. Sanchez stated that property owner would be responsible for their property. He stated that property owner would be facing the same screening requirements if they decide to develop the back of their property.

Commission Member McCall and Alternate Commission Member McReynolds stated that there were still too many questions that needed to be answered. Alternate Commission Member McReynolds questioned if they did come back in to rezone the four acres under the same zoning if it might be straight commercial instead of the lesser intense use that they were currently proposing. Mr. Sanchez stated that they would not come back to request straight commercial zoning for the whole tract. He stated that would not make sense financially.

Commission Member McCall questioned if the rezoning request was not approved then what might be developed on the property by right.

Commission Member Kuykendall asked about the process after this meeting. Ms. Quintanilla stated that the Planning and Zoning Commission's recommendation on this request would be forwarded to City Council and City Council would need a supermajority vote to approve or deny the request. She stated that if City Council approved the proposed rezoning request, then the applicant would start the platting and site plan processes for either both tracts at the same time or individually.

Chairman Cox clarified that the City Council would need a supermajority vote whether or not the Planning and Zoning Commission recommended approval or denial of the request. Ms. Quintanilla said that was correct.

On a motion by Alternate Commission Member McReynolds, seconded by Commission Member McCall, the Commission voted to recommend denial of the proposed rezoning request, with a vote of 3-2-1. Commission Members Cobbel and Kuykendall voted against the motion. Commission Member Mantzey abstained.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 7, 2017.

Commission Member Kuykendall stated that she appreciated all of the residential neighbors showing up to voice their opinion at the meeting.

Commission Member Mantzey returned to the meeting.

**16-332SU2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Club (The Celt Irish Pub), Located at 100 North Tennessee Street**

Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the proposed specific use permit to allow up to 65% of sales receipts from the sale of alcohol than a typical Mixed Beverage Permit, which allows 50% of sales receipts from the sale of alcohol. She stated that they had one several years ago that lapsed. Ms. Pickett stated that Staff recommended approval of the proposed specific use permit for a private club. She offered to answer questions. There were none.

Mr. Stan Penn, 505 S. Tennessee Street, McKinney, TX, stated that he owned The Celt Irish Pub for three years. He stated that they were dedicated to creating an authentic Irish experience. Mr. Penn stated that they ran 45.9 % of sales receipts from the sale of food, which was less than the current 51% requirement; therefore, they were asking for this specific use permit to allow them to have a greater amount of alcohol sales.

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 unanimously voted to close the public hearing and recommend approval of the proposed specific use permit as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 21, 2017.

**16-289Z2     Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "ML" - Light Manufacturing and "RG-18" - General Residence District to "PD" - Planned Development District to allow for Multi-Family, Live/Work and Retail Mixed Uses, Generally Located on the Southwest Corner of U.S. Highway 380 (University Drive) and Throckmorton Street**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled to the February 14, 2017 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 Mantzey, seconded by Commission Member McCall, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request to the February 14, 2017 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 6-0-0.

**16-367SUP     Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Bed and Breakfast (Waddill Street Bed and Breakfast Inn), Located at 215 North Waddill Street**

Mr. Matt Robinson, Planning Manager for the City of McKinney, explained the proposed specific use permit to so that the existing residence could be utilized as a bed and breakfast facility (Waddill Street Bed and Breakfast Inn). He stated that the City of McKinney requires that a specific use permit be granted in order for a bed and breakfast facility to be operated on the subject property. Ms. Robinson stated that under the regulations under the bed and breakfast, the applicant was required to rent no more than five bedrooms out at one time, provide one parking space per guest bedroom, and the caretaker of the bed and breakfast must live on the property. He stated that Staff had evaluated the request and had no objections. Mr. Robinson stated that Staff was



recommending approval of the specific use permit for a bed and breakfast with the special ordinance provision listed in the Staff report. He stated that there was one letter of opposition that was distributed to the Commission Members prior to the meeting. Mr. Robinson offered to answer questions.

Commission Member McCall asked if there would be enough parking spaces. Mr. Robinson stated that there were seven parking spaces proposed along Bass Street.

Commission Member Mantzey asked what the difference was between a bed and breakfast and an event center. He also asked what events could be held at the bed and breakfast on the subject property. Mr. Robinson stated that they would not be allowed to hold any events since that would require special provisions and additional requirements from Fire and Building Inspections. He stated that the applicant told him that they do not plan to host wedding events, et cetera.

Mr. Steve Sullivan, 215 N. Waddill Street, McKinney, TX, stated that he and his wife were the owners and occupants of the property. He stated that the subject property was one of nine properties in McKinney that was on the National Register of Historic Places. Mr. Sullivan stated that he was an architect and had practiced over 30 years. He stated that it was a Georgian home with wood architecture that was built in 1912. Mr. Sullivan stated that they hope to preserve the home and enhance the Historic district, and bring in visitors from all over the world to the beautiful City of McKinney to experience the unique history. He stated that they love Downtown McKinney and all of the old homes in the Historic district. Mr. Sullivan stated that they had addressed a lot of the surrounding neighbor's concerns. He stated that they would be providing screened parking in the back for seven vehicles. Mr. Sullivan stated that five of those parking spaces were for the five guest bedrooms and the other two parking spaces were for them. He stated that they have a heated pool in the back. Mr. Sullivan stated that they will maintain the landscaping and add some plantings. He stated that they were very excited about opening a bed and breakfast. Mr. Sullivan stated that his family would be running the bed and breakfast. He stated that his daughter managed a bed and breakfast in Georgia for four and a half years. Mr. Sullivan stated that they want to make this a safe place. He stated that they should not have any parking along Hunt Street. Mr. Sullivan stated that

they want to preserve a piece of unique history of McKinney and North Collin County. He offered to answer questions.

Alternate Commission Member McReynolds asked how long the guests typically stayed at a bed and breakfast and when the heaviest use was during the week. Mr. Sullivan stated that the heaviest use should be toward the middle of the week to the end of the week. He stated that guests typically stay one to three nights in a row. Mr. Sullivan stated that guests were not allowed to stay more than 14 consecutive days.

Alternate Commission Member McReynolds wanted to clarify that parking would be along Bass Street. Mr. Sullivan stated that it was his understanding that Bass Street was more like an alley. He stated that you would enter from Bass Street to pull into the parking area with seven concrete parking spaces.

Mr. Sullivan stated that they have a 6' wood fence. He stated that there was an unused 10' x 10' utility easement on the back of the property that he was going to check to see if it could be abandoned. Mr. Sullivan stated that all of the utilities were on the north side of the property line. He stated that they would like to square off the backyard fence to include this piece of property.

Chairman Cox opened the public hearing and called for comments.

Mr. Jim Sanderson, 611 Sherman Street, McKinney, TX, stated that he was the previous owner of the subject property and sold the property to the present owners. He stated that they wanted to make sure that the new owners would love and keep the integrity of the house and would appreciate the Historic district. Mr. Sanderson stated that they were impressed with the new owners. He gave a brief history of this house. He stated that they lived there for 12 years and had several people of the years stop by to reminisce. Mr. Sanderson stated that it was a beautiful Colonial Revival home with one of the finest curb appeals in Downtown McKinney.

Mr. Kenneth Montgomery, 1209 W. Hunt Street, McKinney, TX, stated that he lives directly behind the subject property. He stated that Bass Street was in bad shape and narrow. Mr. Montgomery expressed concerns with the proposed parking and did not know how they could fit seven spaces in that area of the property within the vehicles sticking out onto Bass Street. He stated that he would oppose any kind of wedding taking

place on the subject property due to the traffic issue it would create. Mr. Montgomery stated that there are already traffic and parking issues on the street.

Ms. Mimi Parker, 806 W. Hunt Street, McKinney, TX, asked about the number of currently bedrooms in the house. She asked if the house has five bedrooms if it would also need five bathrooms, which she felt it currently did not have inside. Ms. Parker stated that water pressure in the area was already bad. She wanted to maintain the look of the house; however, she was concerned that they might gut it to get the spaces to operate a bed and breakfast. Ms. Parker asked if there would be a fire protection system inside. She stated that there could be a lot of guests eating there. Ms. Parker questioned if the kitchen and/or dining room would be large enough to handle them and if there would be proper ventilation. She asked if the property owners would live in the garage that they are converting or if they would be living inside the house. Ms. Parker stated that it is a great house.

Ms. Mari McGowan, 902 W. Hunt Street, McKinney, TX, expressed concerns that if this property became a bed and breakfast, then other nearby large history houses might follow suit. She stated that they purchased in the area because it was residential and not a commercial district. Ms. McGowan stated that her young son rides his bike on Hunt Street to his friend's house on a regular basis. She expressed traffic concerns and gave some examples. Ms. McGowan asked that the Commission keep the surrounding residents in mind when making their decision.

Ms. Rachel Fineman, 309 Byrne Street, McKinney, TX, stated that this is a residential neighborhood where families live and children play in the streets. She had concerns regarding the number of guests that would be coming in and out of the subject property, traffic issues, and safety of the children. Ms. Fineman did not want to see a commercial enterprise come into their residential area.

Ms. Christy Lane, 802 W. Hunt Street, McKinney, TX, asked if Mr. Sullivan's family was going to live inside the house with the guests. She expressed concerns about a similar situation on Virginia Street where the owner did not live there. Ms. Lane stated that it turned into a party house every weekend. She stated that she did not want to see the same thing happen to this property.

Mr. David Kelly, 201 N. Waddill Street, McKinney, TX, stated that he was not generally opposed to the request. He felt that there was a precedent and that the house was a good choice for a bed and breakfast. Mr. Kelly stated that the new owners had not contacted the surrounding neighbors to address their questions. He expressed some concerns regarding parking. Mr. Kelly stated that even though the bed and breakfast would not host a wedding, the wedding party might be staying there. He stated that extra guests could arrive prior to the wedding to help the bride get ready, which would require additional parking that would probably end up on the surrounding streets. Mr. Kelly stated that there was a multi-family housing unit directly to the north of the subject property. He stated that if the new property owners play by the rules and were good neighbors, then they would be a good addition to the neighborhood.

Ms. Diane Craig, 309 N. Benge Street, McKinney, TX, stated that she was not opposed to a bed and breakfast; however, she was afraid that it could turn into an event center or party place.

Ms. Judith Montgomery, 1209 W. Hunt Street, McKinney, TX, stated that she lived on the corner of Hunt Street and Bass Street. She stated that their bedroom would be facing the proposed parking area on Bass Street. Ms. Montgomery stated that she opposed the parking on Bass Street.

On a motion by Commission Member Mantzey, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Commission Member Kuykendall asked Mr. Sullivan to address the concerns mentioned during the public hearing. Mr. Sullivan stated that there would be ample parking off of Bass Street. He stated that they had well over the 20' minimum parking requirement. Mr. Sullivan stated that check out time was generally around 11:00 a.m. He stated that check in time would be before nightfall. Mr. Sullivan stated that it was a quiet neighborhood and a peaceful house. He stated that he does not hear much traffic at the house. Mr. Sullivan stated that the proposed parking would be in a good secluded location behind the house. He stated that there is a shelter across the street and that he could not do anything about them parking on the street. Mr. Sullivan stated that it would not be a college party house or have large crowds.

Commission Member Cobbel asked Mr. Sullivan if he would be residing in the main house and would not be leaving it unattended while guests were staying there. Mr. Sullivan stated that they had not decided if they were going to live in the main house or if they were going to remodel the garage to live there. He stated that the garage would be a more private area.

Commission Member Cobbel asked if it would be allowed by the City's requirements that the property owner reside in the main house. Mr. Robinson stated that the City only required that they reside on the property.

Commission Member Mantzey asked if there was a maximum occupancy allowed. Mr. Robinson stated that it would be five bedrooms, unless City Council allowed more.

Commission Member Cobbel asked if the fifth bedroom could be outside in the remodeled garage. Mr. Robinson said yes.

Commission Member Cobbel asked if it was currently a four bedroom house. Mr. Sullivan stated that was correct and the attic space could potentially be turned in to a fifth bedroom. He stated that they were not sure if they plan to do that at this time or not.

Commission Member Kuykendall asked Staff to address some of the concerns mentioned earlier. Mr. Robinson stated that there was an off street parking requirement. He stated that they proposed seven off street parking spaces, which met the requirement. Mr. Robinson stated that the property owner was required to live there and manage the property at all times. He stated that property owners could park along Hunt Street and Waddill Street; however, the guests should be parking along Bass Street.

Commission Member Mantzey asked how many bed and breakfasts were currently operating in McKinney. Mr. Robinson stated that he did not have a good number on how many were currently operating in McKinney. He stated that the last bed and breakfast that he recalled being approved was back in 2014.

Commission Member Kuykendall stated that a lot of neighbors had questions; however, they were not necessarily opposing the request. She stated that Mr. Sullivan seemed to understand that there were certain requirements that must be met and that he was going to part of the community. Commission Member Kuykendall stated that there were provisions in the ordinance that would ensure protection.

On a motion by Commission Member Cobbel, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to recommend approval as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on February 21, 2017.

**02-195FR    Conduct a Public Hearing to Consider/Discuss/Act on a Facade Plan Appeal for Nissan of McKinney, Located on the Southwest Corner of Test Drive and U.S. Highway 75 (Central Expressway)**

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the proposed facade plan appeal for the Nissan of McKinney. He stated that typically façade plans can be approved by Staff; however, the applicant was requesting approval of a facade plan appeal and was requesting a reduction in the masonry requirements due to some improper construction when the building was first built. Mr. Bloxham discussed the facade issues. He stated that the structure was not meant to hold that much weight, so some of the masonry materials on the building were starting to crack and fall apart in different areas. He stated that they were proposing to use a different material on the upper section, which would reduce the amount of stone on the building. Mr. Bloxham stated that they were also proposing EFIS (Exterior Insulation & Finish Systems) and ACM (Aluminum Composite Material) panels to lighten the weight on top of the façade to ease the burden. He stated that they would keep the existing stone material on the bottom section of the facade. Mr. Bloxham stated that Staff recommended approval of the proposed façade plan appeal and offered to answer questions. There were none.

Ms. Jessica Darquea, 3800 S. Central Expressway, McKinney, TX, concurred with the Staff report. She stated that they were proposing a lighter weight material be used on the facade to address the current issues as suggested by their architect and engineer. Ms. Darquea stated that they recently acquired the building and was trying to fix the issue. She offered to answer questions. There were none.

Mr. David Cook, 8901 John Carpenter Freeway, Dallas, TX, stated that they evaluated the current condition of the facility. He stated that Nissan of McKinney recently acquired the building and inherited the issue. Mr. Cook stated that the facade was in a fairly deteriorated state. He stated that the new proposed material would make it easier

to reskin the building and easy to maintain for a long period of time. Mr. Cook stated that the proposed material should be appealing to the public and cliental. He stated that the current system has taking on a lot of water and was continuing to degrade. Mr. Cook stated that if it was not addresses fairly soon, then they would need to address other areas as well. He offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and approve the façade plan appeal as recommend by Staff, with a vote of 6-0-0.

**16-356SP    Conduct a Public Hearing to Consider/Discuss/Act on a  
Site Plan for the Expansion of Pat Lobb Toyota of  
McKinney, Located at 3350 South Central Expressway**

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed site plan request for an addition to the existing Toyota of McKinney automobile sales and repair facility. She stated that typically site plans could be approved by Staff; however, since the applicant was requesting a variance, the site plan must be approved by the Planning and Zoning Commission. Ms. Spriegel stated that the request was to allow for nine new bay doors located on the west side of the main building to be oriented toward public right-of-way at Craig Drive. She stated that there were existing bay doors on the west side of the building. Ms. Spriegel stated that there were also existing living screens composed of Needlepoint Holly that will be maintained to serve as screening for the additional bay doors. She stated that the request would have no adverse effects on the current and future developments of the adjacent properties. Ms. Spriegel stated that Staff recommends approval of the variance request to allow the bay doors to be oriented towards public right-of-way. She offered to answer questions.

Commission Member Mantzey asked if they would be adding or losing any parking spaces. Ms. Spriegel stated that they would be adding some new handicap parking spaces.

Mr. Rick Ferrara, 5420 LBJ Freeway, Dallas, TX, stated that he was the architect on the project. He stated that they would actually be reducing parking by a few spaces. Mr. Ferrara stated that the new parking spaces were simply a relocation of the accessible employee parking spaces. He offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and approve the proposed site plan as conditioned in the Staff report, with a vote of 6-0-0.

**16-352SP    Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for Medical Office and Retail Building (Serene Dentistry), Located on the Northwest Corner of Eldorado Parkway and Alma Road**

Ms. Danielle Quintanilla, Planner for the City of McKinney, explained the proposed site plan request for Serene Dentistry. She stated that the applicant was proposing to construct a 6,000 square foot medical office and retail building, with a future phase of an addition of 3,150 square feet. Ms. Quintanilla stated that typically site plans could be approved administratively by Staff; however, the governing “PD” - Planned Development District required this site plan to be approved by the Planning and Zoning Commission. She stated that the applicant had met all of the requirements of the Zoning Ordinance. Ms. Quintanilla stated that Staff recommends approval of the proposed site plan as conditioned in the Staff report and offered to answer questions.

Chairman Cox asked Ms. Quintanilla if she was aware of a meeting between the applicant and the homeowner’s association. Ms. Quintanilla stated that she was not aware of a meeting.

Commission Member Mantzey asked about the zoning on the subject property. Ms. Quintanilla stated that it was within Stonebridge Ranch and “R2” – Retail District. She stated that there was an existing Montessori school nearby.

Mr. Michael Wright, 8233 Med Cities Boulevard, North Richland Hills, TX, offered to answer questions.

Chairman Cox asked if they had a meeting with the nearby homeowner’s association to discuss the proposed development. Mr. Wright said yes, on two occasions. He stated that they have one more meeting scheduled. Chairman Cox asked for a summary of those meetings. Mr. Wright stated that they had been very positive. He stated that they plan to show them a sample board and floor plan at the next meeting. Mr. Wright stated that they would need show them the final plans when the construction plans were approved.



Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to close the public hearing and approve the site plan as condition in the Staff report, with a vote of 6-0-0.

**16-024SP4 Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for Automotive Sales, Repair and Car Wash (EchoPark McKinney), Located Approximately 430 Feet South of Bray Central Drive and on the West Side of Central Circle**

Ms. Danielle Quintanilla, Planner for the City of McKinney, explained the proposed site plan request to construct a 22,000 square foot building for automobile sales, repair, and a detached car wash. She stated that site plan could typically be approved by Staff; however, the governing planned development ordinance requires approval by the Planning and Zoning Commission and City Council. Ms. Quintanilla stated that the applicant also requested approval of a living plant screen for the proposed overhead doors and overnight parking spaces facing Central Circle. She stated that on April 19, 2016, the City Council voted unanimously to approve the site plan; however, the applicant had since modified the layout and square footage of the building and therefore it is back for approval. Ms. Quintanilla stated that the applicant was required to screen the proposed overhead door for the car wash, the appraisal booth overhead door, the service bays located on the east side of the building, and the overnight parking spaces from Central Circle. She stated that the applicant had proposed a living plant screen, composed of Nellie R. Stevens Holly, to be 6' in height at the time of planting and had placed these living plant screens at various locations on the site. Ms. Quintanilla stated that it was Staff's professional opinion that the proposed locations for the living screens had been strategically placed to effectively screen the overhead doors and overnight parking spaces. She stated that the landscaping associated with the display parking area and the distance of approximately 400' from Central Circle would help reduce visibility of the overnight parking spaces as well as the service bays on the building. Ms. Quintanilla stated that Staff recommended approval of the proposed site plan and the applicant's request to use a living screen in the requested areas on site. She offered to answer questions. There were none.

Mr. Duane Ensor, Freeland & Kauffman, Inc., 507 Bennett Street, Greenville, SC, 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 McCall, seconded by Commission Member Cobbel, the Commission voted unanimously to close the public hearing and approve the site plan as conditioned in the Staff report, with a vote of 6-0-0.

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

Alternate Commission Member McReynolds, Commission Member McCall, and Chairman Cox thanked Staff for their hard work and the long hours worked.

There being no further business, Chairman Cox declared the meeting adjourned at 8:18 p.m.

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BILL COX  
Chairman