

**Planning and Zoning Commission Meeting Minutes of October 8, 2013:**

**13-194Z     Conduct a Public Hearing to Consider/Discuss/Act on the Request by 3 BT's, Inc., on Behalf of Troiani Family Investments, Ltd., for Approval of a Request to Rezone Fewer than 4 Acres from "RG-18" - General Residence District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Rockhill Road and North Brook Drive**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She distributed five letters of opposition to the commission members. Ms. Gleinser stated that Staff recommends denial of the proposed rezoning request due to non-conformance with the Comprehensive Plan.

Commission Member Gilmore had a question about the property. Ms. Gleinser pointed out the property's location in blue on the location map that was shown on the display.

Commission Member Thompson asked if apartments could be built on the property under the current zoning. Ms. Gleinser said yes.

Chairman Franklin asked about the zoning on the property located to the east of this property. Ms. Gleinser stated that it was zoned "RS-45" – Single Family Residence District (4,500 square feet per lot) and "RG-18" – General Residence District.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Joplin, PC; 1700 Redbud # 300; McKinney, TX; explained the proposed rezoning request. He stated that the Tomes Auto Group proposes to use the property as storage for their large parts

and not as a used car facility. Mr. Roeder stated that the tract of property fronts on North Brook Drive and does not have any outlets on Rockhill Road. He stated that the loading area would be on the south end of the property and would be screened per the City's requirements. Mr. Roeder discussed the proposed elevations for the property. He stated that this location would not be a retail environment, would be a daytime use, and would not generate a lot of traffic. Mr. Roeder stated that his client had invited 46 of the surrounding property owners to a meeting to discuss their plans. He stated that only six to seven residents showed up for the meeting and two of those lived directly across the street from the proposed rezoning property. Mr. Roeder stated that they indicated they were in support of the proposed use for the property. He stated that immediately before the Planning and Zoning Commission meeting some letters of opposition were distributed by Staff. Mr. Roeder stated that the residents in opposition live further away and had not been invited to their initial meeting to discuss their plans with surrounding residents. He felt the proposed development was on the edge of residential development and would have a less impact than other uses that could be built on the property under the current zoning. Mr. Roeder stated that his client was willing to remove some of the allowed uses in the proposed rezoning request.

Commission Member Gilmore asked about the traffic that would be generated by this development. Mr. Roeder stated that the property was proposed as a storage facility. He stated that they could have deliveries of supplies made by semi-trailer trucks once or twice a day. Mr. Roeder stated that

when the automotive staff needed a part that they would go pick it up at that location in one of their pickup trucks.

Commission Member Kochalka asked why they picked this location for their storage facility. Mr. Roeder stated that its proximity to the dealerships was the major reason they chose this site. He explained that they did not want to cross U.S. Highway 75 (Central Expressway) due to construction issues.

Chairman Franklin stated that he liked the proposed elevation. He asked if the applicant decided to make changes to the elevation if it would need to come back before the Planning and Zoning Commission for approval. Mr. Roeder said yes.

Commission Member Gilmore asked if the applicant decided to develop the property for another use if it would need to come back before the Planning and Zoning Commission. Mr. Roeder stated that if it was an allowed use for the zoning on the property then it would not need to come back for approval by the Planning and Zoning Commission. He stated that his client was willing to limit some of the allowed uses in this rezoning request.

Chairman Franklin expressed concerns about the proposed metal fabrication and mini-warehouse uses in this rezoning request. Mr. Roeder stated that he was willing to have those uses removed from this rezoning request. He also stated that they would be willing to remove the department or discount store uses.

Vice-Chairman Bush asked Mr. Roeder to say which of the uses they were willing to remove from this rezoning request. Mr. Roeder stated that his client

was willing to remove the following uses from this rezoning request: cleaning plant (laundry), department or discount store, drug store or pharmacy, metal fabrication, mini-warehouse, and paint and related sales.

Mr. Bob Tomes, Bob Tomes Ford, 6009 Settlement Way, McKinney, TX, stated that they had been in McKinney over 30 years. He stated that his family operates the Ford dealership and the Subaru dealership in McKinney, TX. Mr. Tomes stated that the proximity of this property to their dealerships was a big advantage over the locations of other properties that they considered. He explained the proposed use for the property. Mr. Tomes stated that he was willing to build a nice structure that he felt would blend in with the surrounding neighborhood. He felt the proposed use would have considerably less traffic than an apartment complex that could be built on the property under the current zoning.

Chairman Franklin opened the public hearing and called for comments.

The following people spoke in favor of the proposed rezoning request. These citizens felt the proposed use would be a nice addition to the neighborhood, would generate less automotive and pedestrian traffic than other allowed uses on the property, parking around the soccer fields should be adequate for the soccer games and access to the walking trails, and suggested posting no parking signs up along Rockhill Road and North Brook Drive to help eliminate concerns of children running out in front of oncoming cars.

- Ms. Elayne Matson, 2519 Pepper Tree Circle, McKinney, TX
- Mr. Larry Offerdahl, 2411 Peachtree Lane, McKinney, TX

- Mr. George Matson, 2519 Pepper Tree Circle, McKinney, TX
- Mr. Melvin January, 2407 Shadow Lane Drive, McKinney, TX
- Mr. Charles Holubar, 103 Peachtree Lane, McKinney, TX

The following people spoke in opposition of the proposed rezoning request. These citizens had concerns about the safety of the children in the surround neighborhood due to increased traffic, parking concerns around the walking trail, possibly reducing the property values of the surround properties, felt it was an inappropriate use near a residential neighborhood, felt surrounding vacant properties might rezone to industrial uses, and did not feel an apartment complex would be built on the property in the near future.

- Ms. Leslie Vestal, 2334 N. Ridge Road, McKinney, TX
- Mr. Ralph Graham, 2329 N. Ridge Road, McKinney, TX

Vice-Chairman Bush asked the applicant if they were willing to remove the fitness club, gymnasium, exercise area, or similar use on the property as well. Mr. Roeder said yes.

On a motion by Commission Member Gilmore, seconded by Vice-Chairman Bush, the Commission voted to close the public hearing and recommend approval of the rezoning request as recommended by staff with removal of the following uses: cleaning plant (laundry); department or discount store; drug store or pharmacy; fitness club, gymnasium, exercise area, or similar use; metal fabrication; mini-warehouse; and paint and related sales; with a vote of 5-1-0. Commission Member Kochalka voted against the motion.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 5, 2013.