

**Planning and Zoning Commission Meeting Minutes of September 25, 2012:**

**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.