

PLANNING AND ZONING COMMISSION

SEPTEMBER 25, 2012

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on Tuesday, September 25, 2012 at 6:30 p.m.

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

Commission Member Absent: David Kochalka.

Staff Present: Assistant Director of Development Services Rick Leisner, Director of Planning Michael Quint, Senior Planner Brandon Opiela, Planner II Alex Glushko, Planner Samantha Gleinser, and Administrative Assistant Terri Ramey.

There were approximately thirteen guests present.

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

Chairman 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 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 three minutes and speak only once. Chairman 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 Lindsay, seconded by Commission Member Franklin, to approve the following three Consent Items:

12-798 Minutes of the Planning and Zoning Commission Regular Meeting of September 11, 2012.

12-159PF Consider/Discuss/Act on the Request by BBV Texas Development, L.L.C. and Kayasa Family, Ltd., for Approval of a Preliminary-Final Plat for Lots 1-3, Block A, of the Belterra Addition, Approximately 45.82 Acres, Located on the Northeast Corner of Lake Forest Drive and U.S. Highway 380 (University Drive).

12-160PF Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, Inc., on Behalf of Wells Fargo Bank, N.A., for Approval of a Preliminary-Final Plat for 109 Single Family Residential Lots and 4 Common Areas (Live Oak Creek Addition), Approximately 35.32 Acres, Located on the East Side of Community Avenue and Approximately 500 Feet South of U.S. Highway 380 (University Drive).

END OF CONSENT

Chairman Clark continued the meeting with the Regular Items on the agenda.

12-166PFR Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf Hunter Alma Eldorado, L.P., for Approval of a Preliminary-Final Replat for Lots 1R and 2, Block B, of the Parcel 1017-1018 Addition, Approximately 5.72 Acres, Located on the Southwest Corner of Eldorado Parkway and Alma Road.

Mr. Alex Glushko, Planner II for the City of McKinney, explained the preliminary-final replat request. He stated that Staff is recommending approval of the proposed preliminary-final replat as conditioned in the staff report.

Mr. Randy Pogue, Pogue Engineering & Development Company, Inc., 1512 Bray Central Dr., McKinney, TX, concurred with the staff report.

Commission Member Bush asked if a joint access agreement was considered with the property owner to the south. Mr. Pogue stated that it was considered. He explained that there would need to be sag inlet that would require reconstruction and he felt that the City of McKinney Engineering Department would not prefer that option. Mr. Pogue stated that is why they repositioned it to their property.

Chairperson Clark opened the public hearing and called for comments. There were none.

The Commission unanimously approved the motion by Vice-Chairman Lindsay, seconded by Commission Member Hilton, to close the public hearing and approve the proposed preliminary-final replat as conditioned in the staff report.

Chairperson Clark stated that the Planning and Zoning Commission is the final approval authority for the proposed preliminary-final replat.

12-174Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney, for Approval of a Request to Rezone Approximately 5.13 Acres, from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned

Development District and "CC" - Corridor Commercial Overlay District, Generally to Clarify the Applicable Regulations, Located on the Northwest Corner of U.S. Highway 380 (University Drive) and Skyline Drive.

Mr. Michael Quint, Director of Planning for the City of McKinney, explained the proposed rezoning request. He stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions as listed in the staff report.

Chairperson Clark opened the public hearing and called for comments.

Mr. Art Anderson, 1201 Elm Street, Dallas, TX, stated that he represented Skyline/380 Investors, L.P. that owns the approximately 11.50 acres to the north of this property. He requested that the Planning and Zoning Commission continue this case and include the 11.50 acre tract as part of this rezoning application before it is voted upon. Mr. Anderson stated that the property owner would like to build a quality apartment project on the property; however, this project would not be allowed to under the 2010 ordinance amendments. He stated that he did not feel this staff report was as detailed as some previous rezoning case staff reports. Mr. Anderson questioned why the proposed 5.13 acres could be considered for repealing the 2010 adopted ordinance amendments and not the 11.50 acres to the north of that property. He also stated that Skyline/380 Investors, L.P. filed litigation against the City of McKinney and there is still a pending lawsuit between the two parties.

Mr. Kyle Kruppa, 2100 Ross Ave., Dallas, TX, stated that he represented Skyline/380 Commercial, L.P. that owns 1.2 acres that is subject to this rezoning request. He stated that they did not request this rezoning of the property and did not feel it would benefit their tract of land. Mr. Kruppa felt the rezone would benefit the 11.5 acres to the north of the proposed property verses their 1.2 acres to the west. He discussed the development surrounding the proposed rezoning property. Mr. Kruppa requested that the Planning and Zoning Commission continue this case and add the 11.50 acres to the north of the proposed property to this rezoning request.

Mr. Anderson stated that his client would like to work out a compromise with the City of McKinney on developing their 11.50 acre property.

The Commission unanimously approved the motion by Vice-Chairman Lindsay, seconded by Commission Member Franklin, to close the public hearing.

Vice-Chairman Lindsay asked staff where they stood with the request by the surrounding landowners. Mr. Quint stated that staff would like to go ahead with their recommendations as listed in the staff report and not include any additional property in the request.

Commission Member Bush felt that the City Council should address this rezoning request.

Commission Member Thompson asked why the City of McKinney is proposing this rezoning request. Mr. Robert Brown, Brown & Hofmeister, L.L.P., 740 E. Campbell Rd., Richardson, TX, recommended that the Planning and Zoning Commission go into executive session to discuss this question, so that no confidential attorney/client communications were revealed.

The Commission unanimously approved the motion by Commission Member Franklin, seconded by Commission Member Thompson, to recess the meeting into executive session.

Chairman Clark recessed the meeting into executive session at 6:45 p.m. per Texas Government Code Section 551.071 (2). Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed). Chairman Clark recessed to the open session at 7:00 p.m.

The Commission unanimously approved the motion by Commission Member Thompson, seconded by Vice-Chairman Lindsay, to recommend approval of the rezoning request as recommended by Staff.

Chairman Clark stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on October 16, 2012.

END OF REGULAR ITEMS

Chairman Clark and Mr. Quint thanked Vice-Chairman Lindsay for his service on the Planning and Zoning Commission.

Chairman Clark adjourned the meeting at 7:06 p.m.

ROBERT S. CLARK
Chairman