

Planning and Zoning Commission Meeting Minutes of October 28, 2014:

14-151Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone a Portion of the Property from "AG" - Agricultural District, "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "SF5" - Single Family Residential District and "CC" - Corridor Commercial Overlay District; and Rezone a Portion of the Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located Approximately 1,100 Feet West of Custer Road and on the South Side of U.S. Highway 380 (University Drive)

Ms. Samantha Pickett, Planner II for the City of McKinney, explained the proposed rezoning request and discussed some of Staff's concerns. She stated that an additional letter of opposition, which resends a previous letter of support, and a fiscal analysis provided by the applicant were distributed to the Commission prior to the meeting. Ms. Pickett stated that Staff recommends denial of the proposed rezoning request due to lack of conformance with the City of McKinney's Comprehensive Plan and City Council's goal of preserving and developing the non-residential tax base. She stated that professionally speaking, Staff had no objections to the proposed rezoning request as development of the entire property for non-residential uses may be challenging due to its limited access from multiple street frontages, the property's mid-block location, and the natural lake/drainage feature bisecting the property, making a large portion of the property more conducive to residential uses.

Mr. Robert Roeder; Abernathy, Roeder, Boyd & Joplin, P.C.; 1700 Redbud, McKinney, TX, explained the proposed rezoning request. He agreed that it was a challenging property to develop. Mr. Roeder stated that the Virginia Hills Homeowners Association submitted a letter of support for the development. He stated that Aero County was the only opposition that he was aware of for the project. Mr. Roeder stated

that Aero County was not in the corporate limits of the City of McKinney. He stated that the proposed property was in the City of McKinney and felt this development would benefit the City. Mr. Roeder briefly discussed the fiscal analysis that he provided for the development and how he calculated it.

Chairman Franklin asked about the screening planned for the back of the lots within the development. Mr. Roeder stated that there would be fencing, additional landscaping could be added, and there were some tree lines along the property line.

Commission Member Gilmore asked if there would be airplane traffic over the residential properties in this proposed development. Mr. Roeder felt it was the pilot's responsibility on where they flew and that the Federal Aviation Administration (FAA) would have regulations that must be met. He stated that the Aero County grass strip was located to the west of this property. Mr. Roeder stated that the paved runway was significantly to the south of this property.

Commission Member Kuykendall had questions regarding the additional traffic that 150 single family residential homes would generate and there only being two entrances from U.S. Highway 380 (University Drive) to the development. Mr. Roeder stated that they were planning on having a deceleration lane for right-hand turns coming off of U.S. Highway 380 (University Drive). He stated that the U.S. Highway 380 (University Drive) was a four lane divided road with no median, which he felt would allow for good traffic movement for getting on and off of the highway.

Commission Member Gilmore asked if the proposed road going to the southern end of the property would continue to the next property or end at this development. Mr. Roeder stated that the road would be gated and locked so that it would be available for emergency access only.

Chairman Franklin opened the public hearing and called for comments.

The following two people spoke in opposition of the proposed rezoning request. These citizens showed a presentation; discussed airplane traffic patterns; requested a 500' setback between the airport property and residential lots on the proposed development for a noise and safety barrier; requested a 8-foot fence to the north and east of the buffer; requested to cap the height of any structure to 35 feet; requested to inform the home or commercial buyers of the airport location at closing; maintain any trees or shrubs on the property line; and stated that the airport was open 24 hours a day, seven days a week.

- Mr. Ron Medellin, Aero Country Property Owners Association and Board of Directors, 2505 Lakeside Dr., McKinney, TX
- Mr. Carl Best, Vice-President of the Aero Country Property Owners Association, 2604 Winterstone Dr., Plano, TX

Commission Member Zepp asked about the buffer area between Virginia Hills and Aero Country Airport. Mr. Carl Best stated that it was a transition piece of property that was originally set up as a buffer; however, was now being developed as part of airport as Aero Country East. He stated that it would have hangars and residences above some of the hangars.

Commission Member Gilmore asked if the airplanes currently fly over residential properties in the area. Mr. Best said yes; however, they would be at a higher altitude over the Virginia Hills development than when they are descending towards the runway over the proposed property. He stated that when they approach the runway from the South that they try to fly over the golf course and unpopulated areas. Mr. Best stated that they try to fly outside of Redbud Estates.

Commission Member Stevens asked Mr. Best what he would suggest that the applicant do on the west side of the proposed property. Mr. Best suggested having a 500-foot buffer with agricultural uses to help with safety and noise issues.

Commission Member McReynolds asked Mr. Best if they have any issues with the children from Virginia Hills making their way to the airport past the 500-foot buffer. Mr. Best said no, that there were high weeds and chiggers on the property that deters them.

Vice-Chairman Hilton asked if the airplanes could enter the runway from the right side. Mr. Best stated that standard airplane traffic would be all left-hand turns. He stated that if the wind was out of the north, then they would make the entrance on the other side of the runway and still be making left-hand turns. Mr. Best stated that the wind does not typically come out of the north.

Commission Member McReynolds asked for the percentage of pilots that used the asphalt runway versus the grass runway at the airport. Mr. Best stated that about 75% of the flights used the asphalt runway. He stated that would place the majority of the planes about 300 feet above the proposed residential properties when entering the airport. Mr. Best stated that some of the planes make loud popping noises as they descend.

Mr. Jack Wybenga, 10015 Taylorcraft Dr., McKinney, TX, stated that he had about 20 feet of trees along the fence line on his property. Mr. Wybenga described some of the accidents of planes crashing into these trees on his property. He expressed concerns about building residential properties so close to the Aero Country runway and the possibility of planes crashing into these properties. Mr. Wybenga stated that they had issues with some of the Virginia Hills children riding mini bikes on the runways in the past; however, the Virginia Hills Homeowners Association had stepped forward to address the issue.

Mr. Christopher Farmer, 9316 Leesburg Ct., McKinney, TX, suggested removing the six proposed residential properties shown as lots 49 – 54 on the Concept Plan (Informational Only) included in the Staff report. He stated that he lives just south of this

property. Mr. Farmer stated that he liked living near the airport. He briefly discussed the water main pipe on his property. He stated that he was for the rezoning request; however, still had some concerns.

Mr. Mark Brown, 1809 Buckingham St., McKinney, TX, expressed concerns that children from the proposed residential neighborhood might climb the fences to play on the runways or leave items on the runways that could cause hazards for an aircraft. He expressed concerns about lights at the residential properties being a distraction to the pilots at night.

Mr. BJ Boyle, 2656 Newcastle Dr., Carrollton, TX, stated that he was on the Board of Directors for Aero Country Airport. He briefly discussed some of the Federal Aviation Administration (FAA) regulations that might affect the proposed development.

Mr. Chuck Webster, 10000 Grumman Ln., McKinney, TX, briefly described the landing procedures and the types of aircrafts that use the Aero Country Airport. He stated that they have a lot of student pilots using the runways. Mr. Webster was not in favor of building residential properties close to the airport.

The following three residents turned in Speaker Cards in opposition of the request; however, did not wish to speak during the meeting:

- Marvin Brott, 1102 Hills Creek, McKinney, TX
- David Buono, 265 Aero Country Rd., McKinney, TX
- Ken Krebaum, 5901 Waterford Ln., McKinney, TX

On a motion by Vice-Chairman Hilton, seconded by Commission Member McReynolds, the Commission voted unanimously to close the public hearing, with a vote of 7-0-0.

Mr. Roeder explained that this request was to rezone about 40 acres for residential uses and that the Concept Plan included in the Staff report was for informational purposes only. He felt that working with the Federal Aviation

Administration (FAA) was something that would occur in a future stage of the development. Mr. Roeder stated that Staff was in agreement that residential properties were appropriate on the back portion of this property. He was okay with asking the new property owners to sign an acknowledgment that an airport was located within a certain distance from their property when they were closing on the property. Mr. Roeder felt there would be solid fencing in the backyards of the proposed residential properties.

Chairman Franklin asked Mr. Roeder if they would be willing to require an 8-foot fence in the rear yards of the residential properties near the airport for a safety measure. Mr. Roeder stated that they would consider it; however, he didn't feel it would be any harder for the children to climb a 6-foot fence versus an 8-foot fence.

Chairman Franklin asked Mr. Roeder to address the Aero Country Airport's six suggested requirements that was in their earlier presentation. Mr. Roeder stated that they were okay with constructing an 8-foot fence along the back side of the property near the airport; would follow the height requirements for the zoning on the property and the Federal Aviation Administration (FAA) regulations; and were willing to ask the new property owners to sign an acknowledgment that an airport was located within a certain distance from their property when they were closing on the property. He was not in agreement with requiring a 500-foot buffer on the property between the residential development and the airport. Mr. Roeder stated that they would not be maintaining trees or shrubs on someone else's property.

Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the City could not trump any Federal Aviation Administration (FAA) regulations. He stated that City Staff would not be able to enforce whether or not the buyers signed a document during the closing phase on the property that acknowledged that they were purchasing a property near an airport. Mr. Quint stated that some of the suggestions

made during the meeting would require a “PD” – Planned Development District instead of the straight zoning requested.

Commission Member Stevens stated that he was in favor of the proposed rezoning request and gave some reasons.

On a motion by Commission Member McReynolds, seconded by Commission Member Stevens, the Commission voted unanimously to recommend approval the proposed rezoning request per the applicant’s request as conditioned in the Staff report, with a vote of 7-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 18, 2014.