

PLANNING AND ZONING COMMISSION

FEBRUARY 14, 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, February 14, 2017 at 6:00 p.m.

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

Commission Members Absent: Cam McCall and Mark McReynolds – Alternate

Staff Present: Director of Planning Brian Lockley; Planning Manager Samantha Pickett; Planners Aaron Bloxham and Melissa Spriegel; and Administrative Assistant Terri Ramey

There were approximately 30 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 Cobbel, seconded by Vice-Chairman Zepp, to approve the following two Consent items, with a vote of 6-0-0.

**17-174 Minutes of the Planning and Zoning Commission Work
Session of January 24, 2017**

**17-175 Minutes of the Planning and Zoning Commission
Regular Meeting of January 24, 2017**

END OF CONSENT

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

**16-289Z3 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 (REQUEST TO BE TABLED)**

Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained that Staff recommends that the public hearing be closed and the item be tabled indefinitely 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 Smith, 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.

16-335Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "C3" - Regional Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Northeast Corner of Stacy Road and State Highway 121 (Sam Rayburn Tollway)

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that copies of a letter of support were distributed to the Planning and Zoning Commission prior to the meeting. Ms. Spriegel stated that there were two different zoning districts currently present on the subject property. She stated that the applicant was requesting to rezone the property to a uniform commercial zoning district and standards on the subject property. Ms. Spriegel stated that the governing zonings currently allow for commercial and industrial uses. Ms. Spriegel stated that it was Staff's opinion that the rezoning request would remain compatible with adjacent commercial uses. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

The applicant was not present to give a presentation.

Chairman Cox opened the public hearing and called for comments.

Mr. Michael Seny, 6060 N. Central Expressway, Dallas, TX, stated that he was an attorney representing Stacy Joint Venture, the property owner. He stated that he agreed with Staff's recommendation and supported the rezoning request. Mr. Seny stated that the proposed zoning on the property would help the applicant go on to the next step in the process. He offered to answer questions. There were none.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Cobbel, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request, 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 March 7, 2017.

17-006Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, to Allow for Single Family Residential Uses, Located on the Southeast Corner of Crutcher Crossing and Virginia Parkway

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled to the February 28, 2017 Planning and Zoning Commission meeting per the applicant's request. She offered to answer questions.

Chairman Cox asked why the applicant requested the item be tabled. Ms. Spriegel stated that the applicant wishes to speak to the surrounding property owners regarding the request prior to the meeting.

The applicant was not present to make a presentation.

Chairman Cox opened the public hearing and called for comments.

Mr. Joseph Noggle, 5317 Stone Brooke Crossing, McKinney, TX, asked when the applicant was planning to speak with the surrounding neighbors. Chairman Cox stated that Staff could request the information and then share the information with him.

On a motion by Commission Member Mantzey, seconded by Vice-Chairman Zepp, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request to the February 28, 2017 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 6-0-0.

16-308Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "PD" - Planned Development District, Generally for Mixed Uses Including Commercial, Retail, Office, Multi-Family Residential and Open Space, Generally Located North of the Intersection of U.S. Highway 75 (Central Expressway) and Laud Howell Parkway

Mr. Aaron Bloxham, Planner I for the City of McKinney, explained the rezoning request. He stated that a letter of support was received today and copies of it were

distributed to the Commission prior to the meeting. Additionally, Staff received a letter of opposition that was included within the packet. Mr. Bloxham stated that the Northwest Sector Study that City Council adopted in 2015 highlighted this intersection as a major retail component. He stated that the current zoning, "AG" – Agricultural District, on the subject property did not allow for retail use. Mr. Bloxham stated that the applicant was proposing a "PD" – Planned Development District to establish a form-based code to create a mixed-use regional environment on the subject property. He stated that the proposed development regulation patterns were patterned after the McKinney Town Center development regulations. Mr. Bloxham stated that the proposed "PD" – Planned Development District creates sub-districts and development standards. He stated that the standards and regulating plan help to establish how the development shifts as you move from U.S. Highway 75 (Central Expressway) which allows for more intense uses, to more of a pedestrian environment through the middle, and to a suburban development when you move out to the adjacent properties. Mr. Bloxham stated that Staff feels that the proposed development regulations and regulating plan should create an adaptive and quality regional, mixed-use environment that furthers the goals and objectives in the Comprehensive Plan. He stated that Staff recommends approval of the rezoning request and offered to answer questions.

Commission Members Zepp, Mantzey, and Smith asked how the letter of opposition, included in the packet, related to this rezoning request. Mr. Bloxham suggested that the applicant address this question.

Commission Member Cobbel stated that this was just a rezoning request and did not include a site plan or any platting. Mr. Bloxham stated that was correct and that it was just a zoning case.

Chairman Cox asked if the letter of opposition was more applicable when a site plan was being considered instead of during the rezoning portion. Mr. Bloxham stated that the applicant would be able to address these concerns. He stated that the applicant did make some changes to the regulating plan that addressed some of the concerns stated on the letter of opposition; however, some of their concerns could still apply.

Mr. Larry Good, GFF Planning, 2808 Fairmount Street, Dallas, TX, stated that they were very pleased to bring this rezoning request to the Commission. He stated that this

had been a vision of the City of McKinney for some time. Mr. Good stated that it was one of the last best places to create a highly walkable, urban, mixed-use environment of regional importance. He stated that there was a significant amount of frontage along U.S. Highway 75 (Central Expressway). Mr. Good stated that the visibility and accessibility that the highway provides, the major thoroughfare network, and the adjacency to a significant amount of open space and trail system makes this very special. He stated that they do not own all of the land in this district. Mr. Good stated that they worked with Staff to tee up the plan using best practices, creating a forward-looking master plan, and tee it up for the others that come along behind them.

Mr. Brian Moore, GFF Planning, 2808 Fairmount Street, Dallas, TX, explained the proposed rezoning request and gave a PowerPoint presentation showing images of how the development might appear when completed. He stated that this was a form-based code. Mr. Moore stated that they worked closely with City Staff over the past nine months. He stated that their team was present at the meeting to answer questions.

Commission Member Mantzey asked Mr. Moore if he was aware of the letter of opposition. Mr. Moore said yes. Commission Member Mantzey how the Commission should take the concerns noted in this letter of opposition. Mr. Moore stated that the regulating plan speaks to the access points from the piece of property that the Wilson District is not a part of. He stated that at one point they had access points that were transitioning from Trinity Falls Parkway and from Laud Howell Parkway into the property. Mr. Moore stated that they were making assumptions on access points that they do not control. He stated that City Staff acknowledged that they could not dictate certain elements within the form-based code when they do not control those elements. Mr. Moore stated that it was pretty obvious where the access points would be located along Trinity Falls Parkway and Laud Howell Parkway. He stated that it seems logical that there would be a median break at certain strategic locations, and based the access points on this information. Mr. Moore stated that the letter of opposition was addressing that they were showing access points that were crossing over onto their property. He stated that they were acknowledging that those access points were not a part of this project.

Vice-Chairman Zepp asked Mr. Moore if the development was contingent upon those three access points. Mr. Moore stated that they have a sufficient number of access

points that do not include those three access points. He pointed out the other access points that they do have on the property.

Commission Member Smith stated that she did not see where Staff provided a revised regulating plan that removed those three access points. She asked if there were any other zoning documents that show the proposed off-site access.

Chairman Cox asked Mr. Moore if he read the Staff report and was in agreement with Staff's recommendations. Mr. Moore said yes and stated that they concur with Staff's recommendations.

Chairman Cox opened the public hearing and called for comments.

Ms. Melissa Lundelow; Shupe Ventura, PLLC; 500 Main Street; Ft. Worth, TX; stated that she represented the adjacent property owner (Central & Fannin Wilson 155, LLLP) to the east and had submitted the letter of opposition. She stated that when they received copies of the proposed "PD" – Planned Development District they noticed that there were off-site access points running through their property. Ms. Lundelow stated that they spoke with City Staff regarding their concerns about the access shown on their property. She stated that Staff work with them on it and the applicant promptly removed it. Ms. Lundelow stated that they still have concerns since the regulating plan assumes and implies that access will continue on to their property. She asked what other purpose the proposed roads would have if they just terminated on their property line. Ms. Lundelow stated that they have concerns that there is implied access at those points and might create issues in the future. She asked if the proposed plan was approved, if Staff would try to force them to grant access to the subject property if they develop prior to them developing their adjacent property. Ms. Lundelow stated that the applicant may already be satisfying the minimum number of access points at other locations; however, she questioned if they would have dead-end roads or drives at their property boundary. She stated that they were in discussions with the property owner to try to sort out these issues. Ms. Lundelow stated that it would be in everybody's benefit if they work it out. She stated that their property was located in the City's ETJ (Extraterritorial Jurisdiction) under a development agreement. Ms. Lundelow stated that when they negotiated that development agreement with the City, the City was adamantly opposed to any multi-family residential uses at this location. She stated that they were surprised to see that

now Staff was in support of multi-family residential zoning for the subject property next door to them. Ms. Lundelow stated that the proposed multi-family residential uses would be along their property line. She stated that if multi-family residential uses were approved at this location then they should meet all of the multi-family residential design standards and amenity requirements that are listed in the general Zoning Ordinance. Ms. Lundelow stated that might be the intent of the "PD" – Planned Development District; however, she felt it is was still unclear. She stated that they would like to see some more controls on the multi-family residential component, especially since it was located next door to their property. Ms. Lundelow suggested doing an "SUP" – Specific Use Permit requirement. She requested that the whole project will go through the general McKinney site plan and facade plan processes that apply to all multi-family residential and commercial projects. Ms. Lundelow stated that under their development agreement, they were limited to 180' in height with a staggered height limit of 90' within 150' of any roadway, since Staff wanted them to stair step a project and not have a big presence with a tall building on the right-of-way. She stated that in contrast, their project was proposed at 270' up to setbacks. Ms. Lundelow stated that she would like some attention paid to that as well.

Commission Member Smith asked how long ago Staff spoke in opposition to multi-family residential in this area. Ms. Lundelow stated that it was approximately five years ago. She stated that she did not have the development agreement in front of her to say for sure. Ms. Lundelow stated that there was adamant opposition for any kind of residential uses at that time.

Chairman Cox asked Mr. Bloxham to show on a diagram where the three access points in question had been removed. Mr. Bloxham stated that there had been some dash lines on the previous Proposed Regulating Plan that showed where a potential roadway might continue onto the other property. He stated that it was not uncommon for a development to show stub-outs to adjacent properties. Mr. Bloxham stated that there were regulations within the development regulations that allows for minor adjustments without having to go back before the Planning and Zoning Commission or City Council for approval to realign some of the proposed roads. He stated that the development agreement with the adjacent property was done in 2013. Mr. Bloxham stated that at that time this whole area showed to be for office uses on the City's Comprehensive Plan. He

stated that at that time the City was not looking to have any type of multi-family residential uses at this location. Mr. Bloxham stated that was why Staff made that recommendation at that time. He stated that since then, Staff had worked on the Northwest Sector Study, which helped change Staff's position on the development for this area.

Commission Member Cobbel asked if the development agreement on the adjacent property spelled out that they could not have multi-family residential uses on their property or that they would have to go through the zoning process. Mr. Bloxham stated that he was unsure on the specifics of that development agreement.

Commission Member Mantzey asked if the allowable uses were a considerable change of what the adjacent neighbor thought could be developed in this area. Mr. Bloxham stated that multi-family residential uses were not being considered acceptable in this area at that time. He stated that there had been a change since the development agreement was done back in 2013.

Mr. Bloxham stated that any development regulations not listed fall back on the City's Zoning Ordinance. He stated that the City has a vertical mixed-use portion of the multi-family architectural standards.

Mr. Roy Wilshire, Kimley-Horn and Associates, 12750 Merit Drive, Dallas, TX, stated that he also represented the applicant. He discussed the proposed access points for the development. Mr. Wilshire stated that one of the access points ties into an existing driveway that connects to Trinity Falls Parkway. He stated that this access point was not located on the property that Ms. Lindelow represents. Mr. Wilshire stated that the connection to the west shown on the Proposed Regulating Plan ties into a road shown on the adjacent property's development plan. He stated that there had been discussion between the property owners on how to make that happen. Mr. Wilshire stated that they had arranged for a hooded south bound left turn into the subject property, in case the other access was delayed or did not happen. He stated that they felt the access to the property had been accounted for properly. Mr. Wilshire stated that they felt there was an opportunity for both parties to benefit from a great connection with signal lights and access from the adjacent property.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Smith, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Vice-Chairman Zepp wanted to clarify that this was only a rezoning request and the Proposed Regulating Plan was not being included. Mr. Bloxham stated that this was a rezoning request; however, the Proposed Regulating Plan was also being adopted that lays out a potential street network and sub-districts.

Vice-Chairman Zepp asked if the Proposed Regulating Plan would show that certain pieces of property were for specific types of development. Mr. Bloxham stated that they were breaking up the properties to show certain uses allowed for each section shown on the Proposed Regulating Plan, instead of rezoning the whole property for certain uses. He stated that this was not uncommon for a "PD" – Planned Development District.

Commission Member Cobbel asked if you could move the sections around on the subject property as long as the basic acreages remained the same. Mr. Bloxham said yes, that there are minor modifications allowed through the development regulations that allow shifting in some of these districts.

Commission Member Cobbel asked if these minor modifications could be approved at the Staff level. Mr. Bloxham said yes.

Commission Member Smith asked if major modifications would need to come back before the Planning and Zoning Commission and City Council for approval. Mr. Bloxham said yes.

Vice-Chairman Zepp asked if there were any development standards or architectural standards defined in this rezoning request. Mr. Bloxham stated that they do have some architectural standards in this document. He stated that they relate more or less to the commercial developments. Mr. Bloxham stated that anything else would fall back on the City's Zoning Ordinance.

Vice-Chairman Zepp wanted to clarify that they were being asked to approve the Proposed Regulating Plan that was included in the packet. Mr. Bloxham said yes.

Commission Member Cobbel asked if the Proposed Regulating Plan matched what the applicant showed in his presentation. Vice-Chairman Zepp stated that it was slightly different. Mr. Bloxham stated that they showed an illustrative conceptual plan with buildings on it. Commission Member Cobbel asked if the roads were shown at the same

locations during their presentation. Mr. Bloxham stated that it was the same basic framework.

Vice-Chairman Zepp stated that he wanted to make sure that we were not encumbering another property owners rights with approving this request. He stated that we could approve the existing plan and exhibit, with the knowledge that they could live without those access points if it comes to that. Mr. Bloxham said yes.

Vice-Chairman Zepp asked if the height restrictions set for the adjacent property were based on old data as well. Mr. Bloxham stated that it was based on their planned development that they negotiated as part of their development agreement. Vice-Chairman Zepp asked when the negotiation was held. Mr. Bloxham stated that it was back in 2013. Vice-Chairman Zepp asked if the adjacent property owner could reapply to have the height restrictions changed on their property without having basic objections from Staff. Mr. Bloxham stated that might be possible.

Commission Member Smith asked if the Northwest Sector was currently at 7.72% multi-family residential uses and the target was 10%. Mr. Bloxham stated that was what he thought was listed in the Staff report. Commission Member Smith asked how the potential multi-family residential uses in this development would change the total multi-family percentage in the Northwest Sector. Mr. Bloxham stated that he had not done that calculation; however, he believed that it would still be below that percentage due to the large acreage of the area. Commission Member Smith asked for clarification on whether or not the City was tied to the 10% in the Northwest Sector and if the adjacent property owner might be allowed to build a multi-family residential development. Ms. Pickett stated that when it is vertical mixed-use it does not count towards the Multi-Family Policy percentage. She stated that if someone in the area came in to rezone to traditional a multi-family residential development, then there would still be available room to do so.

Chairman Cox asked the applicant if he wished to add anything to the consideration of the access points. Mr. Moore stated that they did not feel that major alterations needed to be made on the Proposed Regulating Plan when it comes to the location of some of the stubs. He stated that we have a good idea of where the median breaks would be located. Mr. Moore stated that they did not feel that they needed to remove certain drives within the property.

Vice-Chairman Zepp stated that he felt in general it was an excellent development. He stated that he did not want to forcibly, by this request or pressure later by how the subject property develops, encumber someone else's property against their will. Vice-Chairman Zepp stated that it would be like eminent domain if that happens. He stated that this was a big concern of his, since the other property owner has raised concerns about how this request could affect their property. Vice-Chairman Zepp stated that as long as he could be assured that would not happen, then he would be willing to vote in favor of this request.

Commission Member Cobbel asked Staff if they saw this as binding the adjacent property owner, specifically regarding to the two roads. Mr. Bloxham stated that he did not believe that it would necessarily could bind them; however, it could. He stated that a lot of times on a site plan they show stub outs to adjacent properties. Mr. Bloxham stated that the adjacent properties do not necessarily have to follow them. He stated that here they were trying to show on the Proposed Regulating Plan that they were trying to show the possible connectivity. Mr. Bloxham stated that the applicant was trying to work with the adjacent property owners to provide access points.

Chairman Cox stated that this is an important part of McKinney and one of the last large tracts of land that we have a hand in developing. He stated that he felt that the two property owners would be able to work through any outstanding questions. Chairman Cox stated that it was too important of an area for someone to control it when there is another person aware of the situation. He stated that he felt it would be a great development.

Commission Member Smith stated that she liked the concept and proximity to U.S. Highway 75 (Central Expressway). She felt that communication between the property owners would work out the details. Commission Member Smith stated that by the time a site plan was submitted, these details would be resolved.

On a motion by Commission Member Cobbel, seconded by Commission Member Smith, the Commission unanimously voted to recommend approval of the rezoning request 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 March 7, 2017.

17-008Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "SO" - Suburban Office District, Located at 1720 West Virginia Street

Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the rezoning request. She stated that the current zoning on the property follows the space limits of the old "O-1" – Neighborhood Office District. Ms. Pickett stated that the constraints of these space limits and the fact that the surrounding properties were built out and encroach onto this property make it difficult to develop to property. She stated that the applicant was requesting to rezoning to a newer, more updated zoning district. Ms. Pickett stated that Staff recommends approval of the requested rezoning request and offered to answer questions. There were none.

Mr. Jon David Cross, Cross Engineering Consultants, 131 S. Tennessee Street, McKinney, TX, stated that he was the applicant and owner of the property. He explained the rezoning request and briefly explained his plans to build a new office for his business on the subject property. Mr. Cross stated that the zoning allows for 5,000 square feet of development; however, there was a 30-foot wide gas easement on the property. He stated that there were also some other issues that made it impossible to get to the 5,000-square-foot development on the subject property. Mr. Cross stated that he concurred with the Staff report. He asked for the Commission's approval of the rezoning request and offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Commission Member Cobbel, the Commission unanimously voted to close the public hearing and recommend approval of the rezoning request 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 March 7, 2017.

16-379SP/FR Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan and Facade Plan Appeal for a Grocery Store, Located on the Northwest Corner of Virginia Parkway and Custer Road

Ms. Melissa Spriegel, Planner I for the City of McKinney, stated that a revised Staff report was distributed to the Planning and Zoning Commission prior to the meeting. She

explained the proposed site plan and facade plan appeal for a grocery store. Ms. Spiegel stated that typically site plans and building elevations for the subject property could be approved by Staff; however, since the applicant was requesting variances and a facade plan appeal the site plan and elevations must be approved by the Planning and Zoning Commission. She stated that the applicant was requesting the approval of several variances. Ms. Spiegel stated that these variances were for the proposed loading docks and associated loading spaces to be located 117 feet from single-family residential uses instead of the required 200 feet, to allow these spaces to be oriented toward street frontage (Virginia Parkway), to utilize a living screen to screen the loading docks and associated spaces from view of public right-of-way (Virginia Parkway), and to waive the required screening along the western property line where adjacent to single-family residential uses due to the proposed 7' 10" retaining wall located to the west of the main building, all of which must be considered by the Planning and Zoning Commission. She stated that given the location of the site, at the intersection of two arterials (Virginia Parkway and Custer Road), Staff understands the difficulty of locating the docks in such a way that they would not be oriented towards right-of-way. Ms. Spiegel stated that Staff feels that the living screen will provide adequate screening of the loading docks. She stated that Staff was of the opinion that the retaining wall will serve as adequate screening between the retail use and the adjacent single-family residential uses. Ms. Spiegel stated that there was currently fencing along the surrounding residential properties. She stated that there would be about 30 feet between the proposed retaining wall and the property line. Ms. Spiegel stated that there would be a landscape buffer located within this 30 feet of space. She stated that the applicant was also requesting a facade plan appeal to utilize a glass curtain wall in lieu of masonry as the primary finishing material on the east elevation facing Custer Road. Ms. Spiegel stated that all non-residential uses in non-industrial districts require at least 50% of each elevation to be covered with a masonry finishing material. She stated that the applicant was proposing an innovative modern architectural design with significant use of glass as the primary exterior finishing material on the east elevation (75% glass curtain wall). Ms. Spiegel stated that the use of glass, unique curved roofline, varying brick colors, and metal capping on the building help to create a modern and innovative design. She stated that Staff recommended

approval of the proposed site plan, and facade plan appeal as conditioned in the Staff report. She offered to answer questions.

Commission Member Mantzey had questions regarding the retaining wall. Ms. Spiegel stated that the proposed retaining wall would be located along the west side of the building.

Commission Member Mantzey asked if the proposed grocery store would sit lower on the property than the surrounding residential properties. Ms. Spiegel said yes, due to the grading of the property. She stated that the proposed screening wall would not be able to screen the entire development due to the grading differences.

Vice-Chairman Zepp asked about the grade differential between the surrounding residential properties and the subject property. Ms. Spiegel deferred the question to the applicant.

Mr. Kevin Gaskey, 12750 Merit Drive, Dallas, TX, briefly explained the proposed site plan and facade plan appeal. He stated that there was an approximate 13-foot difference in the grade of the residential homes and the finished floor of the grocery store. Mr. Gaskey stated that from west to east: the residential properties have a 6' tall wooden fence along their back property lines, then there would be a 30' landscape buffer with trees, then an approximate 8' retaining wall, the enclosed loading dock with the doors facing Virginia, and then the store. He offered to answer questions.

Commission Member Mantzey asked why the store could not be oriented with the loading docks facing north away from Virginia. Mr. Gaskey stated that there were some constraints on the property. He stated that there was a 50' Atmos Gas easement that hindered putting trees in the landscape buffer. Mr. Gaskey stated that pushing the building further east would eliminate some of the parking and then they would not meet the parking requirement. He stated that there were only certain ways that they could rotate the building footprint on the property and make it work. Mr. Gaskey stated that if they tried to rotate the building facing south, then the loading dock would be facing the residential properties and they would not have enough space on the property to make the development work. He stated that they were trying to avoid having the loading docks facing the surrounding residential properties. Mr. Gaskey stated that an Arby's was being

developed north of the subject property; therefore, they did not have access to that property.

Commission Member Mantzey asked if parking could be located in the back of the store to allow the building to be located closer to Custer Road. Mr. Gaskey stated that the grocery store does not allow customers to park behind their building.

Commission Member Mantzey asked if they were requesting a waiver on the required screening wall. Ms. Spiegel stated that the applicant was requesting to waive the screening wall to be located on the property line next to the surrounding residential properties.

Chairman Cox opened the public hearing and called for comments.

Mr. Lloyd Carr, 300 Hopewell Drive, McKinney, TX, turned in a speaker's card in favor of the request; however, he did not speak during the meeting on this item.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Cobbel, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Commission Member Mantzey stated that he had concerns with this number of variances located next to residential uses. He stated that the applicant was requesting to get rid of the screening wall between the facility and residential properties. Commission Member Mantzey stated that the applicant was unwilling to allow parking in the back, so it pushed the building closer than the normal 200', moving the loading dock closer to the residential properties and facing Virginia Parkway. He stated that it seemed like a lot of variances connected to homes and the neighboring area.

Vice-Chairman Zepp asked what the normal height of the screening wall would be required. Commission Member Mantzey stated that he believes the screening wall would be 7'.

Vice-Chairman Zepp suggested planting additional trees to help with the screening issues.

Commission Member Mantzey asked if the screening fence would not normally be above the retaining wall between a commercial building and surrounding residential properties. Commission Member Cobbel also asked if a 7' screening fence could be located on top of the retaining wall. Ms. Spiegel said no, that the screening fence would normally be located on the property line. Ms. Samantha Pickett, Planning Manager for

the City of McKinney, stated that depending on the situation an applicant might move the screening fence back on the property when the surrounding property owners have fences on their property lines to allow access to that area of property to mow, et cetera. She stated that the view from the surrounding property owners would be the same regardless if there was another wall located in this area of the subject property, since the fences would be the same height at the grade differential.

Vice-Chairman Zepp noted that there was an existing fence and proposed trees directly adjacent to the single family residential properties, and felt the proposed screening was adequate. He liked the proposed facade and felt it was unique. Vice-Chairman Zepp stated that the proposed loading docks were below ground level, which would help with the noise level. He stated that he did not have concerns regarding the screening or facade.

Commission Member Cobbel stated that the proposed facade looked modern.

Commission Member Mantzey stated that the Commission seems to run into a number of grocery stores pushing the 200' distance requirement for loading docks. He questioned if we need the requirement, since applicants keep asking for variances on it. Commission Member Mantzey questioned its purpose. He stated that there was a reason that it was required at one point and questioned why we keep breaking it.

Vice-Chairman Zepp stated that sometimes it is a good ideal to have 200'; however, we also need to see what the site dictates. He stated that if the surrounding residential properties and the subject property were on the same level, then he might feel differently.

Commission Member Smith asked if the 200' requirement was recently approved. Ms. Pickett stated that it had been in place for at least five years. Commission Member Smith asked about the prior standard. Ms. Pickett offered to research into this further and would follow up with the Commission.

Chairman Cox stated that he understood not having customers park in the back of the store. He stated that the site lays out pretty well considering the constraints of the gas easement and grade separation.

Commission Member Smith stated that she would be interested in learning why we have the 200' requirement in place, if it is hindering normal development, what the

prior requirement was, and if City Council might be interesting in looking into this possible issue. She stated that if we are seeing something reoccurring of this nature, then she would like to see us make a firm decision and back away from granting variances or alter the ordinances to address the issue. Ms. Pickett stated that Staff could prepare an information sharing item for the next meeting to address some of these questions.

On a motion by Vice-Chairman Zepp, seconded by Commission Member Cobbel, the Commission unanimously voted to approve the site plan request and facade plan appeal, with a vote of 6-0-0.

16-363MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 5R3, 6R3 and 7, Block B, of Bray Central Two Addition, Located on the Northwest Corner of Central Circle and Redbud Boulevard

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed minor replat. She stated that the proposed minor replat, generally for industrial and office uses, had met all of the requirements of the Subdivision Ordinance. Ms. Spriegel stated that Staff was recommending approval of the proposed minor replat and offered to answer questions. There were none.

The applicant was not present to make a presentation.

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

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed minor replat.

16-376MRP Conduct a Public Hearing to Consider/Discuss/Act on Minor Replat for Lots 1R and 5, Block A, of the Skyline/380 Addition, Located at the Northwest Corner of Skyline Drive and U.S. Highway 380 (University Drive)

Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the proposed minor replat. She stated that the proposed minor replat replatted the property from one lot into two lots for commercial uses and had met all of the requirements of the Subdivision Ordinance. Ms. Pickett stated that a site plan had been submitted for one of the lots for a car wash. She stated that Staff was recommending approval of the proposed minor replat and offered to answer questions. There were none.

Mr. Steven Homeyer, Homeyer Engineering, Inc., 206 Elm Street, Lewisville, TX, offered to answer questions.

Chairman Cox asked if Mr. Homeyer if he was in agreement with the conditions listed in the Staff report. Mr. Homeyer said yes.

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

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for the proposed minor replat.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

There being no further business, Chairman Cox declared the meeting adjourned at 7:20 p.m.

BILL COX
Chairman