

PLANNING AND ZONING COMMISSION

NOVEMBER 8, 2011

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Thursday, November 8, 2011 at 6:30 p.m.

Commission Members present: Chairman Robert Clark, Vice-Chairman Lance Lindsay, George Bush, Rick Franklin, Matt Hilton, and Larry Thompson.

Commission Member absent: David Kochalka

Staff Present: Director of Planning Jennifer Cox, Senior Planners Brandon Opiela and Michael Quint, Planners Abra Nusser and Anthony Satarino, and Administrative Assistant Terri Ramey.

There were approximately 20 guests present.

Chairman Robert Clark called the meeting to order at 6:30 p.m. after determining a quorum was present.

Chairman Robert Clark explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be only heard by the Planning and Zoning Commission and others could be forwarded on to City Council. Chairman Robert Clark stated that he would advise the audience if the case will go on to City Council or be heard only by the Planning and Zoning Commission. He requested that applicants and Staff limit their remarks to ten minutes each and that guests limit their remarks to five minutes and speak only once. Chairman Robert Clark explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking issues.

The Commission unanimously approved the motion by Vice-Chairman Lance Lindsay, seconded by Commission Member Larry Thompson, to approve the following Consent Items:

- 11-526 Minutes of the Planning and Zoning Regular Meeting of October 25, 2011**
- 11-155PF Consider/Discuss/Act on the Request by Petsche & Associates, Inc., on Behalf of 206 McKinney, L.L.C., and Blue Star Coit 32, L.L.C., for Approval of a Preliminary-Final Plat for the Planning Area 17 Addition, Approximately 238.90 Acres, Located on the Southeast**

Corner of Coit Road and U.S. Highway 380 (University Drive).

11-163CVP Consider/Discuss/Act on the Request Kimley-Horn and Associates, Inc., on Behalf of LevCal Custer, L.L.C., for Approval of a Conveyance Plat for Lots 1R and 4, Block A, of Parcel 601-603, Approximately 52.69 Acres, Located on the East Side of Custer Road and on the South Side of U.S. Highway 380 (University Drive).

END OF CONSENT

11-152Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of Wells Fargo Bank, National Association, for Approval of a Request to Rezone Approximately 53.02 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "BG" - General Business District, "O" - Office District, and "CC" - Corridor Commercial Overlay District, Located on the East Side of Community Avenue and on the South Side of U.S. Highway 380 (University Drive).

Mrs. Abra Nusser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provision listed in the staff report.

Mr. Bob Roeder, Abernathy, Roeder, Boyd & Joplin, P.C., 1700 Redbud # 300, McKinney, TX, concurred with the Staff Report.

Chairman Robert Clark opened the public hearing and called for comments. There were none, the Commission unanimously approved the motion by Vice-Chairman Lance Lindsay, seconded by Commission Member Rick Franklin, to close the public hearing and recommend approval of the rezoning request as recommended by Staff.

Chairman Robert S. Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 6, 2011.

11-140Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Rockbrook Development, L.L.C., for Approval of a Request to Rezone Approximately 0.16 Acres from "BN" - Neighborhood Business District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Northeast Corner of Tennessee Street and Walnut Street.

Mrs. Abra Nusser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report.

Commission Member George Bush asked about the sign examples in the staff report. Mrs. Nusser explained that the proposed property would have live/work units and discussed the applicable home occupation regulations. Commission Member George Bush asked if the units would have parking requirements like a normal business. Mrs. Nusser stated that there are a maximum number of cars allowed at one time per the home occupation regulations. She stated that there would be a one and a half car garage per unit and on-street parking would be available on Tennessee Street. Commission Member George Bush asked if the customers would then have to park in the street nearby. Mrs. Nusser stated yes.

Mr. Jason Rose, 2120 Cosmos Way, Argyle, TX, discussed the importance of McKinney's historic district. He stated that he wants to complement the district with the proposed development. Commission Member Rick Franklin asked about the proposed exterior finishing material. Mr. Rose stated that the front and sides would be masonry and the back would be cementitious siding. He distributed pictures of a similar project that he completed in Lewisville, Texas. Mr. Rose stated that he had worked with Guy Giersch, Historic Preservation Officer for the City of McKinney, on some of the window and door designs and materials. He stated that he plans to preserve most of the trees on the property. Chairman Robert Clark asked how many square feet would be in each unit. Mr. Rose stated that there would be 1,300 square feet, plus a covered balcony and the garage.

Chairman Robert Clark opened the public hearing and called for comments. There were none, the Commission unanimously approved the motion by Commission Member George Bush, seconded by Commission Member Larry Thompson, to close the public hearing and recommend approval of the rezoning request as recommended by Staff.

Chairman Robert S. Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 6, 2011.

11-135Z3 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Dunhill Homes, on Behalf of Graham Mortgage Corporation, for Approval of a Request to Rezone Approximately 13.07 Acres from "PD" - Planned Development District to "PD" - Planned Development

District, Generally to Modify the Development Standards, Located on the West Side of Hardin Boulevard and Approximately 1,050 Feet North of U.S. Highway 380 (University Drive).

Mr. Anthony Satarino, Planner for the City of McKinney, explained the proposed rezoning request. He stated that the Heritage Bend subdivision is a traditional suburban neighborhood with a little over half of the homes within the subdivision already constructed. Mr. Satarino stated that the subject property was rezoned in 2006 in order to amend the existing ordinance, which stipulated a base zoning district of "RS 60" for the subject property. The ordinance from 2006 increased the maximum lot coverage for the property from 40% to 50%. At that time, the applicant indicated the increase in lot coverage by 10% would enable them to develop slightly larger homes and a higher quality of development. Subsequent to the rezone in 2006, the applicant discovered that only increasing the lot coverage by 10% did not fully accommodate all of the available building plans and footprints, and are now requesting the rear yard setback be reduced from 25 feet to 20 feet and that a covered porch be allowed to extend past the rear yard for a maximum of 8 feet. The applicant is also including provisions to enhance the landscaping on each lot and provide a minimum masonry percentage for the residential structures. The applicant feels the reduction in the rear yard setback, coupled with the increased lot coverage that was previously approved, would allow the flexibility to offer a greater variety of designs and floor plans in order to accommodate market demand and preferences. Similar reductions in rear yard setbacks are found throughout the City of McKinney in developments where the reduction of said setback will not negatively affect the character and the perceived density of the residential development or its surrounding properties. Mr. Satarino stated that Staff recommends approval of the rezoning request as conditioned in the staff report. Commission Member Rick Franklin asked what is the minimum masonry requirement was. Mr. Satarino stated that there is not a minimum masonry requirement for single family residential. Commission Member George Bush asked if currently the garage set back is 20 feet. Mr. Satarino stated yes. Commission Member George Bush stated that the typical house it is 20 feet from the garage door to the property pin and asked if the applicant is asking for is the other side of the house to have the same setback as the

garage. Mr. Satarino state yes and that the applicant is asking for the rear yard setback to go from 25 feet to 20 feet.

Mr. John Mahn, Division President for Dunhill Homes, 2409 Hollow Hill Lane, Lewisville, TX, explained the proposed rezoning request. He stated that the applicant is asking for a change in the rear yard setback from 25 feet to 20 feet. Mr. Mahn stated that the reason for the request is to allow flexibility to offer a greater variety of designs and floor plans in order to accommodate market demand and preferences, including front and rear porch options. The current rear yard setback requirement limits the builder's menu of designs in a way that is hindering sales. The applicant believes this request, if granted, will increase sales and home values without negatively impacting the quality of the neighborhood.

Chairman Robert Clark opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Commission Member Rick Franklin, seconded by Commission Member Matt Hilton, to recommend approval of the proposed rezoning request as recommended by Staff.

Chairman Robert Clark stated the recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the November 15, 2011 meeting.

11-133Z3 Conduct a Public Hearing to Consider/Discuss/Act on the Request by J. Volk Consulting, Inc., on Behalf of the City of McKinney, T. L, Wheeler, Jr., and Standard Pacific of Texas, for Approval of a Request to Rezone Approximately 128.95 Acres from "PD" - Planned Development District, "AG" - Agricultural District, and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located on the East Side of Alma Road and on the North Side of Silverado Trail.

Mrs. Abra Nusser, Planner for the City of McKinney, explained the proposed rezoning request. She stated the applicant made four changes to the proposed rezoning request since the staff report and agenda were published on Friday. Mrs. Nusser stated that the applicant removed the 20 feet from garage item from the front yard build-to-line for the smallest sized lots. She stated that this change was made in conjunction with the addition of note five to the development standards and the same

note to the general development plan. Mrs. Nusser stated that the three items were clarified to ensure that a public sidewalk is provided for the development free from any vehicle overhangs from the residential driveways. She stated that Staff is comfortable with these three changes and feels that they help to clarify the standards applicable to the project. Mrs. Nusser stated that the fourth change is on note three on the development standards document. She discussed the "REC" - Regional Employment Center Overlay District's garage-façade offset requirement. Mrs. Nusser stated that the manner in which note three was worded previously did not state that a five-foot offset would be provided regardless of if a porch was present or not since porches are proposed to be optional. She stated that the applicant has reworded the provision to propose a five-foot offset from the front façade of the garage to the front of the porch or to the front of the building façade if no porch is provided. Mrs. Nusser stated that Staff is not comfortable supporting the applicant's request for the five-foot garage-façade offset on the proposed 50-foot wide lots. She stated that Staff is comfortable supporting a modification to the REC's required 20-foot garage-façade offset as approved on the previous rezoning request for the southern portion of the project by requiring a porch with a minimum 10 feet in depth, coupled with a 10-foot offset from the front of the porch to the face of the garage. Mrs. Nusser stated that this 10-foot offset/10-foot porch compromise would satisfy the intent of the requirement to provide public/private open space on each lot and also would ensure that a driveway of sufficient length is provided for vehicles. She stated that the applicant has not indicated any willingness to agree to the compromise that they agreed to in April of 2011 with the adoption of PD Ordinance 2011-04-022. Mrs. Nusser stated that the REC requires that all streets terminate at other streets at both ends, and cul-de-sacs are only allowed due to a topographical or other environmental issue. She stated that the applicant is proposing a cul-de-sac in the northwestern portion of the subject property that does not connect to another street, and it is not for the aforementioned reasons. Mrs. Nusser stated that Staff is not comfortable with the proposed street configuration in this area and feels that the street should connect with the east-west street to the south, which could be accomplished through a redesign of the layout in that particular area of the neighborhood. She stated that this change could provide for better pedestrian and vehicular connectivity within the

development. Mrs. Nusser stated that Staff recommends denial of the proposed rezoning request due to a lack of conformance with the "REC" - Regional Employment Center Overlay District. She stated that Staff feels that by reducing the required garage-façade offset for the proposed 50-foot wide lots and for proposing a dead-end street, the rezoning request is in direct conflict with the design guidelines and intent of the "REC" - Regional Employment Center Overlay District.

Chairman Robert Clark asked about the number of lots in the development. Mrs. Jennifer Cox, Director of Planning for the City of McKinney, stated that there are 214 lots that are 50-foot by 110-foot, 164 lots that are 62-foot by 115-foot, and 107 lots that are 75-foot by 120-foot. Chairman Robert Clark asked if the development will be denser with the revisions. Mrs. Cox stated that on the development standards the gross density is currently shown at 3.76 units per acre. She stated that on the previously approved plan the gross density was shown as 4.20 units per acre. Mrs. Cox stated that it would be a less dense development.

Commission Member Matt Hilton asked why Staff is requesting there be porches on the houses in this proposed development, when porches are not required in the "REC" - Regional Employment Center Overlay District. Mr. Michael Quint, Senior Planner for the City of McKinney, explained the compromise that Staff is requesting.

Chairman Robert Clark mentioned that this proposed development is located at the edge of the "REC" - Regional Employment Center Overlay District. He asked about the surrounding development to the east of this property. Mr. Quint stated that he felt the products to the east were similar in size to the proposed development. He stated that the REC is very specific in trying to create a certain character. Mr. Quint stated that to eliminate the garage-façade offset would be in direct conflict with the character of the REC.

Mr. Bob Roeder, Abernathy, Roeder, Boyd & Joplin, P.C., 1700 Redbud # 300, McKinney, TX, stated that he felt Staff would recommend approval of this proposed development if it was not in the "REC" - Regional Employment Center Overlay District. He stated that the product would be a higher price point than what you see in Craig Ranch North or the development to the south. Mr. Roeder discussed the proposed cul-de-sac. Regarding the garage-façade offset, he stated that the developer's research

showed that the majority of people do not enjoy being in the front yard and that most people do most of their outdoor activities in the backyard. Mr. Roeder stated that they intend to create rear porches on their product. He stated that they felt a five-foot garage-facade offset was sufficient.

Mr. Curtis Young, 1130 N. Carroll Ave., Suite # 200, Southlake, TX, explained the proposed rezoning request and showed a brief presentation. He stated that the two larger products they have proposed meet the "REC" - Regional Employment Center Overlay District guidelines. Mr. Young stated that they are asking to have five-foot garage façade offset on the proposed 50-foot wide lots only. He stated that he felt the cul-de-sac was in keeping with the "REC" - Regional Employment Center Overlay District's character.

Chairman Robert Clark opened the public hearing and called for comments. There were none, the Commission unanimously approved the motion by Commission Member George Bush, seconded by Commission Member Rick Franklin, to close the public hearing.

Commission Member Larry Thompson asked if the proposed development had already been approved. Mr. Quint, Senior Planner for the City of McKinney, stated that the applicant had agreed with Staff's compromise on the last rezoning request for this development. Mrs. Jennifer Cox, Director of Planning for the City of McKinney, stated that the compromise was agreed to on the 50-foot wide lots previously.

Commission Member George Bush stated that he felt the 50-foot lots with five-foot side yard setbacks and a 10-foot front yard setback would make it difficult to create products that would sell. Commission Member Matt Hilton stated that he also felt it would have some resell issues. Chairman Robert Clark stated that he did not feel there is a demand for the front yard product in this economy. Commission Member Rick Franklin stated that he felt families tended to utilize their backyards more than the front yards or front porches. Chairman Robert Clark suggested that the "REC" - Regional Employment Center Overlay District guidelines should be reevaluated.

Chairman Robert Clark called for a motion. The Commission unanimously approved the motion by Vice-Chairman Lance Lindsay, seconded by Commission Member George Bush, to recommend approval of the proposed rezoning request with

the special ordinance provisions as listed in the staff report and with the revised exhibits.

Chairman Robert Clark stated the recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the December 6, 2011 meeting.

11-151Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Sanchez and Associates, L.L.C., on Behalf of TCI McKinney Ranch, Inc., for Approval of a Request to Rezone Approximately 20.87 Acres, from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Multi-Family Residential Development Standards, Located on the Southwest Corner of Silverado Trail and McKinney Ranch Parkway.

Mr. Michael Quint, Senior Planner for the City of McKinney, explained the proposed rezoning request. Commission Member Larry Thompson asked about the applicant's requested parking for the development. Mr. Quint stated that the applicant is proposing a no enclosed parking requirement.

Mr. J. Martin Sanchez, Sanchez & Associates, Inc., 220 E. Virginia St., McKinney, TX, also gave a brief history of the zoning history of the property and the original road alignments. He discussed the parking issues for the development. Mr. Sanchez stated that they plan to build parking tuck-under garages; however, due to space limitations they cannot provide a tuck-under garage for each unit. He stated that he did not like detached garages because a lot of times they turn into storage units for the residents. Mr. Sanchez stated that the proposed development would be a quality product.

Commission Member George Bush had questions about the parking for the development. Mr. Sanchez stated that they plan to build garages in the development; however, he believes that they will likely only be able to provide garages for 20% of the proposed units. He stated that they are requesting to remove the enclosed parking requirements for this development.

Commission Member Larry Thompson asked how many units are planned for this development. Mr. Quint stated that there is a requirement of 30-40 units per acre. He stated that the subject property is approximately 20 acres in size, thus 600-800 units

would be proposed. Commission Member Larry Thompson asked if Staff wants the applicant to build 600-800 garages. Mr. Quint stated that the City Council wants that many garage spaces as mandated through the adoption of the May 2010 Zoning Ordinance amendments.

Chairman Robert Clark had questions about the PD requirements. Mr. Quint explained that when a PD is silent, then the requirements fall back to what is governing in the Zoning Ordinance or "REC" - Regional Employment Center Overlay District. He stated that in this case the PD is silent on enclosed parking requirements, so it falls back to the Zoning Ordinance as being applicable. Chairman Robert Clark asked what the difference is between Staff's garage recommendation and what the applicant is willing to accept. Mr. Quint stated that the applicant had expressed to Staff that they did not want to be tied down to a specific parking garage number. Mr. Sanchez stated that they would be willing to build tuck-under parking garages on every building, except the clubhouse. He stated when construction occurs, then the actual number of parking garages could change from what was initially planned, so they did not want to be tied to a specific required number of parking garages that they might not be able to meet. Mr. Sanchez stated that they do not intent to build detached garages.

Chairman Robert Clark opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Commission Member Larry Thompson, seconded by Commission Member Rick Franklin, to close the public hearing and to recommend approval of the proposed rezoning request as requested by the applicant with the stipulation that the applicant build tuck-under garages in every building with the exception of the clubhouse.

Chairman Robert Clark stated the recommendation of the Planning and Zoning Commission will be forwarded to the City Council for consideration at the December 6, 2011 meeting.

11-154M Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney, for Approval of the Request to Amend Chapter 146 - Zoning Regulations of the Code of Ordinances, to Modify the Definitions of Car Wash, Fueling Station or Gasoline Station, and Service Station.

Mr. Brandon Opiela explained that Staff is proposing to modify the definitions of car wash, fueling station or gasoline station, and service station as found in Section 146-46 (Definitions) of the City of McKinney Zoning Regulations to clearly identify the types of vehicles permitted within each definition. He stated that Staff is of the opinion that the current definitions for car wash, fueling station or gasoline station, and service station should be modified in an effort to remove any uncertainty with regard to permitted/prohibited vehicle types. Mr. Opiela explained the changes to each definition and stated that Staff recommends approval of the proposed amendments to the Zoning Regulations.

Chairman Robert Clark asked the Commission if there were any comments. Commission Member Rick Franklin asked how the City can control or restrict the use of semi-trucks from using the service stations. Mr. Opiela explained that it could be controlled through code enforcement and site layout/design. Commission Member Larry Thompson stated that basically the request would exclude truck stops in the City of McKinney. Mr. Opiela explained that the proposed amendments did not eliminate a truck stop use, but prohibited semi-trailer trucks from utilizing these three uses. He also explained that the current Zoning Regulations did not have a truck stop use category. Commission Member Rick Franklin confirmed that a truck stop use would not fall under a zoning classification currently in place. Mr. Opiela agreed. Commission Member George Bush asked Staff to clarify the difference between the vehicles allowed at each of the three uses. Mr. Opiela asked if this is for the existing regulations or the proposed regulations. Commission Member George Bush stated the proposed regulations. Mr. Opiela stated that all of the proposed regulations would allow for a myriad of vehicle options, while specifically prohibiting semi-trailer trucks with three or more axels, designed to tow a trailer. Commission Member Larry Thompson stated that it would exclude semi-trucks from being able to refuel at a regular service station. Mr. Opiela stated yes.

Vice-Chairman Lance Lindsay asked how the proposed modification would have affected the rezone for the QuikTrip development previously heard by the Planning and Zoning Commission. Mr. Opiela stated the zoning request was for a truck stop use, which is different from the specific definitions changes being proposed. He stated that

future site plans that do not have the components of a truck stop use, but come in with a fueling station that has a large portion of the site being dedicated to only semi-trailer truck traffic, would not be allowed if the definitions were approved as proposed. Commission Member Larry Thompson stated concern that the change to the definitions would prohibit the site plan submitted on October 24, 2011. Mr. Opiela stated that the applicant currently has a site plan in queue and any changes to the definitions would not affect the site plan currently being reviewed by Staff, only affecting future fueling stations and service stations.

Chairman Robert Clark asked if the City Council is asking for a recommendation from the Planning and Zoning Commission. Mr. Opiela stated that this was a Staff driven proposal to modify the definitions to prohibit facilities designed for high-intensity vehicles from being located in lower intensity districts. Chairman Robert Clark asked what districts would allow for semi-trailer truck fueling. Mr. Opiela stated that upon approval of the amendments none of the mentioned uses would provide services to semi-trucks. Chairman Robert Clark stated that as of today a semi-trailer truck is allowed in these districts. Mr. Opiela stated yes.

Chairman Robert Clark opened the public hearing and called for comments. There being none, the Commission unanimously approved the motion by Commission Member George Bush, seconded by Vice-Chairman Lance Lindsay, to close the public hearing.

Commission Member George Bush stated concern that there is no place in the City where a truck stop can be built with the amount of goods and services received from the trucking industry. He stated that the only convenient place to put a truck stop would be along U.S. Highway 75 (Central Expressway). Commission Member George Bush stated that if this amendment is passed then a truck stop would not be allowed anywhere in the City of McKinney. Vice-Chairman Lance Lindsay stated that he feels rushed about recommending approval, and agreed with Commission Member George Bush's statement. Commission Member Rick Franklin asked if there was a way to get around this with a specific use permit. Mrs. Jennifer Cox, Director of Planning for the City of McKinney, stated there was an application for a truck stop that came in previously that the Commission acted on and is currently not allowed in the City of

McKinney. She stated that there is not a use for a truck stop in the "Schedule of Uses" of the City of McKinney Zoning Regulations. Mrs. Cox stated that the current ordinance does have uses such as a fueling station, service station and a car wash that does not specifically allow or disallow semi-trailer trucks, only referring to vehicles. She stated that Staff and the City Attorney have interpreted this to mean semi-trailer trucks can utilize fueling stations. She stated that currently all of these uses allow most types of vehicles in the City's low intensity zoning districts which Staff does not think are appropriate locations for semi-trailer trucks to fuel their vehicles. Mrs. Cox stated that if the Commission is concerned about where truck fueling should go, the Commission could recommend that Staff create a new use category for semi-trailer truck fueling stations by putting this category in the appropriate zoning districts and amend the proposed definition tonight so that semi-trailer trucks are not located where traditional service stations are allowed. Mrs. Cox gave an example of being located at the corner of Ridge Road and Eldorado Parkway. Chairman Robert Clark stated the Commission would like to work with Staff to find areas in the City that would be appropriate for semi-trailer truck fueling and eliminating areas where semi-truck trailer fueling is not appropriate. Mr. Opiela asked if the Commission wanted Staff to look at multiple uses such as a truck stop use and a truck fueling use that would then have a recommendation for the appropriate districts, or simply look at a truck stop use and the appropriate districts. Chairman Robert Clark stated that he wanted to have a use for semi-trailer trucks, and wanted Staff to look at what components of the truck stop should be allowed. Chairman Robert Clark discussed taxes from this type use. Mr. Opiela stated that the City does not receive taxes for fueling. Chairman Robert Clark stated that indirectly it comes back as road and use taxes. Commission Member George Bush stated he felt fueling stations could be done by right in an agreed upon district and the other items could be done through a specific use permit. He stated that this way the City could look at each site individually and get the feedback from adjacent property owners and then make the determination if we want the trucks to stay overnight or just fuel. Chairman Robert Clark asked if the Planning and Zoning Commission could appoint a sub-committee to work with Staff on where these uses may be appropriate. Mrs. Cox asked the Commission to act on the definition modifications

that have been presented to the Commission which are scheduled to go to City Council on November 15, 2011 for action, and also direct Staff on how the Commission would like Staff to look into the appropriate districts for a truck stop or fueling facility in the City of McKinney. Vice-Chairman Lance Lindsay asked if it be under a different zoning requirement, and if it would be a specific use permit. Mrs. Cox stated no. Mrs. Cox stated that the definitions proposed would do away with allowing semi-trailer trucks to fuel under these uses as explained, and a requirement for a specific use permit would be at a later date. Mr. Opiela stated that when this comes back to the Commission there would be a new set of definitions of what a truck stop use is and what a truck fueling use is. Commission Member Larry Thompson asked when the next proposal would come back to the Commission. Mrs. Cox stated that we would have to work with noticing timelines. Commission Member Larry Thompson stated that he did not want Staff to forget about it. Vice-Chairman Lance Lindsay asked to revisit the specific use permit idea and asked how it could be worded to further the process rather than it being kicked out completely. The Commission discussed the motion. Mr. Michael Quint stated the best way to mandate a specific use permit is to modify the section of the specific use permit ordinance and or add modify the schedule of the uses to a add truck stop use and or truck fueling use, and then specify what zoning districts are appropriate, whether it is allowed by right, temporary use or specific use. He stated that this could be done by the modification of the Schedule of Uses.

On a motion by Commission Member George Bush, seconded by Commission Member Larry Thompson, the Commission voted 5-1 to recommend approval of the proposed amendments and for Staff to bring forth a recommendation for the appropriate districts for a truck stop and truck fueling use by January 10, 2012. Chairman Robert Clark voted against the motion.

Chairman Robert Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded on to the City Council meeting on November 15, 2011.

Mrs. Cox reminded the Commission that the next Planning and Zoning Commission meeting is scheduled for Tuesday, December 13, 2011. She stated that

the meeting that had been scheduled for Tuesday, November 22 had been cancelled due to the holidays.

Chairman Robert Clark declared the meeting adjourned at 8:10 p.m.

ROBERT S. CLARK
Chairman