

## **PLANNING AND ZONING COMMISSION**

**SEPTEMBER 12, 2017**

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Jack Hatchell Collin County Administration Building – Commissioners Court – 4<sup>th</sup> Floor at 2300 Bloomdale Road on Tuesday, September 12, 2017 at 6:00 p.m.

City Council Present: Chuck Branch and Charlie Philips

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

Staff Present: Director of Planning Brian Lockley, Planners Danielle Quintanilla and David Soto, 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 McCall, seconded by Vice-Chairman Zepp, to approve the following Consent item, with a vote of 7-0-0.

**17-895 Minutes of the Planning and Zoning Commission  
Regular Meeting of August 22, 2017**

**17-194CVP Consider/Discuss/Act on a Conveyance Plat for Lots 2R  
and 6, Block A, of Collin McKinney Commercial  
Addition, Located on the Southeast Corner of Collin  
McKinney Parkway and Piper Glen Road**

**17-205CVP Consider/Discuss/Act on a Conveyance Plat for Lot 1,  
Block A and Lot 1, Block B, of Continental 398 Fund  
Addition and Silverton Road Right-of-Way Dedication,  
Located on the Northeast Corner of Ridge Road and  
Stacy Road**

**17-216PF Consider/Discuss/Act on a Preliminary-Final Plat for  
Lot 1, Block A, of HSW Addition, Located  
Approximately 1,955 Feet East of Redbud Boulevard  
and on the North Side of Wilmeth Road**

**17-199PF Consider/Discuss/Act on a Preliminary-Final Plat for  
Lot 5, Block A, of Custer's Bobos Addition, Located on  
the Northwest Corner of Virginia Parkway and Custer  
Road**

## END OF CONSENT

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

**17-136Z      Conduct a Public Hearing to Consider/Discuss/Act on a rezoning from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Northwest Corner of Grassmere Land and Highway 380 (University Drive) (REQUEST TO BE TABLED)**

Mr. Brian Lockley, Director of Planning for the City of McKinney, explained that Staff recommends that the public hearing be continued and the item be tabled to the September 26, 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. 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 McCall, seconded by Commission Member Smith, the Commission voted unanimously to continue the public hearing and table the proposed rezoning request to the September 26, 2017 Planning and Zoning Commission meeting as recommended by Staff, with a vote of 7-0-0.

**17-061SP      Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Multi-Family Development (Springs of McKinney), Located on the Northeast Corner of Ridge Road and Stacy Road**

Mr. Brian Lockley, Director of Planning for the City of McKinney, explained the proposed site plan request. He stated that the applicant proposed to construct approximately 274,000 square foot multi-family development (Springs of McKinney) located at the northeast corner of Ridge Road and Stacy Road. Mr. Lockley stated that site plans could typically be approved by Staff; however, the applicant was requesting approval to utilize a living screen to screen the mechanical, heating, and air conditioning equipment from view of public right-of-way and adjacent residential properties, which must be considered by the Planning and Zoning Commission. He briefly explained that the applicant was required to screen the proposed mechanical, heating, and air conditioning equipment with either an approved screening device or a living plant screen with approval of the Planning and Zoning Commission. Mr. Lockley briefly discussed the

landscape plan and screening exhibit submitted for this development. He stated that the applicant was proposing a living plant screen to screen the mechanical, heating, and air conditioning equipment from view of public right-of-way and adjacent residential properties to the east. Mr. Lockley stated that the Zoning Ordinance stated that a variance to the required screening may be granted if the Planning and Zoning Commission finds unique circumstances exist on the property that make application of specific items in this section unduly burdensome on the applicant; the variance will have no adverse impact on current or future development; the variance is in keeping with the spirit of the zoning regulations and will have a minimal impact, if any, on the surrounding land uses; and the variance will have no adverse impact on public health, safety, and general welfare. He stated that Staff recommended approval of the proposed site plan and variance request as conditioned in the Staff Report. Mr. Lockley offered to answer questions.

Commission Member Smith asked if Staff would say that there were unique circumstances existing on the subject property and that the request did not create an adverse impact. Mr. Lockley stated that he would not say there were unique circumstances that would preclude it from being screened with an approved screening device. He stated that the proposed screening was in keeping with the design of the development.

Commission Member Smith asked when the property was zoned for multi-family uses. Mr. Lockley stated that it was rezoned in 2002.

Commission Member McCall asked for clarification on the proposed screening. Mr. Lockley explained that the applicant was requesting to install a living screen around the mechanical, heating, and air conditioning equipment. He stated that the applicant was also required to install landscaping on the property. Mr. Lockley stated that the applicant proposed to install a wrought iron fence around the perimeter of the property and plant some trees as shown on the Proposed Living Plant Screen Exhibit.

Commission Member McCall asked if the proposed fence would be the only thing adjacent to the surrounding single-family residential neighborhood. Mr. Lockley stated that there would be the proposed fence and trees on the subject property. He stated that there was existing fencing on the surrounding residential properties.

Commission Member Mantzey wanted to clarify that the proposed fencing, and setbacks met the City's requirements. Mr. Lockley said yes.

Commission Member Mantzey wanted to clarify that the screening around the mechanical, heating, and air conditioning equipment was the only thing really being considered in this request. Mr. Lockley stated that the screening would need to be approved by the Planning and Zoning Commission to be allowed.

Commission Member Cobbel asked if masonry columns were typically installed on fencing for developments such as this. Mr. Lockley said yes.

Mr. Aaron Konop, W134 N8675 Executive Parkway, Menomonee Falls, WI, stated that it had been a pleasure working with City Staff. He gave a PowerPoint presentation. Mr. Konop stated that they were very active in the Texas market. He stated that this would be their 14<sup>th</sup> project to-date in Texas. Mr. Konop stated that they manage all of their units and have a commitment to the communities. He stated that this multi-family development would have 212 two-story units. Mr. Konop discussed the proposed exterior elevations and some of the amenities for the development. He stated that they were requesting approval of the living screen around the mechanical, heating, and air conditioning equipment. Mr. Konop stated that the adjacent residential properties currently have a wood fence. He stated that they propose to build a perimeter fence and plant trees. Mr. Konop offered to answer questions.

Commission Member Cobbel asked if the existing fence would remain. Mr. Konop said yes and that it was not located on their property.

Chairman Cox opened the public hearing and called for comments.

The following nine residents spoke in opposition to the request.

Mr. Greg DiNovis, 6004 Silverton Road, McKinney, TX, stated that he was suspicious of drawings that might not look exactly like what will be developed. He stated that the proposed metal fencing was not consistent with other surrounding screening devices. Mr. DiNovis stated that most of the nearby screening walls were masonry. He expressed concerns about privacy issues and the residents on the two floor of the multi-family units being about to see into the single-family residential property's backyards. Mr. DiNovis stated that their homeowner's association (HOA) required a 6 foot fence and other nearby homeowner's association required a 7 foot fence. He stated that it would

take a number of years prior to the trees were able to help with screening. Mr. DiNovis stated that the City of McKinney already has a screening requirement for the mechanical, heating, and air conditioning equipment. He stated that variances frustrated him. Mr. DiNovis stated that it was a different era in 2002 and the City has changed over time. He stated that the developments along Eldorado were a lot different than what is going in around their area. Mr. DiNovis was concerned about an increase in population density. He felt that most of the multi-family developments were being built along Stacy Road. Mr. DiNovis had concerns about no turnarounds or stoplights. He has concerns about subdivisions going in with small lots that he felt the houses were located too close together. Mr. DiNovis stated that the City should enforce the City's vision of future development. He felt that we had lost sight of the vision. Mr. DiNovis gave examples of businesses being developed in the area. He stated that he had spoken with City Staff about his frustrations and that they explained the various processes to him.

Mr. Chad Miller, 4900 Naphill Road, McKinney, TX, stated that they built their house in 2014. He stated that at the time they were told that the subject property might be developed as light retail. Mr. Miller also expressed concerns about privacy issues with the second floor windows looking down on his property. He stated that he could stand on the subject property now and see in his windows. Mr. Miller stated that it might take 20 years for the trees to grow where they would screen the view. He stated that he did not feel it was fair and that the Commission Members would not want to live behind the proposed development.

Mr. Vijay Sai Papineni, 4908 Naphill Road, McKinney, TX, stated that if there had been a large road between the proposed multi-family development and his subdivision then he would not have a concern. He stated that the proposed development was a surprise to him. Mr. Papineni questioned how it could be approved by the City. He also expressed concerns about privacy issues. Mr. Papineni briefly discussed his concerns about traffic in the area.

Ms. Jill Miller, 4900 Naphill Road, McKinney, TX, stated that the portables for overcrowding had just been removed at a school in their neighborhood. She questioned if they were need to be put back due to an increase in density. Ms. Miller stated that would be devaluing their children's education when that is done. She stated that a

wrought iron fence would not provide any type of sound barrier. Ms. Miller stated that it would be within 50 feet of an easement. She stated that they were considering putting in a pool in their backyard. Ms. Miller stated that they did not want to hear loud air conditioners from the multi-family development. She wanted the developer to rebuild the fences on their properties for more privacy. Ms. Miller stated that the developer needed to plant larger trees to help with the privacy concerns of the surrounding neighbors.

Ms. Ashish Shah, 4904 Naphill Road, McKinney, TX, concurred with the previous concerns stated by her neighbors regarding privacy and density. She stated that they have a lot of windows facing their backyard. Ms. Shah had concerns about the proposed landscaping.

Mr. Kiran K. Soma, 5008 Naphill Road, McKinney, TX, stated that he purchased his property in 2016 and that his property would back up to the subject property. He expressed concerns about privacy, increased traffic, and increase in the density of the area.

Mr. Gopaljee Nigam, 4912 Naphill Road, McKinney, TX, stated that he also had concerns regarding privacy. He expressed concerns regarding security and safety, since they did not know what type of tenants would be living or visiting the multi-family development.

Ms. Kristi Beene, 5937 Wilford Drive, McKinney, TX, questioned why a masonry screening fence was not being proposed for the development to address the noise concerns. She stated that Frisco plans to build a future high school across the street from the subject property. Ms. Beene had concerns regarding traffic in the area when both were built. She stated that there was already a lot of traffic at the corner of Stacy Road and Ridge Road. Ms. Beene did not feel that with the proposed apartments there would be enough room later on to expand Stacy Road. She stated that turn lanes were needed for the proposed development to address some of the traffic congestion. Ms. Beene stated that there are wrecks in the area all the time.

Ms. Sara Geise, 4800 Lasso Lane, McKinney, TX, stated that they moved here in 2011 after retiring. She stated that she felt betrayed by the City of McKinney due to this not being the home and life that they thought that they would be living. Ms. Geise stated that they were surrounded by multi-family developments and there was construction

going on in the area. She stated that the traffic in the area was horrible. Ms. Geise expressed concerns about light pollution. She stated that she was very upset about everything that was going on. Ms. Geise felt that other areas of McKinney had been taken care of; however, not their area.

Mr. Seddharth Soma, 5008 Naphill Road, McKinney, TX, turned in the speaker's card in opposition to this request; however, did not wish to speak during the meeting.

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

Mr. Konop stated that retail uses were not permitted on the subject property under the current zoning regulations. He stated that multi-family was a secondary permitted use under the current zoning for the property. Mr. Konop stated that the current zoning allowed for more than two stories to be built. He stated that they were proposed to build two story units and not over 36 feet in height. Mr. Konop stated that they were working on traffic studies on Silverton Road. He stated that they plan to build a right turn lane into the development. Mr. Konop stated that they usually average 6% school age children at their developments, which should average about 12 – 14 school age children at this development. He stated that they would not have any offsite light pollution. Mr. Konop stated that the proposed perimeter fencing was permitted under the current zoning on the property. He stated that they were not required to install a fence on the property. Mr. Konop stated that the perimeter fence was part of their brand and was more aesthetically pleasing. He stated that they proposed to plant 36" evergreen shrubs around the mechanical, heating, and air conditioning equipment. Mr. Konop stated that they should grow to around 6 feet at maturity. He stated that the air conditioning condensers would be approximately 32" tall when installed. Mr. Konop stated that the proposed shrubs at planting would cover the air conditioning units. He stated that the rendering submitted was very accurate. Mr. Konop stated that they were installing more landscaping that was the City requires. He offered to answer questions.

Commission Member Smith asked for clarification about the second wrought iron fence being proposed. Mr. Konop stated that they could built a wrought iron fence with masonry columns around the mechanical, heating, and air conditioning equipment and

not install a perimeter fence; however, they proposed to plant a living screen around the equipment and install a wrought iron fence around the perimeter.

Commission Member Kuykendall asked if the wrought iron fence shown in the exhibit was what the finished product should look like after being installed. Mr. Konop said yes.

Commission Member Kuykendall asked why the applicant could not meet the ordinance without requesting a variance. Mr. Konop stated that they could meet the ordinance; however, they felt what they were proposing was more visually pleasing.

Commission Member Kuykendall stated that the proposed wrought iron fence did not provide much screening, since you could see the development through it. She questioned if the variance request met the requirements listed in the Zoning Ordinance. Mr. Konop stated that the perimeter fence would not create a full screening, since you could see through it. He stated that technically it was considered a screening device. Mr. Konop stated that they were not required to install a perimeter fence. He stated that a similar fence with masonry columns abutting the air conditioning units were permitted under the ordinance, which would not block visibility either. Mr. Konop stated that they were proposing to move the fence out to the perimeter instead of having it around each pod of air conditioning units. He stated that what they were proposing would look much cleaner.

Vice-Chairman Zepp asked to clarify that they were trying to not have a wrought iron fence around each air conditioning unit pod that was located near the apartment buildings where some of the air conditioning units might be located within a couple of feet from one another. Mr. Konop said yes.

Vice-Chairman Zepp stated that the exhibit showed trees along the proposed perimeter fence along the property line. Mr. Konop stated that was correct and required by the ordinance. He stated that the surrounding neighbors have wood fences on their properties. Mr. Konop stated that they propose to install a wrought iron fence and plant trees for the screening on the subject property.

Chairman Cox asked for the tree height at the time of planting. Mr. Konop was not sure of the height; however, that it would meet the City's requirements.



Commission Member Cobbel asked to clarify that there was already a wood fence on the residential side required by their homeowner's association (HOA) that was not going away. Mr. Lockley said yes.

Commission Member Cobbel asked to clarify that the applicant was not required to install a perimeter fence on the subject property and that they proposed multi-family use was permitted under the current zoning on the property that was approved in 2002. Mr. Lockley said yes.

Commission Member Cobbel asked if the applicant was required to install a living screen along the fence. Mr. Lockley stated that they were required to install landscaping on the site.

Commission Member Cobbel wanted to clarify that the applicant was offering to plant the trees and install an iron fence around the entire perimeter of the property. Mr. Lockley said yes. She asked if the applicant was proposing to change anything on the proposed perimeter fencing. Mr. Lockley said no. Commission Member Cobbel asked if that was already allowed under the current zoning. Mr. Lockley said yes.

Commission Member Cobbel asked if the screening around the air conditioning units was what was being considered on this request. Mr. Lockley said yes. Commission Member Cobbel asked if the applicant was required to install iron fencing with masonry columns around the air conditioning units. Mr. Lockley stated that there were various options available for the screening around the mechanical, heating, and air conditioning equipment and gave a few examples. Commission Member Cobbel wanted to clarify that you could see the equipment through any of the approved screening options. Mr. Lockley said no and that the units should not be visible. Commission Member Cobbel wanted to clarify that the applicant was proposing to use a living screen instead of installing a wooden or masonry fence around the units. She asked if that was the only thing being considered with this request. Mr. Lockley said yes. Commission Member Cobbel asked if it was Staff's opinion that what was being proposed would be more visually pleasing than the approved alternative screening options. Mr. Lockley said yes. He stated that there were a number of alternatives that could be used to screen the units. Mr. Lockley stated that the proposed request met the intent of the screening ordinance. Commission Member Cobbel stated that the surrounding residential neighbors probably would not be

able to see the mechanical, heating, and air conditioning equipment anyway, since they have wooden fences on their properties. Mr. Lockley stated that was correct.

Commission Member Mantzey asked about the setbacks between the surrounding residential properties and the proposed apartments. Mr. Konop stated that the setback was 55 feet. Mr. Lockley stated that the applicant proposes to build two story units, which is lower than what is allowed.

Commission Member Kuykendall asked if the request was approved if the fence would be required to be built as shown or if the applicant could decide not to build it at all. Mr. Lockley stated that if they want to make changes to the fence after the site plan was approved then they would be required to submit a new site plan request.

Commission Member McCall wanted to clarify that the proposed request was only looking at the screening around the air conditioning units. Mr. Lockley said yes.

Vice-Chairman Zepp stated that there appeared to be easements the subject property and the surrounding residential properties. Mr. Lockley stated that they would need to receive approval to do anything on top of the easements.

Commission Member Smith asked how metal fencing with masonry columns could provide adequate screening for the mechanical, heating, and air conditioning equipment. Mr. Lockley stated that landscaping would also be required with this type of fencing to help screen the units.

Commission Member Smith asked if the masonry columns would help with the sound barrier. Mr. Lockley stated that the columns were more decorative. He stated that a full masonry fence used for the screening would help with the sound barrier.

Commission Member Smith stated that she appreciated the residents attending the meeting and voicing their opinions. She stated that there were two City Council Members present at the meeting that heard their comments. Commission Member Smith stated that she could see how the applicant had done some enhancements to the property. She stated that the proposed living screen was probably just as effective as the various approved screening options. Commission Member Smith stated that she would have preferred to have seen a masonry wall for the sound barrier. She stated that the Commission had seen several similar variances and that we should look further into these variances going forward.

Commission Member Kuykendall stated that she concurred with Commission Member Smith's comments. She stated that it was good to remember that the Commission was impacting generations with their decisions. Commission Member Kuykendall stated that she did have some issues initially; however, she feels more confident about the proposed living plant screen. She stated that they need to look very close when approving variances.

Commission Member Mantzey stated that the applicant had done what was called for and had done more than what was required. He stated that a masonry fence along the perimeter facing the surrounding wood fences would create a tunnel back there. Commission Member Mantzey stated that with the proposed wrought iron fence you could see traffic back there. He stated that it would still separate foot traffic between the wood fence and the subject property. Commission Member Mantzey stated that he felt the proposed living screen would be sufficient for the screening of the mechanical, heating, and air conditioning equipment on the site.

Vice-Chairman Zepp questioned if a masonry fence around the mechanical, heating, and air condition equipment would allow for sufficient air flow around the units. He stated that they were considering whether or not a short wrought iron fence should be located next to another short wrought iron fence with living screening or if there should just be living screening around the mechanical, heating, and air conditioning equipment. Vice-Chairman Zepp stated that some of the neighbors' concerns were valid; however, the current zoning use had been this was for quite some time. He stated that the applicant was doing a very good job making this a gated community. Vice-Chairman Zepp stated it was a very good alternate for an apartment complex that was allowed to be there.

On a motion by Vice-Chairman Zepp, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and approve the proposed site plan as recommended by Staff, with the conditions listed in the Staff Report, with a vote of 7-0-0.

**17-204SP    Conduct a Public Hearing to Consider/Discuss/Act on a  
Site Plan for an Expansion (Blount Fine Foods),  
Located at 2200 Redbud Boulevard**

Ms. Danielle Quintanilla, Planner for the City of McKinney, explained the proposed site plan request. She stated that the applicant proposed to construct a 700 square foot

dock expansion on the north side of an existing manufacturing building (Blount Fine Foods) at 2200 Redbud Boulevard, McKinney, Texas. Ms. Quintanilla stated that site plans can typically be approved by Staff; however, the governing planned development ordinance (PD 1563) requires the site plan and landscape plan be approved by the Planning and Zoning Commission and City Council. She stated that the applicant is requesting approval of a variance to allow for a living plant screen comprised of Wax Myrtle's to be 6 feet in height at the time of planting, to screen the overhead doors associated with the loading docks on the east side of the building from the non-residential use located east of the subject property. Ms. Quintanilla stated that the applicant has indicated that they want to use a living plant screen given the potential for another building expansion in the future, which could displace any proposed screening device. She stated that it was Staff's professional opinion that the applicant had adequately screened the overhead doors from the adjacent property and had met the intent of the Zoning Ordinance. Ms. Quintanilla stated that Staff had no objections to the request to utilize a living plant screen, composed of Wax Myrtle's to be 6 feet in height at the time of planting, in the proposed location. She stated that Staff recommends approval of the proposed site plan and variance request as conditioned in the Staff Report and offered to answer questions. There were none.

Mr. Gene Millar, 1001 W. Euless Boulevard, Euless, Texas, explained the proposed site plan request. He stated that they were remodeling and adding square footage. Mr. Millar stated that the proposed living screen will be in the way for future expansion. He stated that the proposed screening would face the nearby golf course which also has a number of trees that block the view. Mr. Millar stated that they would not be effecting too much. He offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There were none. On a motion by Commission Member Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to recommend approval of the proposed site plan as conditioned in the site plan, 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 October 3, 2017.

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

Chairman Cox thanked Council Members Branch and Philips for attending the meeting. He also thanked Staff for their hard work.

There being no further business, Chairman Cox declared the meeting adjourned at 7:07 p.m.

---

BILL COX  
Chairman