

## PLANNING AND ZONING COMMISSION

SEPTEMBER 10, 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, September 10, 2019 at 6:00 p.m.

City Council Present: Mayor George C. Fuller, Rick Franklin, and Frederick Frazier

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

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

Staff Present: Director of Planning Jennifer Arnold; Planning Manager Samantha Pickett; Planners David Soto, Kaitlin Gibbon, and Joseph Moss; 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 Commission Member Kuykendall, seconded by Commission Member McCall, to approve the following three Consent items, with a vote of 7-0-0.

**19-0747** Minutes of the Planning and Zoning Commission Regular Meeting of August 27, 2019.

**19-0748** Minutes of the Planning and Zoning Commission Under Its Authority as the City of McKinney Capital Improvements Advisory Committee Meeting of August 27, 2019.

**19-0111CVP** Consider/Discuss/Act on a Conveyance Plat for Lots 1-4, Block A, of the McKinney Logistics Center, Located 550 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street).

END OF CONSENT

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

**19-0077Z** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-84" - Single Family Residence District to "SF5" - Single Family Residential District, Located Approximately 180 Feet North of Albany Drive on the East Side of Sorrell Road (REQUEST TO BE TABLED). Mr. Joe Moss, Planner I for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item tabled indefinitely in order to allow the applicant additional time to continue working on the request. He stated that Staff did not provide a detailed Staff report to the Commission due to the request to table the item. Mr. Moss stated that Staff would re-notice prior to an upcoming meeting. He offered to answer questions. Chairman Cox asked for clarification on Staff's recommendation. Mr. Moss stated that Staff recommends closing the public hearing and tabling the item indefinitely to allow the applicant time to continue working on the request. Commission Member Kuykendall wanted to clarify that if the item was tabled then no further action would be taken at this time. Mr. Moss stated that if the item is tabled, then it would be like the request was being pulled from the agenda, so essentially no action would be taken on the item. He stated that the item would be re-noticed prior to an upcoming meeting. Chairman Cox asked for clarification on the re-noticing process. Mr. Moss stated that Staff would mail out public hearing notices to property owners within 200' of the subject property ten days prior to the Planning and Zoning Commission meeting that it is being presented per the State Law of Texas requirements. Chairman Cox asked if Staff had any indication of when the next notice might go out. Mr. Moss stated that Staff did not know when this request might come before the Commission again. He reiterated that the request is to table the item indefinitely. Chairman Cox stated that the Commission has not been given the details or any paperwork of this request. He stated that the only reasonable action from the Commission would be to table the item

per Staff's recommendation. He stated that this request should be coming back before the Commission at some time in the future; however, that exact date was unknown at this time. Chairman Cox reiterated that property owners within 200' of the subject property will be sent a public hearing notice in the mail for that future meeting. He opened the public hearing and called for comments. Mr. Chris Bowers, 1800 Valley View Lane, Framers Branch, TX, stated that he would reserve his comments until the application comes back before the Commission. His speaker card stated that he was in opposition to the request. Ms. Doris Lee, 6421 McKinney Ranch Parkway, McKinney, TX, started speaking an unrelated agenda item. Mr. Keeshav Bisht, 313 Bachman Creek Drive, McKinney, TX, stated that he was in favor of tabling the item until there is more information. His speaker card stated that he was in opposition to the request. Mr. Russ Mortenson, 2804 Albany Drive, McKinney, TX, spoke in opposition to the rezoning request. He stated that his property was located adjacent and next door to an access point for the subject property. Mr. Mortenson stated that this is not another greenfield residential rezoning case that the Commission routinely hears. He stated that this case presents sensitive and difficult issues for a maturing City. Mr. Mortenson stated that developers are doubling back to develop previously zoned residential properties, now encircled by developed subdivisions, that were either overlooked or unavailable for development over the past two to three decades. He stated that the City must be far more aware of and sensitive to local property owners who invested in the surrounding subdivision and neighborhoods to these rezoning requests from property owners who now wish to make a profit. Mr. Mortenson stated that current investing residents placed their reliance on the then existing zoning of adjacent and nearby properties when making judgements on the suitability of these residential properties in context to their lifestyle needs and preferences, desire for stability, maintaining the value of their residential property investments, and the

compatibility of adjoining neighborhoods. He stated that he generally believes in the property owner's ability to do what they want with their property; however, in an urban environment we give up some of those rights. Mr. Mortenson stated that there are limits imposed. He stated that this is why the property owner is not entitled to a drastic zoning change on their property. Mr. Mortenson stated that since his allotted three minutes were up that he would submit the rest of his comments in writing. Ms. Molly McLeay, 817 Lockhart Drive, McKinney, TX, stated that she opposes the request. She stated that she lives within 200' of the subject property. Ms. McLeay stated that while she was noticed properly as the notices were postmarked on August 30, it did not leave a lot of time to talk as many notices did not arrive until September 7<sup>th</sup>. She suggested that Staff e-mail the public hearing notices instead of mailing them to save money. The following residents turned in speak cards in opposition to the request; however, did not wish to speak during the meeting:

- Karen Sowards, 625 Sorrel Road, McKinney, TX
- Gary Stanford, 2904 Sorrell Circle, McKinney, TX
- Vishal Ramchand, 2901 Sorrell Circle, McKinney, TX
- Catherine Stanford, 2904 Sorrell Circle, McKinney, TX
- Paul A. Sowards, 625 Sorrell Road, McKinney, TX
- Kajuri Ramchand, 2901 Sorrell Circle, McKinney, TX
- Malgorzata Gortych, 2513 Elk Run Road, McKinney, TX
- Brad Walker, 801 Lockhart Drive, McKinney, TX
- Lynda Davis, 2713 White Rock Creek, McKinney, TX
- John Davis, 2713 White Rock Creek, McKinney, TX
- Carroll Moore, 2724 Albany Drive, McKinney, TX
- Aliza Chkaiban, 2704 Mountain Creek Drive, McKinney, TX
- Charles Chkaiban, 2704 Mountain Creek Drive, McKinney, TX
- Lauren Solano, 305 Turtle Creek Drive, McKinney, TX

- Michael Harrison, 317 Turtle Creek Drive, McKinney, TX
- Joseph L. Lucas, 612 Sorrell Road, McKinney, TX
- Isha Mittal, 2709 White Rock Creek Drive, McKinney, TX
- Mona Jarvis, 2700 Mountain Creek Drive, McKinney, TX

On a motion by Vice-Chairman Mantzey, seconded by Commission Member Doak, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey wanted to verify that when this request comes back before the Commission there would be a comparison between the current “RS-84” – Single Family Residential District and the proposed “SF5” – Single Family Residential District zoning for the property. Mr. Moss said yes. Vice-Chairman Mantzey stated that the Commission does not get involved with the civil engineering and access points on the property, since they go through other City departments. He wanted to verify that the Commission would only be looking at the proposed zoning of the property. Mr. Moss stated that was correct. On a motion by Commission Member Kuykendall, seconded by Commission Member McCall, the Commission unanimously voted to table the item indefinitely per Staff’s recommendation, with a vote of 7-0-0.

**19-0056SP** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for a Medical Office Building, Located on the East Side of Custer Road and Approximately 450 Feet North of Collin McKinney Parkway (REQUEST TO BE TABLED). Mr. Joe Moss, Planner I for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item tabled indefinitely per the applicant’s request. He stated that Staff would re-notice prior to an upcoming meeting. Mr. Moss offered to answer questions. There were none. Chairman Cox asked if the applicant was present at the meeting to give a presentation and/or answer questions. Mr. Moss stated that the applicant was not present. Chairman Cox opened the public hearing and called for comments. Mr. Muhammad Zaheeruddin, 6201 Spieth Road, McKinney, TX, stated that the subject property is located at

the corner of his street. He stated that he would like to have a wall built to address his concerns regarding privacy, additional noises, and dumpster location for the proposed development. Mr. Zaheeruddin stated that his main concern was privacy. Mr. Venkata Tatavarty, 6216 Spieth Road, McKinney, TX, stated that he was okay with building the medical office at this location. He stated that they have a wrought iron fence in their subdivision, so the area is not private. Mr. Tatavarty expressed concerns of someone parking at the medical office could record or monitor what is happening on the entire street and plan for anything of their choice. He requested that a wall be built for the security of the properties along Jimenez and Spieth Roads. Mr. Tatavarty also expressed concerns for the children in their subdivision. Chairman Cox stated that the following residents turned in speaker cards in opposition to the request; however, did not wish to speak during the meeting:

- Dinesh Kumar Gajendran, 6216 Mickelson Way, McKinney, TX
- Venkata Goparaju, 6212 Spieth Road, McKinney, TX
- Abdul H. Mohd, 6217 Spieth Road, McKinney, TX
- Venkata Ramana Pallapothula, 6212 Mickelson Way, McKinney, TX
- Surendra Peddi, 6213 Spieth Road, McKinney, TX

On a motion by Commission Member Kuykendall, seconded by Commission Member Taylor, the Commission voted unanimously to close the public hearing and table the item indefinitely per the applicant's request, with a vote of 7-0-0.

Commission Member Kuykendall left the meeting around 6:45 p.m. during the presentation of 19-0002SUP.

**19-0002SUP** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for an Automobile Repair (Meineke Car Care Center), Located on the Southwest Corner of Ridge Road and McKinney Ranch Parkway. Mr. David Soto, Planner I for the City of McKinney, explained the proposed specific use permit request. He stated that the applicant

is requesting a specific use permit to allow for an automobile repair facility on the subject property. Mr. Soto stated that he distributed two letters of opposition regarding this request to the Commission prior to the meeting. He stated that the governing zoning district, "C-2" – Local Commercial District, requires that a specific use permit be granted in order for an automobile repair to be operated on the subject property. Mr. Soto stated that as part of the specific use permit, the applicant has submitted a site layout detailing the building and parking locations, as well as, the internal site circulation. He stated that the applicant is seeking a variance to use an alternate screening device consisting of Nelly R. Stevens shrubs to screen the overhead doors from non-residential properties to the west and south. Mr. Soto stated that the applicant is also proposing one canopy tree per 30 linear feet to further screen the use and provide additional trees on the subject property. He stated that the City's standards call for one canopy tree per 40 linear feet. Mr. Soto stated that Staff is the opinion that the proposed living screen will adequately screen the view of the overhead doors, while providing a more flexible option on the property. He stated that Staff has no objections to the variance request. Mr. Soto stated that Staff has evaluated the specific use permit request feels that it is inappropriate for the proposed use and is incompatible with existing land uses on the adjacent properties. He stated that at the time the subject property was rezoned in 2014, the intent of the 2014 Planned Development was to continue and build upon the design and principles set forth by the "REC" – Regional Employment Center Overlay District to create a high quality and walkable mix of uses. Mr. Soto stated that the "PD" – Planned Development established neighborhood appropriate uses, while specifically excluding certain uses such as mini-warehouse, pawnshops, and automotive repair. He stated that given the location and size of the property, as well as, the nearby residential uses and small-scale retail,

Staff has concerns that the proposed automotive repair facility would not be of an intensity appropriate for the area, nor would it be in line with the vision originally established for the property. Mr. Soto stated that Staff recommends denial of the proposed specific use permit request and offered to answer questions. Commission Member McCall stated that he thought this corner was recently rezoned. Mr. Soto stated that all of the exclusions mentioned were in the 2014 zoning district. He stated that the property was recently rezoned from "PD" - Planned Development District to "C2" – Local Commercial District. Commission Member Haeckler asked if the variance request only applies to the specific use permit request. Mr. Soto stated that was correct. Mr. Gregory Casey, Sanchez & Associates, 2000 N. McDonald Street, McKinney, TX, thanked the Commission for allowing him to speak in favor of this request. He stated that the developer of the subject property owns the other Meineke Car Care Center in McKinney. Mr. Casey stated that this corner is zoned "C2" – Local Commercial District, which allows the use with a specific use permit. He stated that this corner property is at the intersection of two major arterials – Ridge Road and McKinney Ranch Parkway. Mr. Casey he stated that this is a heavily traveled intersection with six lane roads in both directions. He stated that if you are going to have a more intense commercial use, then you would think it would be at an intersection exactly like this one. Mr. Casey stated that he feels that this is an appropriate use for the subject property. He presented photograph of where the other Meineke Car Care Center in McKinney is located. Mr. Casey stated that it is located directly across the street from the Pioneer Ridge Gracious Retirement Living Center. He stated that the subject property would also be adjacent to an independent living facility. Mr. Casey stated that the original Meineke Car Care Center in McKinney has operated for years without complaints or issues and have been a good member of the community. He showed photographs of



other businesses with similar uses, what they are adjacent to, and where they are located. Mr. Casey gave an example of the Affordable Automotive located mid-block on Virginia Parkway. He stated that it is directly adjacent to single-residential uses. Mr. Casey stated that the proposed Meineke Car Care Center would not be directly adjacent to single-family residential uses. He gave an example of Nortex Lube and Tune that is surrounded by single-family residential uses and is also located mid-block. Mr. Casey gave an example of Kwik Kar Lube & Tune on Louisiana Street is mid-block and directly adjacent to multi-family residential uses. He gave the example of Nortex Lube and Tune on White Avenue being located at an intersection and being directly adjacent to multi-family to the south. Mr. Casey gave an example of McKinney Oil exchange on Eldorado Parkway being mid-block and adjacent to single-family and multi-family uses. He gave an example of Kwik Kar on Custer being mid-block and adjacent to single-family residential uses. Mr. Casey stated that these uses already exist in McKinney that are largely mid-block uses that are adjacent to single-family uses or more dense residential than what is being proposed for the subject property. He stated that these business operate without problems or issues. Mr. Casey stated that he believes that the proposed site of two major arterials is a more fitting location than any of the examples that he gave. He stated that the developer has gone to lengths to minimize the impact of the use with enhancing the landscaping and screening. Mr. Casey stated that the developer is committed to using quieter equipment, limiting advertisement, and limiting the types of vehicles being serviced. He stated that a Meineke Car Care Center is not a full-service automotive repair shop. Mr. Casey stated that they do not do bodywork or complete engine work. He stated that they mainly work on mufflers, brakes, and oil changes. Mr. Casey stated that the noise coming from the proposed use would be very limited. He offered

to answer questions. Chairman Cox asked if they held meetings with the adjacent property owners about the proposed development. Mr. Casey stated that they spoke with a couple of the property owners. He stated that they had not heard from any residential property owners around the area; however, there are not any single-family or multi-family residential uses within 200' of the subject property. Mr. Casey stated that Mr. Ghee owns property across the street and had expressed reservations; however, is not present at this meeting. He stated that Mr. Ghee has not sent in any letters of opposition. Chairman Cox opened the public hearing and called for comments. Ms. Doris Lea, 6421 McKinney Ranch Parkway, McKinney, TX, stated that she is the Executive Director of Hidden Springs of McKinney. She stated that she has worked in senior living for 46 years. Ms. Lea stated that she knew Pioneer Ridge well and it was an affordable housing development, however Hidden Springs is not since their building, services, and rates are high end. She stated that their building is winning national architectural awards. Ms. Lea stated that the last thing that they need is having a use like this next to them. She stated that they have four stories of independent living and will be able to see the proposed development from some of the windows in Hidden Springs no matter how high the screening and trees are. Ms. Lea stated that this is the last move for a lot of their residents. She stated that they have doctors, lawyers, business men, and entrepreneurs moving in their facility. Ms. Lea stated that if a car care center is built next door that it will hurt their business. She stated that their fourth floor is almost sold out. Ms. Lea stated that she might have to go back explain that this could be in their view from the fourth floor windows. She stated that approximately 30% of their residents are coming from out of state due to their family living in McKinney. Ms. Lea stated that she is very concerned that this could damage their business and that Maddison-Marquette, the developer of the property also had concerns. Vice-

Chairman Mantzey asked if the investment in the Hidden Springs in McKinney will be over \$40,000,000. Ms. Lea stated that it is over \$43,000,000. Mr. Kannan Perumalsamy, 4125 Portola Drive, McKinney, TX, stated that he is a board member of the Eagle Ridge Community Homeowners Association (HOA) and was speaking on behalf of their concerns. He stated that they have 56 residential properties. Mr. Perumalsamy stated that most of the property owners are first time homeowners. He stated that they purchased the property to enjoy the blissful opportunities in McKinney and a better place to raise their children. Mr. Perumalsamy stated that they live across the street from the subject property. He expressed concerns about the location of the proposed development on the corner would lead to decreased property values, increased traffic, and noise level issues from the proposed car care center. Mr. Joe Benton, 4840 Heather Glen Trail, McKinney, TX, stated that the original zoning on the property did not allow an automotive repair, among other uses on the property. He stated that the subject property was rezoned within the past two months which allows this use with a specific use permit (SUP) approval. Mr. Benton stated that he owns 1 ½ acres of property immediately to the south of the lot and shopping center on Roper. He stated that he is in opposition of having an automotive use put on this corner. Mr. Benton stated that he feels it is an inappropriate corner use and devalues his commercial investment. He stated that immediately to the west borders is the senior living residential development. Mr. Benton stated that immediately to the north, across the street, is a Montessori school and an Episcopal church. He stated that northeast of the subject property is a residential development with a corner commercial lot. Mr. Benton stated that immediately to the east is Eagle Ridge Subdivision. He stated that the owner of the commercial corner east of Eagle Ridge Subdivision had submitted a letter of opposition to this request. Mr. Benton stated that a

lot of the neighborhood interest saying this is an inappropriate use for the subject property. He stated that there will be a lot of air impact tools used and he did not believe that they would be muffled. Mr. Benton stated that the noises coming from the proposed car care facility would be loud. He stated that Meineke built their business on exhaust and muffler replacement and have branched out into other car care. Mr. Benton reiterated that it is going to be noisy. He stated that it will especially effect the Montessori school and residents next door. Mr. Brad Davis, 4109 Red Granite Lane, McKinney, TX, stated that he is on the Landscape and Beautification Committee for Eagle Ridge Homeowner's Association (HOA). He stated that the developer have not contacted the Eagle Ridge Homeowner's Association to discuss their plans. Mr. Davis stated that they have a great community with a lot of children running around on their streets. He stated that he has concerns about what the proposed development will look like, traffic patterns, hours of operation, and noise levels. Ms. Lucia Pantano, 5800 Morning Wind Drive, McKinney, TX, stated that is was also part of the Eagle Ridge Homeowner's Association (HOA). She stated that she and her husband are new homeowners. Ms. Pantano stated that she did not hear about this request coming before the Commission until today when their homeowner's association sent an e-mail. She concurred with the previous speaker's concerns and stated that she was also in opposition to the request. Ms. Pantano asked how they could learn what business are going up around their neighborhood. Chairman Cox stated that Staff could discuss options with her after the meeting. Mr. Kishan Ahuja, 4100 Red Granite Lane, McKinney, TX, stated that he is part of the Eagle Ridge community. He stated that he is also in opposition to this request for the same reasons as mentioned earlier by previous speakers. Chairman Cox stated that the following residents turned in speak cards

in opposition to the request; however, did not wish to speak during the meeting:

- Michael Ferguson, 5800 Morning Wing Drive, McKinney, TX
- Vikram Kumar, 4100 Portola Drive, McKinney, TX

Mr. Kannan Perumalsamy came back before the Commission to ask how the Eagle Ridge residents could raise their concerns by e-mail or on-line. Chairman Cox stated that residents can contact City Staff with their position on the request. Mr. Soto gave his business card to Mr. Perumalsamy. On a motion by Commission Member McCall, seconded by Commission Member Haeckler, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0. Commission Member McCall stated that he was against the rezoning of this property because he did not believe that it made sense. He stated that he does not believe that the proposed use should be at this location with the adjacent neighbors. Commission Member McCall stated that he agrees with Staff's recommendation of denial. Commission Member Doak stated that he does not see the need for this use at this location. He stated that there are better suited business that would not need a specific use permit (SUP) for this location. Commission Member Doak reiterated that he did not believe that this was the right use for this corner at this point. Vice-Chairman Mantzey stated that he is in agreement with Staff for a recommendation for denial due to the luxury investment that was put in next door to the subject property. He stated that this is not what would be best for the neighboring community overall. Vice-Chairman Mantzey stated that when an applicant promises to use special tools in order not to be a disrupter to the neighborhood that is a signal that it is not well blended. Commission Member Haeckler stated that he also agrees with Staff's recommendation for denial. He stated that concurred with the previous concerns mentioned. Commission Member Taylor stated that he also concurred with the previous concerns mentioned. Chairman Cox

stated that these are difficult when you have people who invested money in residential and business properties. He stated that there are presidents in other parts of McKinney for this type of use. Chairman Cox stated that he feels that the use would be appropriate for the subject property. He stated that all of the Commission members have a vote and voice on the request. Chairman Cox called for a motion. On a motion by Commission Member Haeckler, seconded by Commission Member McCall, the Commission unanimously voted to recommend denial of the request 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 the City Council meeting on October 1, 2019.

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

There were no citizen comments made during the meeting.

Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that there was some discussion about notifications on current activities going on in McKinney. She stated that Staff is not able to e-mail notifications to residents. Ms. Arnold stated that Staff Law requires a mailed notice 10 days prior to the public hearing. She stated that the City has a Notify Me application on the City's website where people can sign up to receive emails regarding upcoming City Council and Planning and Zoning Commission meetings.

Ms. Arnold stated that Ms. Samantha Pickett, Planning Manager for the City of McKinney, is moving to a new department with the City of McKinney and will be the new Business Systems Specialist (BSS). Ms. Arnold stated that she will be taking on a more active role working with the Commission. She stated that the Planning Staff wished Ms. Pickett well in her new role with the City. Chairman Cox and the Commission congratulated Ms. Pickett on her new position with the City. Ms. Pickett stated that she enjoyed working with the Commission.

On a motion by Commission Member Doak, seconded by Commission Member McCall, the Commission unanimously voted to adjourn the meeting, with a vote of 6-0-0.

There being no further business, Chairman Cox declared the meeting adjourned at 7:05 p.m.

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BILL COX  
Chairman