

PLANNING AND ZONING COMMISSION

MAY 9, 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, May 9, 2017 at 6:00 p.m.

City Council Present: Travis Ussery and Chuck Branch

Commission Members Present: Janet Cobbel, Brian Mantzey, Mark McReynolds, Bill Cox, Eric Zepp, Cameron McCall, Pamela Smith

Commission Member Absent: Deanna Kuykendall

Staff Present: Director of Planning Brian Lockley, Planners Danielle Quintanilla and Melissa Spriegel, and Administrative Assistant Terri Ramey

There were approximately 20 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 Commission Member Smith, to approve the following three Consent items, with a vote of 7-0-0.

**17-473 Minutes of the Planning and Zoning Commission
Regular Meeting of April 25, 2017**

**17-095PF Consider/Discuss/Act on a Preliminary-Final Plat for
Lot 6R, Block A, of Custer's Bobos Addition, Located
Approximately 180 Feet West of Custer Road and
Approximately 300 Feet North of Virginia Parkway**

**17-097PF Consider/Discuss/Act on a Preliminary-Final Plat for
Lot 1, Block A and Lot 1, Block B, of Continental 398
Fund Addition, Located on the Northeast Corner of
Ridge Road and Stacy Road**

END OF CONSENT

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

**17-099SUP Conduct a Public Hearing to Consider/Discuss/Act on a
Specific Use Permit Request for a Personal Service
(Pamper Me Salon Spa Studios), Located on the
Southwest Corner of Collin McKinney Parkway and
Piper Glen Road (REQUEST TO BE TABLED)**

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 May 23, 2017 Planning and Zoning Commission meeting due to public notification signs not being posted on the subject property within the timeframe required by the Zoning Ordinance. She 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 Cobbel, seconded by Commission Member Mantzey, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request to the May 23, 2017 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

17-066Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "LI" - Light Industrial District, Located Approximately 8,625 Feet East of Airport Drive and on the South Side of U.S. Highway 380 (University Drive)

Ms. Melissa Spriegel, Planner for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 15.00 acres of land from "AG" – Agricultural District to "LI" – Light Industrial District. Ms. Spriegel stated that currently the Future Land Use Plan (FLUP) designates the property for industrial uses. She stated that the properties located west and south of the subject property are zoned for similar industrial uses, the property located to the east is zoned for agricultural uses, and the properties to the north are located within the City's Extraterritorial Jurisdiction (ETJ). Ms. Spriegel stated that given the frontage on U.S. Highway 380 (University Drive) and the surrounding industrial uses, it is Staff's opinion that the rezoning request will compliment and remain compatible with the existing and future land uses. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

Ms. Marcella Olson; Pope, Hardwicke, Christie, Schell, Kelly & Taplett, LLP; 500 W. 7th Street; Fort Worth, TX; stated that she concurred with the Staff Report. She stated that the subject property has construction landfills on two sides. Ms. Olson stated that U.S. Highway 380 (University Drive) bordered one side. She stated that there are several automotive uses north of the subject property. Ms. Olson stated that she believes that an

industrial use is appropriate for this location based on the Comprehensive Plan and the surrounding land uses. She requested approval of the proposed rezoning request.

Commission Member Smith asked if she knew what the ultimate use would be on the subject property if it is rezoned to "LI" – Light Industrial District. Ms. Olson stated that her client is the property owner and is preparing the land to sell. She stated that her client would not be the developer. Ms. Olson stated that there was potential interest in the property by a buyer interested in developing mini-warehouses. She stated that if that sale does not go through, her client still wants to rezone the property to an industrial zone. Ms. Olson stated that her client felt that an industrial use was the most appropriate use for the property and rezoning would help with selling of the property.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on May 16, 2017.

17-090SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Club, (The Paddock), Located at 119 South Tennessee Street

Mr. Brian Lockley, Director of Planning for the City of McKinney, explained the proposed specific use permit. He stated that the applicant was requesting a proposed restaurant located at 119 S. Tennessee Street (The Paddock) which would operate as a Private Club. Mr. Lockley stated that a Private Club allows for a larger percentage (65%) of the sales receipts from the sale of alcohol than a typical Mixed Beverage Permit (which allows 50%). He stated that if the requested specific use permit is approved and issued to the applicant, the applicant must then apply for and receive the necessary alcohol permits from the City of McKinney and the Texas Alcoholic Beverage Commission (TABC) before selling any alcohol on the premises. Mr. Lockley stated that the property is zoned "MTC" – McKinney Town Center Zoning District, which requires that a specific use permit be granted in order for a Private Club to operate on the subject property. He stated that the specific use permit requires that the premises contain a minimum of fifty (50) dining seats and a minimum of six hundred (600) square feet of dining area. Mr.

Lockley stated that the proposed floor plan provides for 51 seats with approximately 871 square foot dining area, thus satisfying the minimum space requirements for a private club. He stated that they were also proposing a retail component. Mr. Lockley stated that there were some location criteria associated with this specific use permit. He stated that a private club shall be prohibited within three hundred (300) feet of the property line of any church, public or parochial school, hospital, extended care facility, or publically owned park. He stated the proposed use meets this requirement. Mr. Lockley offered to answer questions.

Commission Member Mantzey asked if the proposed second floor would be an office use. Mr. Lockley deferred that question to the applicant to answer.

Commission Member McCall asked if there was a second floor proposed. Mr. Lockley said yes; however, he was unsure of the proposed uses for it.

Mr. Wes Hoblit, 900 Jackson Street, Dallas, TX, stated that the proposed upstairs would strictly be office uses.

Commission Member Mantzey asked if the office space would be leased or used by the restaurant owner. Mr. Hoblit stated that the owner plans to use the office space to conduct business.

Chairman Cox asked how they propose to get the two Jeeps inside the building. Mr. Hoblit stated that they plan to install a sliding door off of Cloyd Street with a small ramp to allow access to exchange the vehicles out about once or twice every couple of months. He stated that the vehicles would be there for show.

Chairman Cox asked if the vehicles would come in and out of the north side of the building. Mr. Hoblit said yes. He stated that they would try to exchange the vehicles when it would cause the least amount of traffic issues.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Zepp, seconded by Commission Member Smith, 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 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on June 6, 2017.

**16-288SP Conduct a Public Hearing to Consider/Discuss/Act on a
Site Plan for a Park (Timber Creek Outdoor Learning
Center), Located on the Southwest Corner of Holley
Ridge Way and Hardin Boulevard**

Ms. Melissa Spriegel, Planner for the City of McKinney, explained the proposed site plan. She stated that the site plan for the subject property is for an approximately 11.32 acre park. Ms. Spriegel stated that site plans can typically be approved by Staff; however, the applicant is requesting approval to utilize a living plant screen, which must be approved by the Planning and Zoning Commission. She stated that the applicant is requesting to utilize a living plant screen (composed of both Foster Holly and Nellie R. Stevens Holly), located along the western property line where adjacent to single family residential uses. Ms. Spriegel stated that Staff is of the opinion that the proposed location for the living plant screen, as well as the existing vegetation on site, will effectively screen and serve as a buffer between the built improvements on site and the adjacent residential subdivision. She stated that Staff recommends approval of the applicant's request to use living plant screens in the requested areas on site and offered to answer questions. There were none.

Ms. Kirsten Stubbs, Studio 13 Design Group, 386 W. Main Street, Lewisville, TX, stated that she concurred with the Staff Report and offered to answer questions.

Commission Member Smith stated that the letter of intent stated that the nature walk would be mainly for the students at the adjacent school; however, it would be open for public use as well. She asked Ms. Stubbs to elaborate on it. Ms. Stubbs stated that it would be mainly for the students to come for field trips. She stated that the public would be able to use the nature walk as well.

Commission Member Smith asked if it could be used any time of day. Ms. Stubbs stated that it would be mainly during the day.

Commission Member Smith asked if it would be closed off after hours. Ms. Stubbs said yes.

Chairman Cox opened the public hearing and called for comments.

Mr. Richard Insinna, 3808 Valachian Circle, McKinney, TX, stated that he had a corner lot and would have approximately 200 feet of property line along the proposed living plant screen on the subject property. He stated that they moved into their new

house approximately eight months ago and had enjoyed the peace and quiet there. Mr. Insinna stated that he was in favor of the proposed park and felt the project looked beautiful. He expressed some concerns about the park entrance being so close to his property. Mr. Insinna stated that they occasionally hear teenagers on the property at night. He asked about the hours of operation, access to the park, lighting, who would be responsible for the upkeep of the park, who would be responsible for closing the park at night, would there be signage listing the hours of operation, and how he could be kept in the loop of the progress of the park. Mr. Insinna stated that he was raising a family there. He stated that he did not want to be bothered while he was sleeping due to activities at the park.

Ms. Deborah Maicach, 3712 Valachian Circle, McKinney, TX, stated that she would have approximately 170 feet of property line along the subject property. She asked that more information be shared about the proposed living plant screen. Ms. Maicach stated that she hoped that the trees in the creek bed will remain. She stated that she was also in favor of the project. Ms. Maicach stated that this would be the least of all evil that could go in behind their property. She asked if there would be a playground and if there would be tall lights similar to ones at a football field at the park. Ms. Maicach asked to be kept apprised of the progress of the park's plans.

Mr. Kenneth Hall, 3101 Wiltshire Horn Avenue, McKinney, TX, stated that his property would be adjacent to the retaining pond. He asked how close the park would extend over to the retaining pond. Mr. Hall expressed concerns about the lighting and the proposed outdoor learning center at the park. He stated that he liked the idea of having a park on the subject property.

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

Ms. Stubbs stated that the yellow area shown on the proposed site plan was the living screen and not the point of access to the park. She stated that there would be evergreen shrubs, composed of two types of holly planted, which would create a living screen instead of having a wall located in this area. Ms. Stubbs stated that the path would meander through the park back to the retaining pond. She stated that there would be

signage. Ms. Stubbs stated that they had not determined what type of lighting would be used at this time; however, it would likely be path lighting and there would not be any high intensity lights.

Chairman Cox asked about the height of the lights along the path. Ms. Stubbs stated that the path lights might be approximately two feet tall. She did not think that the path lights would go all the way back.

Alternate Commission Member McReynolds asked if it would be an open park. Mr. Stubbs said yes.

Commission Member Mantzey asked about the changes proposed to the current landscape. Ms. Stubbs stated that they hope to keep the property as natural as possible. She stated that the path would go around the existing trees on the property. Ms. Stubbs stated that the only major disturbance would be at the retaining pond.

Alternate Commission Member McReynolds asked if the entrance would be approximately 250 – 300 feet away from the property line. Ms. Stubbs said yes.

Ms. Stubbs stated that they currently do not plan to have a gate around the whole park.

Chairman Cox asked about the hours of operation and who was responsible for the locking and unlocking of the park. Ms. Stubbs stated that would need to be coordinated with the City of McKinney Parks Department. Chairman Cox asked if the City would maintain the park. Ms. Stubbs stated yes.

Chairman Cox stated that there appear to be other residents with questions on this request. He asked Staff to work with the applicant and the surrounding property owners to get answers to their questions.

Alternate Commission Member McReynolds stated that the surrounding residents could contact the City of McKinney Police Department if they had concerns about activity going on after hours at the park.

Vice-Chairman Zepp asked Ms. Stubbs if their intention was to leave as many of the trees as possible on the subject property. Ms. Stubbs said yes. Vice-Chairman Zepp stated that it appeared that they were planning to put a path along an existing grove of trees and asked if this was correct. Ms. Stubbs said yes.

Alternate Commission Member McReynolds asked if the pond was currently located on the property. Ms. Stubbs said no. She stated that there is a creek running through the property and they would be expanding the creek on the property.

Commission Member McCall wanted to clarify that the path would not go around the retaining pond. Ms. Stubbs stated that was correct. She stated that the grading around the pond prevented it.

Commission Member Smith asked how after hour disturbances would be addressed. Ms. Spriegel stated that the park would be dedicated to the City of McKinney Parks Department. She stated that the Parks Department would be responsible for the hours of operation and opening and closing the park. Ms. Spriegel stated that if there was a complaint after normal business hours that surrounding property owners could call the City of McKinney Police Department to have an officer address the disturbance. Mr. Brian Lockley, Director of Planning for the City of McKinney, stated that the park would be operated similar to other City parks, except this park will have a learning component in conjunction with McKinney Independent School District (MISD). He stated that there would not be ballfields located at this park. Mr. Lockley stated that it would be more passive. He stated that the path would go through the park to provide educational opportunities for the children.

Commission Member Smith asked if the Parks Department would be maintaining the park. Mr. Lockley said yes.

Chairman Cox stated that once the park is completed it would be donated to the City of McKinney. He wanted to clarify that they would maintain and operate it. Ms. Spriegel said yes.

Chairman Cox wanted to clarify that the Parks Department or Police Department could address complaints. Ms. Spriegel said yes.

Ms. Stubbs stated that once school starts they will hold field trips out to the park to observe nature. She stated that they could go down to the pond and creek area to see various flora and fauna, and learn about nature conversation, et cetera. Ms. Stubbs stated that the intent is to start students learning at an early age.

Commission Member Cobbel stated that the Staff Report stated that they would have to follow the City's lighting ordinances. Chairman Cox stated that it sounds like they were planning to use low path lighting opposed to stadium lighting.

On a motion by Commission Member Mantzey, seconded by Alternate Commission Member McReynolds, the Commission unanimously approved the proposed site plan as conditioned in the Staff Report, with a vote of 7-0-0.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

There being no further business, Chairman Cox declared the meeting adjourned at 6:35 p.m.

BILL COX
Chairman