

11-093Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of McKinney N. Central Business Park, L.P., for Approval of a Request to Rezone Approximately 10.26 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for Open Storage, Located on the East Side of Graves Street and Approximately 500 Feet South of Corporate Drive.

Ms. Abra Nusser, Planner for the City of McKinney, gave the staff report. She stated that Staff received another resident phone call that afternoon regarding the proposed rezoning request. Ms. Nusser stated that the resident lives adjacent to the subject property on Wysong Drive and is opposed to the request but could not be here this evening. She stated that the resident feels that the containers are not visually attractive, especially with the user's name on the side of the containers and stacked 16 feet tall. Ms. Nusser stated that this resident also shares the City of McKinney Police Department's concerns of potential homeless individuals or children getting into the containers since they are not secured. She stated that Staff recommends denial of the proposed rezoning request due to incompatibility with existing and potential adjacent land uses and potential safety hazards.

Commissioner George Bush stated that the storage containers are already being stacked 16 feet tall on the north, east, and south sides of the building. Ms. Nusser stated that if the request does not get approved, then the property owner would have to move the portable storage containers to the north side of the building where it is approved and they would have to be a single level for a height of no greater than eight feet. She stated that if the request is approved, then the

containers could stay in their current configuration. Commissioner George Bush asked about parking requirements. Ms. Nusser stated that Staff has performed parking calculations and the required parking spaces would be available with this rezoning request. The Commissioners continued discussing safety concerns, fencing, and screening with Staff and the applicant (Kirby Jones).

Mr. Kirby Jones, 3824 Wilshire Dr., Plano, TX 75023, described the existing conditions in the area with regard to Corporate Drive, nearby businesses, landscaping, and traffic in the area.

Chairman Robert Clark opened the public hearing and called for comments. Ms. Kaye Mitchell, 808 Inwood Dr., McKinney, TX, had questions about the subject property and the location of the proposed open storage areas. Mr. Michael Quint, Senior Planner for the City of McKinney, discussed the location where the proposed open storage areas were proposed. Ms. Mitchell stated that she would prefer that moving the portable storage containers would be done during the day-time hours due to the noise issues it could create.

The Commission unanimously approved the motion by Commissioner George Bush, seconded by Commissioner Jack Radke, to close the public hearing.

Commissioner Larry Thompson asked for clarification on the reasons Staff is uncomfortable with this rezoning request. Ms. Nusser stated that Staff is uncomfortable with the double stacking of the portable storage containers for a height of 16 feet in all proposed open storage areas, safety concerns, and the proposed open storage area location near the residential properties to the south.

Commissioner Thompson asked if Staff would feel comfortable with the request if the aforementioned items were addressed by the applicant. Ms. Nusser stated that Staff would be willing to look at the revised request at that time. Chairman Robert Clark asked for clarification on the safety concerns mentioned. Ms. Nusser stated that the portable storage containers are frequently left open and are not locked or secured in any way. She stated that there are no gates or fences on the subject property. Ms. Nusser stated that the Police Department would like more lighting on the property due to security concerns. Mr. Michael Quint, Senior Planner for the City of McKinney, stated that Staff has concerns with the proposed open storage close to residential properties to the south.

Vice-Chairman Darrell Tate asked about fencing on the property. Mr. Jones stated that there is no fencing around the property. He stated that the current tenant has a policy of not locking the portable storage containers. Mr. Jones stated that the tenant stated that they periodically monitor the storage containers to make sure no homeless individuals or children are in the units because the security of the containers is an issue of major concern. Commissioner Jack Radke asked about the hours of operation. Mr. Jones stated that they are open 8:00 a.m. to 5:00 p.m. Commissioner Ray Eckenrode asked what happens if the Planning and Zoning Commission recommend denial of the rezoning request. Mr. Quint stated that the recommendation would be forwarded on to City Council. He stated that the request would need a favorable supermajority vote from City Council to approve the rezoning request. Mr. Quint stated that if the request did not receive a favorable supermajority vote then the

request would be denied. He explained how they could wait a year to reapply for this rezoning request as is or they could make modifications to the rezoning request and re-apply immediately. Mr. Quint stated that what is on the property right now is not in conformance with the governing zoning. He stated that is why the applicant is making this rezoning request.

Several Commissioners expressed concerns regarding the portable storage containers being unsecured or and the lack of existing or proposed fencing around the property and discussed their concerns with Staff and the applicant. Several Commissioners also expressed concerns with the proposed open storage area on the south side of the subject property, adjacent to the existing residential area. Staff clarified what is currently allowed on the subject property in terms of the open storage of portable storage containers per the governing planned development district versus what the applicant is proposing. Staff and the applicant clarified the existing landscaping, screening, and fencing on the subject property. The applicant stated that although the security of the containers is an issue of major concern to the tenant, no fencing or locking of the containers is proposed. Mr. Jones stated that the tenant inspects the portable storage containers on a regular basis to address the security concerns.

A motion to deny the rezoning request by Commissioner Sean Lingenfelter, seconded by Commissioner Larry Thompson, failed with a vote of 3-4, with Commissioners George Bush, Jack Radke, Chairman Robert Clark, and Vice-Chairman Darrel Tate voting against the motion.

A motion to approve the rezoning request as proposed by the applicant with the exception that the height of the portable storage containers on the south side of the subject property be limited to eight feet in height by Vice-Chairman Darrell Tate died due to lack of a second.

A motion to approve the rezoning request with limiting the height of the portable storage containers on the north, east, and south sides of the property to eight feet due to safety concerns by Commissioner George Bush, seconded by Vice-Chairman Darrell Tate, failed with a vote of 3-4, with Commissioners Sean Lingenfelter, Jack Radke, Chairman Robert Clark, and Larry Thompson voting against the motion.

The Commissioners discussed safety concerns, fencing, and screening with Staff and Mr. Jones further.

The Commission unanimously approved the motion by Commissioner Jack Radke, seconded by Commissioner George Bush, to recommend approval of the requested rezoning with the modification that the north side could be double stacked to 16 feet, the east side of the property could be single stacked to eight feet, and there be no open storage of portable storage containers on the south side of the property.

Chairman Robert Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on August 1, 2011.