PLANNING AND ZONING COMMISSION

MARCH 26, 2019

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, March 26 at 6:00 p.m.

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Hamilton Doak, Christopher Haeckler, Deanna Kuykendall, and Bry Taylor

Commission Member Woodruff was present; however, did not participate in the meeting.

Commission Member absent: Cam McCall

Staff Present: Director of Planning Jennifer Arnold; Planning Manager Samantha Pickett; Planners David Soto, Kaitlin Gibbon, and Derrick Rhys Wilson; and Administrative Assistant Terri Ramey

There were approximately 50 guests present.

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

The Commission unanimously approved the motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, to approve the following Consent item, with a vote of 6-0-0.

19-0266 Minutes of the Planning and Zoning Commission Regular Meeting of March 12, 2019.

END OF CONSENT

Chairman Cox stepped down on the following two Regular Agenda items due to a possible conflict of interest.

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

18-0114Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RED-1" - Residential Estates District and "CC" - Corridor Commercial Overlay District to "C3" - Regional Commercial District and "CC" Corridor Commercial Overlay District, Located at the Northwest Corner of Rockhill Road and U.S.

Highway 75 (Central Expressway). Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is proposing to rezone the subject property from "RED-1" – Residential Estates District to "C3" – Regional Commercial District for commercial uses. Mr. Wilson discussed various photographs of the subject property that he took. He stated that the subject property is located directly on U.S. Highway 75 (Central Expressway). Mr. Wilson stated that the proposed rezoning request complements the existing development, as would be expected along a major regional highway. He stated that "C3" – Regional Commercial District aligns with the Comprehensive Plan's designation of Commercial Center for this area. Mr. Wilson stated that the proposed request should help provide critical commercial activity to the surrounding residential neighborhoods, while also increasing vibrancy along U.S. Highway 75 (Central Expressway). He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none. Mr. Matt Moore, ClayMoore Engineering, 301 S. Coleman, Prosper, TX, concurred with the Staff Report and offered to answer questions. There were none. Vice-Chairman Mantzey opened the public hearing and called for comments. Ms. Rachel Constantinescu, 103 Poppy Lane, McKinney, TX, stated that her property directly backups up to the subject property. She stated that it would be naïve of her to think that a property along U.S. Highway 75 (Central Expressway) would not be considered and approved for rezoning. Ms. Constantinescu asked that a few factors be taken into consideration before approving this request. She stated that the creek frequently experiences flooding and there is a flood plain located in this area and in their backyard. Ms. Constantinescu stated that their neighbor's house was completed flooded in February, even with the City's attempts to work on the creek to reduce the flooding and

erosion this past year. She stated that during September 2018 and February 2019 their backyard was completely flooded. Ms. Constantinescu stated that the lack of grass and dirt and then the addition of concrete from the new development will only further complicate the issue. She asked that this be taken into consideration and there be viable solutions put into play now before their property is further damaged. Ms. Constantinescu stated that currently they have pristine views from inside their house. She requested that the lights of the new dealership and the visual clutter be taken into consideration. Ms. Constantinescu expressed concerns about the property values going down due to these issues. She stated that the other dealership along U.S. Highway 75 (Central Expressway) there is a visual boundary between the dealership and the adjacent residential properties. Ms. Constantinescu stated that there is no fencing or boundary between around their house. She requested that there is a living screen and/or boundary to block the light and the back of the dealership from their view. Ms. Constantinescu stated that a dealership will bring significant noise. She stated that they would like their quality of life to continue as is and not feel like they are living in a commercial or industrial area. Ms. Constantinescu stated that she is thankful for living in McKinney, appreciates the planning of the City, and the work of the Commission Members. She stated that she also appreciates the jobs and revenue brought to the City from this dealership. Ms. Constantinescu reiterated that some consideration be made for the adjacent residents to reduce the negative impact on their immediate community. Mr. Agustina Rodriguez, Dodge City, 700 SW. Central Expressway, McKinney, TX, turned in a speaker card in favor of the proposed rezoning request; however, did not speak during the meeting. Mr. Andrei Constantinescu, 103 Poppy Lane, McKinney, TX, turned in a speaker card in opposition to the proposed rezoning

request; however, did not speak during the meeting. On a motion by Commission Member Kuykendall, seconded by Commission Member Taylor, the Commission voted to close the public hearing, with a vote of 5-0-1. Chairman Cox abstained. Commission Member Haeckler asked Staff to comment on the 100 year flood plain and what type of screening would be required on the development. Mr. Wilson stated that screening would be required for any development on the subject property due to being adjacent to single family residential uses. He stated that a screening wall is proposed for the site. Mr. Wilson stated that there is an existing tree line along Jeans Creek. He stated that the Engineering Department would be researching into the flood plain during the civil review phase. Mr. Wilson stated that they would also have to discuss it with Federal Emergency Management Agency (FEMA) to account for the flood plain. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that it appears that a Letter of Map Revision (LOMR) would be required. Commission Member Haeckler and Commission Member Kuykendall wanted to clarify that along with the Letter of Map Revision (LOMR), Staff would evaluate the site to insure that the new facility would not change the flood plain elevation and that it would be mitigated. Mr. Wilson stated that the Engineering Department would review this during the civil review and the formal site plan submittal. On a motion by Commission Member Haeckler, seconded by Commission Member Doak, the Commission voted to recommend approval of the proposed rezoning request per Staff's recommendation, with a vote of 5-0-1. Chairman Cox abstained. Vice-Chairman Mantzey stated that the recommendation of the Planning and Zoning Commission would be forwarded to the April 16, 2019 City Council meeting.

18-0015SUP2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for Automobile Sales, Repair, and Storage Uses

(McKinney Dodge), Located at the Northwest Corner of Rockhill Road and U.S. Highway 75 (Central Expressway). Mr. Derrick Rhys Wilson, Planner I for the City of McKinney, explained the proposed specific use permit request. He stated that this specific use permit request is related to the previous rezoning case. Mr. Wilson stated that the applicant is requesting a specific use permit to allow for an automobile dealership (McKinney Dodge) at the northwest corner of Rockhill Road and U.S. Highway 75 (Central Expressway). He stated that although the current zoning on the subject property does not allow for car dealerships, the proposed zoning district, "C3" – Regional Commercial District, requires that a specific use permit (SUP) be granted in order for such uses to be operated on the subject property. Mr. Wilson stated that as a part of this specific use permit request, the applicant has submitted a site layout exhibit detailing the building and parking locations, as well as, internal site circulation, landscaping details, and preliminary engineering plans. He stated that the specific use permit request meshes with the Comprehensive Plan and fits in well with the current development pattern in the surrounding area given that the adjacent site is a car dealership. Mr. Wilson stated that the natural buffer of Jean's Creek, in addition to the dense tree line and flood plain, provides separation between the existing single family subdivision and the subject property. He stated that the applicant is also seeking a variance to waive the screening requirements for overhead doors oriented towards public right-of-way in retail districts. Mr. Wilson stated that applicant is proposing to plant canopy trees at a denser ratio of one canopy tree for every 25 linear feet along Rockhill Road and U.S. Highway 75 (Central Expressway) as an alternate screening device. He stated that the proposed tree planting arrangement will provide a more dense screening effect than that of the typical ratio of one canopy tree every 40 linear feet. Mr. Wilson stated that the use of landscaping

for screening along the street frontage has the additional benefit of blending in with the existing site design rather than creating an odd and disconnected feel with a section of wall being located at the street. He stated that Staff is of the opinion that the proposed density of trees and the slope of the property away from U.S. Highway 75 (Central Expressway) street frontage will adequately screen the view of the overhead doors from the rights-of-way. He stated that based on the parameters and conditions mentioned, Staff believes that the site is appropriate for the proposed use and is compatible with existing land uses of the adjacent properties. Mr. Wilson stated that Staff recommends approval of the specific use permit with the variance request and offered to answer questions. Commission Member Haeckler asked for clarification on the location of the proposed overhead doors. Mr. Wilson pointed out the location over the overhead doors facing the right-of-way on the exhibit displayed during the meeting. He stated that a six-foot masonry wall is proposed on the north and west side of the subject property. Mr. Wilson stated that the applicant is proposing to plant canopy trees at a denser ratio of one canopy tree for every 25 feet along Rockhill Road and U.S. Highway 75 (Central Expressway) to mitigate the screen on the overhead doors. Commission Member Taylor asked what was defined as a canopy tree. Ms. Pickett stated that the canopy trees will be 12 feet tall and four inches in caliper at planting. Commission Member Haeckler asked if Staff felt that the screening requirements would not change after the flood plain was reviewed. Mr. Wilson stated that screening would be accounted for depending on the outcome of the flood plain study. Vice-Chairman Mantzey asked Staff to discuss the lighting requirements and how it would affect the adjacent residential residents. Mr. Wilson stated that lighting will be reviewed during the commercial building plan comes in for plan review. He stated that it would be addressed by the

City's Commercial Plan Examiners. Mr. Wilson stated that residents could contact the City's Code Department with any complaints about the lighting. Vice-Chairman Mantzey asked if the City's lighting ordinance requires that the lighting be kept on their property and not bleed over to the adjacent residential properties. Mr. Wilson said yes. Commission Member Haeckler asked if Staff knew the maximum height of the allowable lighting. Mr. Wilson did not have that information. Mr. Matt Moore, ClayMoore Engineering, 301 S. Coleman, Prosper, TX, explained the proposed specific use permit request. He stated that this would be an expansion of McKinney Dodge, which had been located here for over 20 years. Mr. Moore stated that McKinney Dodge does not have the capacity to continue to operate the way that they need to with the growth that McKinney Dodge has experienced at their current location. He stated that the subject property is the next step for their development. Mr. Moore stated that they were proposing a 26,000 square foot standalone Jeep dealership and their corporate offices. He stated that they had worked with the Engineering Department over the past several months on a flood study on Jean's Creek that has been approved by Staff. Mr. Moore stated that they have a significant buffer, with the creek and the amount of proposed landscaping, to the adjacent residential properties. He stated that the proposed building was approximate 170 feet from the adjacent residential properties. Mr. Moore stated that they were trying to be mindful of the adjacent neighbors. He stated that they were proposing LED lights and would give them the opportunity to put them on dimmers and/or timers to help regulate the light levels when they are not in business. Mr. Moore stated that they would work with the neighbors to ensure that there is not a lot of light trespass. He offered to answer questions. There were none. Vice-Chairman Mantzey opened the public hearing and called for comments. Mr. Floyd Rogers,

105 Poppy Lane, McKinney, TX, stated that he lives directly across the creek from the subject property. He felt that the subject property would need to be built up to allow them to develop within the flood plain area. Mr. Rogers asked what will happen to the other side of Jean's Creek when this is done. He asked what plans are being made for the flood water runoff. Mr. Rogers asked if they were planning to build a retention pond. Mr. Andrei Constantinescu, 103 Poppy Lane, McKinney, TX, stated that his property is next door to Mr. Roger's property and has lived there since 2013. He stated that his children love playing outdoors in the backyard, the wildlife, and scenic views. Mr. Constantinescu stated that he was not opposed to the rezoning of the property or the proposed automobile dealership. He stated that he has concerns regarding erosion, run-off, reshaping of Jean's Creek, current flooding issues, excessive lighting, and noise pollution. Mr. Constantinescu stated that he is thankful for the tree line along Jean's Creek and the additional proposed landscaping. He stated that a six-foot wall may not be suitable enough and suggested that it be increase to eight – ten feet tall to protect their houses from the light and noise pollution. Ms. Danielle McCaslin, 109 Poppy Lane, McKinney, TX, stated that she has a great group of neighbors. She stated that there were some elderly neighbors that were not able to attend the meeting. Ms. McCaslin stated that they love the natural look of the area around their properties. She stated that she was concerned that the proposed screening wall would not be adequate enough to maintain the privacy and natural feel that they currently have. Ms. McCaslin stated that there are a lot of tall, old trees that will eventually perish. She felt that there needs to be a larger amount of trees and landscaping planted. Ms. McCaslin also expressed flooding and lighting concerns. She stated that they have small children that can run and play on the safest block. Ms. McCaslin stated that the proposed development will bring

a lot more traffic to their block. She asked if additional signage needs to be installed to reduce traffic. Ms. McCaslin stated that individuals test driving vehicles speed through their double cul-de-sac block looking for a way out. She stated that the young children in the neighborhood do not watch for vehicles like they maybe should. Ms. McCaslin expressed that signage, screening, flooding, traffic, and noise need to be carefully considered. On a motion by Commission Member Haeckler, seconded by Commission Member Kuykendall, the Commission voted to close the public hearing, with a vote of 5-0-1. Chairman Cox abstained. Commission Member Doak stated that the applicant was going above and beyond on planting the extra trees in the back of the property. He asked Mr. Moore what the hours of operation would be for the automobile dealership. Mr. Moore stated that it would be open from 8:30 a.m. until 8:30 p.m. Monday – Saturday and closed on Sundays. Commission Member Doak asked if they would consider building a higher screening wall. Mr. Moore stated that the subject property drops down severely towards the creek. He stated that the screening wall was currently proposed along the erosion hazard setback in the flood plain area. Mr. Moore offered to move the screening wall up to the edge of the parking, which would be at a higher elevation. He felt that would screen the site better. Ms. Pickett stated that the property line is within the creek and stated that this would be an alternative option. Mr. Moore stated that they prefer to keep the screening wall at a six-foot height. He stated that the proposed landscaping would create the nice green scape. Commission Member Doak stated that he did not see why the dealership would need to illuminate the area towards the adjacent residential properties. Mr. Moore stated that the LED technology is much more improved that the more traditional lighting. He stated that they would be fully shielded to the west of the operation. Commission Member Haeckler asked about

the flood study that Mr. Moore stated that had already been completed. Mr. Moore stated that City Staff has reviewed and approved the conceptual flood study based on where we are right now in the process. He stated that there will be some refinement as they go through the FEMA process and get closer to the final design of the development. Mr. Moore stated that they would continue to work with the Engineering Department on it. He stated that the original proposed screening wall was on the outside of the erosion hazard setback that came out of the flood study. Commission Member Haeckler wanted to clarify that the applicant was not going to increase the flood plain elevation on the subject property. Mr. Moore stated that they could not do that by law. Commission Member Kuykendall stated that another concern mentioned was individuals test driving through the adjacent neighborhood. Mr. Moore stated that he believes that some of the traffic on Poppy Lane is from people using it as a cut-through to U.S. Highway 75 (Central Expressway). He stated that the test drive vehicles have GPS on them, so the dealership monitors where the test vehicles are going. Mr. Moore stated that they dealership is not sending test drives back through a residential neighborhood. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that as a function of the zoning that we would not have any control of it. She stated that we could bring forward the concerns of the residents to the traffic management section of the City's Engineering Department. Commission Member Kuykendall asked Staff to discuss the lighting ordinance regulations and what options the residents have if they feel it is not being met. Ms. Pickett stated that the lighting ordinance (Chapter 58) stated that the ordinance goes into detail regarding luminance levels, foot candles, and light locations. She stated that there is a brightness limit at the property line that they cannot go over. Ms. Pickett stated that this is assessed through a

photometric plan submittal. She stated that if the adjacent residents feels that it is brighter than it should be that they can contact the City's Code Enforcement Department to come out to test it. Mr. Pickett stated that City Staff is reviewing it during the building permit phase. Vice-Chairman Mantzey asked if the applicant's modification to the screen wall location should be made during the motion. Mr. Wilson stated that it could be part of the motion for this request. He stated that it will also be reflected on the site plan. Ms. Pickett stated that if the Commission felt strongly about the screening wall being moved closer to the parking lot, then she would encourage the Commission to include it in the motion for this item. Commission Member Doak asked Mr. Moore if they were 100% committed to moving the screening wall by the parking lot as he suggested. Mr. Moore said yes. On a motion by Commission Member Taylor, seconded by Commission Member Haeckler, the Commission voted to recommend approval of the proposed specific use permit and variance request as recommended by Staff with the addition that the screening wall on the wide side of the subject property be moved towards the parking lot providing additional screening through the higher elevation, with a vote of 5-0-1. Chairman Cox abstained. Vice-Chairman Mantzey stated that the recommendation of the Planning and Zoning Commission would be forwarded to the April 16, 2019 City Council meeting.

Chairman Cox returned to the meeting and called for the next item on the agenda.

18-0122Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C2" - Local Commercial District, Located on the Northeast Corner of Custer Road and Silverado Trail. Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that two updated letters of opposition were distributed to the Commission

prior to the meeting. Mr. Soto stated that the applicant is requesting to rezone approximately 13.60 acres of land from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District to “C2” – Local Commercial District. He stated that the property is currently zoned for Planned Development with a base zoning of “BN” – Neighborhood Business. Mr. Soto stated that the existing zoning has a layout with which any development must conform. He stated that in order to allow for less restrictive development patterns, the applicant has requested to rezone the subject property to “C2” – Local Commercial District. Mr. Soto stated that the subject property is bounded by Silverado Trails to the south, a natural creek (Rowlett Creek) to the east, and Custer Road to the west. He stated that the subject property is located at the corner of two arterials, it should support commercial uses as noted in the 2040 Comprehensive Plan. Mr. Soto stated that the proposed rezoning request should be complementary envisioned for the area. He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Commission Member Haeckler asked Staff to discuss what is allowed under the current zoning and associated layout verses what would be allowed with the proposed zoning. Mr. Soto stated that the current zoning was passed in 2008 with a General Development Plan. He stated that under the current zoning, any development that occurs on the southern portion of the property would be required to follow the associated layout. Mr. Soto stated that the applicant is requesting to remove the development plan and rezone to “C2” – Local Commercial District. Commission Member Haeckler asked if a traffic study was completed on Silverado Trail. Mr. Soto stated that the Engineering Department would be reviewing the traffic flow based on the proposed uses during the site plan and platting phases. He stated that public improvements could be required at that

time. Mr. Soto stated that there is a traffic light planned for the corner of Custer Road and Silverado Trail that should be completed around the end of the summer 2019. Vice-Chairman Mantzey stated that the proposed rezoning is a couple of steps up from “BN” – Neighborhood Business District’s allowed uses. He asked how Staff decides when they recommend a “C1” Neighborhood Commercial District verses a “C2” – Local Commercial District. Mr. Soto stated that Staff looks at the surrounding area to see which zoning district it is in conformance with and the Comprehensive Plan to see what type of place types are recommended for the site. He stated that this location is shown as Urban Living and on two arterial streets. Mr. Soto stated that Staff takes all of this into consideration. Vice-Chairman Mantzey asked if Staff looks at the tract size when making a determination. Mr. Soto stated that Staff would look at the entire site. Vice-Chairman Mantzey stated that he has concerns regarding how far “C2” – Local Commercial District gets to the elementary school and surrounding residential properties. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that Staff definitely took that into consideration. She stated that Staff was okay with “C2” – Local Commercial District, given the size of the creek and that separation, along with being located at an arterial street. Ms. Pickett stated that Staff felt that a higher quality development could be obtained if the whole tract was rezoned to “C2” – Local Commercial District instead of chopping up the property with different zoning districts. Vice-Chairman Mantzey asked if the hike and bike trail would still exist even with the “C2” – Local Commercial District. Mr. Soto said yes. Mr. Dwayne Zinn, Cross Engineering, 131 S. Tennessee Street, McKinney, TX, stated that they have been working with the owners of this property for quite a while now to come up with an overall plan. He stated that there is a natural drainage channel that runs between the

subject property and the adjacent multi-family property to the north. Mr. Zinn stated that they would be doing any development in that area. He stated that there is a natural buffer of the creek area on the east side of the subject property. Mr. Zinn stated that market conditions will also determine development on the site. He stated that the "C2" – Local Commercial District has some uses that will complement the neighboring residential uses. Mr. Zinn stated that he concurs with the Staff Report and asked for a recommendation of approval. He offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Ms. Angela Hunt, 500 N. Akard Street, Dallas, TX, stated that she was representing Discovery at Rowlett Creek. She stated that they were in opposition to the proposed rezoning request. Ms. Hunt stated that this was too intense of change in use given all of the surrounding residential neighborhoods. She stated that the Discovery at Rowlett Creek apartment complex has 366 units. Ms. Hunt stated that there are single family residents to the south of Silverado Trail, an elementary school to the east, single family residents along Blanco Creek, and additional single family homes across Custer Road. She stated that "BN" – Neighborhood Business would be more appropriate for this corner. Ms. Hunt stated that Silverado Trail has not been widened yet to be the full arterial that is listed as appropriate for "C2" – Local Commercial District. She stated that Silverado Trailing is still just two lanes at this intersection. Ms. Hunt stated that that the intensity of the uses were not appropriate at this location. She stated that they were quite concerned about the lack of specificity for this proposal. Ms. Hunt stated that they had received a proposal for a carwash to be located on the upper portion of the property near Custer Road from the applicant; however, it does not match the General Development Plan – Exhibit C located in the Staff Report. She stated that a carwash

would require a Specific Use Permit (SUP) whether or not it was zoned for "BN" – Neighborhood Business or "C2" – Local Commercial District. Ms. Hunt stated that they were also very concerned with the up zoning of the uses that would be really inappropriate to be located near this level of residential uses. Ms. Hunt stated that it might be appropriate on Stacy Road or Eldorado Parkway; however, not here. Ms. Wendy Roberts, 4101 S. Custer Road, McKinney, TX, stated that there is a trail behind the apartments that the children use to get to the nearby elementary school. She stated that there is tall grass and wild animals along this trail. Ms. Roberts stated that if businesses were built on the subject property, then the children would essentially be walking in an alley between the trees and buildings. She expressed concerns about the children's safety. Ms. Roberts expressed traffic concerns. She stated that businesses might be too big for that small of road. Ms. Roberts stated that there is very little greenspace in the area. She stated that children often play with dogs on the property. Ms. Roberts stated that the families in the surrounding neighborhoods would benefit from not having the subject property so crowded. Mr. Stewart Korte, 6428 Axton Lane, Dallas, TX, stated that he represented the property owners in trying to find tenants. He stated that they had not made any transactions for a carwash to be developed on the property. Mr. Korte stated that numerous people have contacted them interested in being located at this corner; however, the current general development plan that they are currently having to conform to is making it very difficult to accommodate a large number of those uses. He stated that they would like to bring in a retail component where there can be some services that add value to the members of the community. Mr. Korte stated that the developers have done some nice projects in the McKinney area. He gave some examples of other projects that the owners had completed in McKinney. Mr. Korte asked the Commission

to work with them to allow McKinney to grow in this area. He offered to answer questions. There were none. Mr. Mukesh Parna, 5811 Kerry Drive, Frisco, TX, stated that they have been trying to work with several tenants to building something on the property; however, the current zoning has not allowed it. He stated that whenever the properties develop, Silverado Trail will be widened. On a motion by Commission Member Kuykendall, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0. Vice-Chairman Mantzey stated that part of the applicant's concern was that they have was the layout in the current zoning that they have to abide by and how it is not marketable at this time. He stated that the applicant could rezone the property to "BN" – Neighborhood Business District or "C1" – Neighborhood Commercial District and not have to abide by that layout. Mr. Soto stated that was correct. He stated that any straight zoning would not require a site plan at the time of rezoning the property. Vice-Chairman Mantzey asked if the current zoning was in place when the adjacent apartments and the residential development to the south were built. Mr. Soto stated that the current zoning on the property was approved in 2008. Commission Member Doak asked for the zoning for the property south of Silverado Trail. Mr. Soto stated that it was a "PD" – Planned Development District with a "C' – Planned Center District, which would allow more intense commercial uses. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that both properties were zoned under the old zoning districts. She stated that applicants can no longer rezone to those zoning districts. Commission Member Taylor stated that a property with that zoning is grossly underutilized. He stated that there is 44,822 vehicles on Custer Road daily that "BN" – Neighborhood Business District was not the highest and best use for the property. Vice-Chairman Mantzey stated that he

has concerns with blending “C2” – Local Commercial District off of Custer Road, even when Custer Road has those traffic counts. He stated that “C2” – Local Commercial District could have a negative effect on the nearby residential developments. Vice-Chairman Mantzey stated that the adjacent property owners were under the impression that the subject property would be developed with less intense use when they developed their properties. On a motion by Commission Member Kuykendall, seconded by Commission Member Doak, the Commission voted to recommend the proposed rezoning request as recommended by Staff, with a vote of 5-1-0. Vice-Chairman Mantzey voted against the motion. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the April 16, 2019 City Council meeting.

19-0010Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C2" - Local Commercial District, Located Approximately 670 Feet North of Stacy Road and on the East Side of Ridge Road. Ms. Kaitlin Gibbon, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant has requested to rezone the property in order to develop mid-level intensity commercial and retail uses. Ms. Gibbon stated that Staff has visited the site and provided photographs. She stated that the property’s narrow depth and mid-block location is best suited for lower-intensity uses that will not overwhelm the surrounding area. Ms. Gibbon stated that Staff has concerns that the uses and space limits of “C2” – Local Commercial District, in conjunction with the depth and shape of the property, may not be compatible with the adjacent residential uses. She stated that Staff acknowledges the need for services and retail uses in this location; however, the size, scale, and intensity of these uses should

be complementary to the adjacent residential properties. Ms. Gibbon stated that given these concerns, Staff recommends denial of the proposed rezoning request and offered to answer questions. There were none. Mr. Martin Sanchez, Sanchez & Associates, 2000 N. McDonald Street, McKinney, TX, explained the proposed rezoning request. He stated that the subject property is currently zoned "O-1" – Neighborhood Office District, which was from the old zoning classifications that you can no longer rezone to. Mr. Sanchez stated that this zoning is highly restrictive. He stated that the nearby daycare was zoned "O-1" – Neighborhood Office District; however, this use is technically not allowed in this zoning category. Mr. Sanchez stated that Staff recommended the subject property be rezoned to "C1" – Neighborhood Commercial District. He stated that he is requesting that the property be rezoned to "C2" – Local Commercial District and offered to eliminate some allowed uses; however, he and Staff could not come to an agreement on it. Mr. Sanchez gave some examples of the differences between the two zoning districts. He felt the proposed use would be compatible in the neighborhood. Mr. Sanchez stated that Ridge Road will ultimately be six lanes and will carry somewhere between 45,000 – 65,000 vehicle trips per day. He stated that Silverado Trail, just got approved for "C2" – Local Commercial District, has four undivided lanes on 100 feet of right-of-way will carry approximately 30,000 – 40,000 vehicle trips per day. Mr. Sanchez stated that the subject property is fairly narrow. He stated that the subject property is only six acres; therefore, there is only so much he can put on it. Mr. Sanchez stated that there could be maybe three or four buildings built. He discussed the various multi-family and single family residential communities nearby. Mr. Sanchez stated that the area needs more commercial uses. He stated that the property needs to be marketed where they can bring these items to the table. Mr.

Sanchez stated that they would be willing to give more screening on the back side of the property. He reiterated that he would be willing to limit some uses that might be deemed as problematic. Mr. Sanchez distributed a list of some of the differences between "C1" – Neighborhood Commercial District versus "C2" – Local Commercial District to the Commission. He stated that the list did not include where a use was allowed or denied in both zoning districts. Mr. Sanchez also distributed a sketch showing what they could develop on the subject property. He stated that they were talking about providing neighborhood restaurant and services. Mr. Sanchez stated that Silverton Avenue had carved out a strange piece of property that has a strange "PD" – Planned Development District that was left over from many years ago. He stated that this piece of property belongs to the multi-family property to the south of the subject property. Mr. Sanchez stated that he discussed developing townhomes with cul-de-sacs there. He did not feel that the property could be developed any other way than to include it with the subject property. Mr. Sanchez asked for some direction on these differences of opinion with Staff and for a recommendation of approval of the proposed rezoning request. He offered to answer questions. Vice-Chairman Mantzey asked Mr. Sanchez if he brought in the corner of McKinney Ranch and Ridge Road to down zone from commercial to townhomes. Mr. Sanchez stated that property was approximately a quarter mile north of the subject property. He stated that was an old "PD" – Planned Development District that had commercial and single family residential uses. Mr. Sanchez stated that stated that they carved out the hard corner for commercial uses and the rest was rezoned for townhomes about a year ago. Vice-Chairman Mantzey made the point that we gave up a commercial corner on McKinney Ranch and Ridge Road to develop townhomes. He stated that Mr. Sanchez was saying that

Ridge Road deserved more commercial; however, he removed it at a hard corner just a quarter mile up the road. Mr. Sanchez stated that the rezoning request for that property was recommended by the Commission and approved by City Council. He stated that he was not asking for townhomes for the entire six acres of the subject property. Mr. Sanchez stated that the subject property has been under this zoning designation since 2001 and they had not been able to get the market to agree that "O-1" – Neighborhood Office District was a viable use. He stated that initially he discussed doing the whole property as townhomes; however, Staff did not feel that would be appropriate and he agreed. Chairman Cox opened the public hearing and called for comments. Mr. Greg DiNovis, 6004 Silverton Avenue, McKinney, TX, stated that he lives near the pie shaped piece of property. He stated that Mr. Sanchez is developing ten buildings, parking areas, and a dog park off of Stacy Road and Ridge Road and it was pretty intense. Mr. DiNovis stated that it would be nice to leave the pie shaped piece of property as green space. He thought that the long strip of the subject property was zoned for light commercial. Mr. DiNovis stated that he would like to see what is planned to be developed prior to rezoning the property to a more intense commercial development. He stated that once the property is rezoned, then a special use permit could be made. Mr. DiNovis stated that there are plenty of commercial establishments within a mile of the subject property. He expressed concerns regarding increased traffic and population density. Mr. DiNovis stated that when they purchased their property that had an understanding of what the property's zoning would allow; however, it has been modified a little since then. He stated that now they are going to see the rules of the game changed again. Mr. DiNovis stated that it was a never-ending and frustrating experience. He stated that he is opposed to the proposed rezoning and would like to see it stay the way it currently is.

Ms. Kristi Beene, 5937 Wilford Drive, McKinney, TX, stated that she would backup to the pie shaped lot. She stated that she would like to know is planned to be developed on the property. Ms. Beene stated that they do not need another donut shop or dentist office in this area. She stated that she did not want a drive-thru to go in there either. Ms. Beene stated that there are a lot of multi-family units in the area. She expressed concerns about increased traffic. Ms. Beene stated that there are already traffic issues with people coming into their neighborhood going to the nearby school. She stated that the parents park along the street trying to get into the nearby daycare, which blocks a lane of traffic and causes issues. Ms. Beene stated that the subject property is not that big, so she did not see why it needed to be rezoned. On a motion by Commission Member Haeckler, seconded by Commission Member Taylor, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0. Vice-Chairman Mantzey stated that he has concerns about "C2" – Local Commercial District encroaching on the adjacent residential. He stated that this case is similar to the first regular agenda item that was considered; however, there is not a creek, road, or natural wetland to help screen the new development from the adjacent residential properties. Vice-Chairman Mantzey stated that this would be in their backyards. He stated that we ask people purchasing property to do their due diligence on the open tracks around the potential property. Vice-Chairman Mantzey stated that they would have thought that some sort of office uses would be going in on the subject property. He stated that to change that on a land speculator wanting to go more intense and not burden them by bringing in specific use permits from a "C1" – Neighborhood Commercial District to a "C2" – Local Commercial District would be unfair to those residents that live in that area. Vice-Chairman Mantzey stated that there are other corners in McKinney that could take on "C2"

– Local Commercial District within the area and provide services needed to the residents. Commission Member Kuykendall asked Staff to give further details on why they are recommending denial of the proposed rezoning request. Ms. Pickett stated that the depth of the property, mid-block location, and the fact that it is completely surrounded by single family and multi-family residential developments does not lend it to a high level of developability. She stated that the intensity that comes with "C2" – Local Commercial District would be too close to the adjacent residential property owners. Ms. Pickett stated that Staff was more comfortable with "C1" – Neighborhood Commercial District as the alternative. Chairman Cox asked Staff if the applicant and Staff are in fact "that close" to coming to an agreement per the applicant's comments earlier, if it might be better to table the request to continue working on it. He also asked if it was Staff's opinion that they were not close enough to an agreement. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that Mr. Sanchez and Staff had a number of conversations on this site. She stated that Staff's biggest concerns regarding "C2" – Local Commercial District, in addition to the intensity, is that a lot of the uses allowed by right allow drive-through windows and uses that have heavy traffic. Ms. Arnold stated that given the depth of the property there could be traffic circulation issues. She stated that Staff has been very clear with Mr. Sanchez on where they stand on the issues. Ms. Arnold stated that when you remove these items from the "C2" – Local Commercial District, then you are essentially left with "C1" – Neighborhood Commercial District. She stated that Mr. Sanchez could elaborate on his definition of "that close" compared to where Staff stands on the issues. Chairman Cox asked the Commission if they wished to hear from the applicant, since there was a motion and second on this request already. No one responded for further

comments. On a motion by Commission Member Haeckler, seconded by Commission Member Kuykendall, the Commission unanimously voted to recommend denial of the proposed rezoning request per Staff's recommendation, with a vote of 6-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the April 16, 2019 City Council meeting

19-0016Z Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Rezone the Subject Property from "AG" - Agricultural District, "ML" - Light Manufacturing District, "MH" - Heavy Manufacturing District, and "PD" - Planned Development District to "RO" - Regional Office District, Located on the East Side of State Highway 5 (McDonald Street) and Approximately 100 Feet North of Crestwood Drive. Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the proposed rezoning request. She stated that the City is requesting to rezone the subject property to "RO" – Regional Office District. Ms. Pickett stated that part of the 2004 Comprehensive Plan, Staff noticed that this area had developed as industrial in nature. She stated that there had been improvements to State Highway 121 (Sam Rayburn Tollway), State Highway 5 (McDonald Street), and Spur 399. Ms. Pickett stated that this area was a gateway into the City. She stated that the City had invested in partnerships to grow and develop non-industrial property. Ms. Pickett stated that Staff had been working with the Texas Department of Transportation (TxDOT) on improvements to State Highway 5 (McDonald Street) to better support current and future demands. She stated that the recently adopted 2040 Comprehensive Plan shows this area as an activity center for the City and the subject property as a professional campus. Ms. Pickett stated that industrial uses can be appropriate in certain areas, the intensity of the current zoning of the subject

property does not align with that vision. She stated that City has initiated the proposed rezoning request to better align it with the 2040 Comprehensive Plan. Ms. Pickett stated that several letters of support were distributed to the Commission prior to the meeting. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none. Chairman Cox opened the public hearing and called for comments. Ms. Jill Alcantara, 2837 Dog Leg Trail, McKinney, TX, stated that she represented McKinney Green or Not and lived approximately 1,600 feet from the batch plants. She stated that the East McKinney communities had suffered for years with the nerve wrecking noise, intrusive lights, and choking cement dust created by these three industrial plants. Ms. Alcantara stated that they operate 24 hours per day. She stated that the proposed rezoning could have a real impact on the lives of the people that live within one mile of these industrial facilities. Ms. Alcantara stated that their most urgent concern is the constant exposure to the cement dust. She stated that these extremely small particles lodge in your lungs over time and can cause Silicosis, a dangerous type of lung cancer. Ms. Alcantara stated that it was particularly dangerous to children and the elderly. She stated that the cement dust is known to remain suspended in the air for up to two weeks before settling on the objects below. Ms. Alcantara stated that in the Texas wind, the cement dust could easily travel 10 miles in an hour. She stated that 17,000 McKinney residents live within a one mile radius of these plants. Ms. Alcantara stated that Texas Christian University (TCU) has tested the dust in their homes more than once and documents that 50 – 80% of the dust they found was cement dust. She stated that Marven Elementary School on Eldorado had 497 students that breathe this stuff 24 hours per day. Ms. Alcantara stated that they

breathe the cement dust is inside their homes, at school, and when they play outside. She stated that there are City offices within a mile of these batch plants. Ms. Alcantara stated that the Senior Recreation Center and the senior housing used by hundreds of McKinney residents is also within a mile of these batch plants. She stated that it was vital to the health and quality of life of McKinney's most venerable residents. Ms. Alcantara stated that it was also important to the future of development of McKinney's southern gateway. She stated that these plants are an environmental disgrace, loud, dirty, with unkempt shacks, rusting tanks, and their trucks are dangerous and aggressive on the roads. Ms. Alcantara stated that the trucks drag rock, gravel, and cement dust on State Highway 5 (McDonald Street) endangering McKinney residents. She encouraged the Commission to approve the proposed rezoning request and bring these properties into compliance with the City's Comprehensive Plan. Mr. Sy Shadhid, Executive Director of the Heard Museum, stated that they were located directly across the railroad tracks to the east of the subject property. He stated that Heard Museum was an undiscovered gem of Collin County and the only wildlife sanctuary for hundreds of miles. Mr. Shadhid stated that over 100,000 people visit the museum and over 22,000 field trips are taken at the museum. He stated that there are two sensitive ecosystems – the federally funded wetland and their bird area. Mr. Shadhid stated that they have over 300 species of birds that migrate from Canada to Mexico that also stop at the Heard Museum to have their babies. He stated that they were constantly impacted by the dust, loud noises, and lights from the nearby batch plants. Mr. Shadhid urged the Commission to pass the proposed rezoning request to protect the environment for generations to come. He offered to answer questions. There were none.

Chairman Cox read the following five names of the residents who turned in speaker cards in support of the proposed rezoning request; however, they did not wish to speak during the meeting: Mr. Al Alcantara, 2837 Dog Leg Trail, McKinney, TX; Ms. Linda Krohn, 2201 S. Highway 5 (McDonald Street), McKinney, TX; Ms. Nancy McClendon, 2941 Dog Leg Trail, McKinney, TX; Ms. Ronda Steffey, 2833 Dog Leg Trail, McKinney, TX; and Ms. Lisa Waits, 1534 Oso Trail, Glenn Heights, TX. On a motion by Commission Member Kuykendall, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing and to recommend approval of the proposed 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 would be forwarded to the April 16, 2019 City Council meeting.

18-0047Z 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 Agricultural, Recreational, and Residential Uses, Located at 3933 County Road 317. Ms. Samantha Pickett, Planning Manager for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is proposing the rezone the subject property to “PD” – Planned Development District, which includes agricultural, recreational, and residential uses. Ms. Pickett stated that this is in association with the further development of Cornerstone Ranch, which provides care, programs, and living opportunities for adults with special needs. She stated that the proposed zoning divides the property into three character districts, with each area intended to provide resources and living opportunities on the property. Ms. Pickett stated that each district includes standards and uses that complement the overall vision for the property. She stated that with

the property providing a unique service to the community, not currently established within the ordinance, Staff understands the need to establish a “PD” - Planned Development District. Ms. Pickett stated that Staff worked with the applicant to establish provisions that will allow the properties to develop as envisioned by the applicant and to the quality that is expected of the City of McKinney. She stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. Chairman Cox asked if County Road 317 was planned to be improved only in front of the subject property or the entire road is planned to be improved. Ms. Pickett stated that she would need to ask the McKinney Engineering Department to find the answer. She stated that typically the developer is responsible for the adjacent portion; however, it could be up to the nearest point of access. Mr. David Heaton, Cornerstone Ranch, 3933 County Road 317, McKinney, TX, briefly explained the proposed rezoning request. He stated that the City has the opportunity to do something for McKinney’s most unique citizens. Mr. Heaton stated that he and his wife started looking for a location in the metroplex about 15 years ago and decided on McKinney. He stated that Collin County has over 13,000 people with special needs that will need care. Mr. Heaton stated that Collin County has no other residential facilities that are private and faith based in nature. He stated that they were the only ones in Collin County doing this in Collin County. Mr. Heaton stated that they look forward to partnering with the City of McKinney for years to come. He stated that they are a home for six individuals with special needs. Mr. Heaton stated that they also have a day program four days a week that currently helps approximately 25 individuals. He stated that Rick Wells said, ‘Great cities won’t be judged merely by their growth and development; but,

by the way they care for people in need.' Mr. Heaton stated that this applicant is all about being a great city in more ways than just development. He offered to answer questions. Chairman Cox asked if he agreed with the special ordinance provisions listed in the Staff Report. Mr. Heaton said yes. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public hearing and recommend the proposed 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 would be forwarded to the April 16, 2019 City Council meeting.

19-0009Z Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally for School Uses, Located on the Northwest Corner of Collin McKinney Parkway and Stacy Road. Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone the subject property to a "PD" – Planned Development District to develop a high school for Frisco Independent School District (FISD). Mr. Soto stated that in order to create a quality development that works for both the City and the school, the applicant has proposed a unique planned development district that specifically defines the uses, space limits, and site standards for the property in the development regulations. He stated that the proposed rezoning request aligns with the Urban Living place type of Collin McKinney Commercial District by providing necessary education services to the surrounding area. Mr. Soto stated that the proposed rezoning request should create a quality and compatible development for the surrounding properties

and place types. He stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none. Mr. Rob Morse, RLK Engineering, Inc., 111 W. Main Street, Allen, TX, concurred with the Staff Report and offered to answer questions. Chairman Cox asked how many high schools were located in Frisco counting this one. Mr. Morse said 11. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Haeckler, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request per Staff's recommendation, with a vote of 6-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission would be forwarded to the April 16, 2019 City Council meeting.

19-0009PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for 5 Single Family Residential Lots and 1 Common Area (Fossil Creek at Westridge, Phase 1), Located Approximately 95 Feet East of Forkhorn Drive and on the North Side of Virginia Parkway. Mr. David Soto, Planner I for the City of McKinney, explained the proposed preliminary-final replat. He stated that the applicant is proposing to replat one existing lot and 0.605 acres of unplatted property into five single family residential lots and one common area. Mr. Soto stated that the applicant has met all of the requirements of the Subdivision Ordinance. He stated that Staff recommends approval of the proposed preliminary-final replat and offered to answer questions. Mr. Soto stated that the applicant was unable to attend the meeting. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Taylor, the Commission unanimously voted

to close the public hearing and approve the proposed preliminary-final replat as recommended by Staff, with a vote of 6-0-0.

18-0014M Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Regulations), Appendix G (MTC - McKinney Town Center Zoning District) of the Code of Ordinances. Ms. Samantha Pickett, Planning Manager for the City of McKinney, briefly explained the proposed amendments to Chapter 146 (Zoning Regulations), Appendix G (MTC – McKinney Town Center Zoning District) of the Code of Ordinances. She stated that as part of City Council's Strategic Goals, Staff looked at the MTC – McKinney Town Center Zoning District to make minor improvements. Ms. Pickett stated that this will make it easier to get through the City's process and address any conflicts or inconsistencies where there were common variances. She stated that there are two amendments to the ordinance. Ms. Pickett stated that one was regarding driveway location, which would allow for a secondary point. She stated that the second was regarding transparency to allow a stock level variance to reduce the percentage. Ms. Pickett stated that there were some administrative amendments for reorganization of the ordinance to make it easier to get through. She stated that Staff recommends approval of the proposed amendments and offered to answer questions. Vice-Chairman Mantzey stated that he appreciated Staff reviewing items that have historically been unclear or when variances have been brought before the Planning & Zoning Commission a number of times. Chairman Cox concurred with Vice-Chairman Mantzey's comments. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing and recommended approval of the proposed

amendments per Staff's recommendation, with a vote of 6-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to City Council at the April 2, 2019 meeting.

19-0002M Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146 (Zoning Ordinance), Section 146-134 (Performance Standards) of the Code of Ordinances. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the proposed amendments would bring the performance standards, specifically the noise provisions, up-to-date and in alignment with some of the sister cities. She stated that it would make it easier to enforce the City's noise standards. Ms. Arnold stated that Staff is recommending approval of the proposed ordinance amendments and offered to answer questions. Chairman Cox congratulated Staff for excellent work. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Haeckler, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing and recommend approval of the proposed ordinance amendments 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 City Council at the April 16, 2019 meeting.

END OF THE REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Commission Member Kuykendall stated that she appreciated the public weighing in on the agenda items during the meeting. Chairman Cox concurred.

There being no further business, on a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to adjourn the meeting. Chairman Cox declared the meeting adjourned at 7:45 p.m.

_____
BILL COX
Chairman