

**DRAFT - Planning and Zoning Commission Meeting Minutes of October 25, 2016:**

Chairman Cox stepped down on the following item # 16-255Z3 due to a possible conflict of interest.

Vice-Chairman Zepp continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

**16-255Z3    Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "LI" - Light Industrial District, Located at 717 Tower Lane**

Ms. Eleana Galicia, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant was requesting to rezone the subject property to "LI" – Light Industrial district to redevelop the site for a new user. Ms. Galicia explained that the "LI" – Light Industrial district would allow for industrial uses that would not be compatible with the existing residential uses located to the west. She stated that some of the uses allowed by right in the LI" – Light Industrial district included, but were not limited to, automotive repair, food processing plants, metal fabrication, which could be a nuisance to adjacent residential uses. Ms. Galicia stated that it was Staff's professional opinion that uses permitted by right in the "LI" – Light Industrial district would not remain compatible with adjacent residential uses. She stated that Staff recommended denial of the proposed rezoning request and offered to answer questions. There were none.

Mr. Buddy Martin, Buddy Martin Erosion Control, 717 Tower, McKinney, TX, explained the proposed rezoning request. He gave a brief history of the various businesses that had been located at the subject property and his business. Mr. Martin

stated that he was unaware of how or when the subject property was zoned residential. He stated that he had two letters of support from Mr. Rick Monroe and Mr. Sergio Troiani, which are surrounding property owners. Mr. Martin stated that this area had always been light industrial and that he did not have plans to develop the property into something that would not be compatible with the area. He stated that he had tried to lease the property; however, was unsuccessful due to the current zoning on the property. Mr. Martin stated that there was a high fence that screened the property.

Commission Member McCall asked to clarify that Mr. Martin had discussed his plans with the nearby residential neighbor. Mr. Martin said yes, and that Mr. Sergio Troiani had submitted a letter of support that was included in the Staff report.

Vice-Chairman Zepp asked if Mr. Sergio Troiani was the next door neighbor that lived on the corner and just to the west of the subject property. Mr. Martin said yes.

Commission Member McCall asked if Mr. Troiani's property faced College and if backed up to the subject property. Mr. Martin stated that was correct. He also stated that the lots in this area were really large. He stated that he was looking to be able to use the property as it has been in the past. Mr. Martin stated that the property had been a great location for his business the past 15 years.

Commission Member Smith asked if Mr. Martin had a specific tenant that was looking at using the subject property. Mr. Martin stated that he had multiple people interested in the property; however, the current zoning would not allow them to get a Certificate of Occupancy (CO) to be able to operate at this location. He stated that the property had never been used as residential.

Vice-Chairman Zepp asked if Mr. Martin was operating out of the building at this time. Mr. Martin stated that his business has grown and he purchased another building that he is currently operating out of. He stated that the subject property was currently using it a storage for his business. Mr. Martin stated that he would prefer to be collecting rent for the property. He stated that he had completed a lot of work on the building and parking lot since he owned it. Mr. Martin offered to answer further questions. There were none.

Vice-Chairman Zepp opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded by Commission Member Kuykendall, the Commission approved the motion to close the public hearing, with a vote of 6-0-1. Chairman Cox abstained.

Commission Member McCall stated that he did not have an issue with the rezoning request due to the nearby residential properties facing College Street and the subject property facing Tower Lane. He stated that Mr. Troiani was in support of the rezoning request.

Vice-Chairman Zepp stated that the subject property was an orphan property. He questioned the property being used for residential use after being used for various business uses for so long.

Commission Member Smith asked Staff for a situation where they would recommend approval of a rezoning request when it did not conform to the Comprehensive Plan. Ms. Galicia did not have an example of where Staff would make a recommendation that did not follow what the Comprehensive Plan showed for a property.

Commission Member Smith stated that the property could change ownership in the future and if the subject property was rezoned to allow light industrial uses by right to be developed on the property. She stated that based on Staff's professional opinion she was not comfortable recommending approval of rezoning request.

Commission Member Mantzey wanted to clarify that Staff's main concern was a residential use next to a light industrial use or what the Comprehensive Plan shows for the property. Ms. Galicia stated that Staff's concerns had to do with all of the uses allowed in the "LI" – Light Industrial district. She stated that even though there had been some letters of support submitted, Staff was looking at the best interest for all of the surrounding property owners.

Commission Member Cobbel asked for the size of the current building on the subject property. Mr. Martin stated that it was about 3,000 square foot building.

Commission Member Kuykendall asked when the property was zoned "RS 60" – Single Family Residence district. Ms. Galicia was not aware of when the existing zoning went into effect. She stated that past Certificate of Occupancy (CO) had noted that it was a non-conforming use.

Commission Member McCall asked about the zoning for the business located next to the subject property. Ms. Galicia stated that property was zoned "ML" – Light Manufacturing district and a utility company used it.

Commission Member Mantzey asked what uses were allowed under "ML" - Light Manufacturing district. Ms. Galicia stated that the "ML" – Light Manufacturing district had recently been replaced with the "LI" – Light Industrial district in the Zoning Ordinance. She stated that the uses for these two districts were comparable.

Commission Member Mantzey asked if Staff's concerns about allowed uses on the property if rezoned were currently allowed on the property directly next door. Ms. Galicia said yes. She stated that the Mr. Martin could continue using the subject property for his business or the property could be altered to a residential use.

Commission Member Cobbel stated that the subject property would still be next door to a light industrial use. Ms. Galicia said yes. She stated that Staff looked at how many uses surrounding the property were industrial in nature and that there were not many. She stated that there was more industrial uses east of Church Street and gave some examples.

Commission Member Cobbel stated that if the rezoning request was approved and later a food distribution center was proposed for the site that a new larger building would be required and that it would need to receive additional approval from the City before they could move forward. Ms. Galicia stated that they would be required to go through the site plan process and parking requirements would also need to be met which potentially limit the size of the building.

Commission Member Cobbel wanted to clarify that the subject property was about a half an acre. Ms. Galicia stated that was correct.

Vice-Chairman Zepp asked if there were any plans to widen Tower Lane or College Street. Ms. Galicia stated that she believed that Tower Lane was expected to be a 60' right-of-way. She stated that typically the right-of-way was expanded when the area is developed.

Vice-Chairman Zepp asked if rezoning request was approved and later someone wanted to development to property with a light industrial use that they would be required

to pay fees to widen the road as well. Ms. Galicia stated that would be done during the site plan process. She stated that they would be held accountable for improvements the City requires at that time and gave some examples.

Commission Member Kuykendall stated that she agreed with Staff's concerns about all of the uses that could be allowed by right under the new zoning. She stated that after hearing from Mr. Martin and knowing that the property had always been used for various businesses that she was really torn on this issue. Ms. Galicia stated that Staff was not opposed to the subject property not having any non-residential use allowed on it; however, Staff had concerns about the proposed district's allowed uses. She stated that Staff felt there could be other districts the subject property could be rezoned to that would be more appropriate.

On a motion by Commission Member Cobbel, seconded by Commission Member McCall, the Commission voted to recommend approval of the proposed rezoning request as conditioned in the Staff report, with a vote of 5-1-1. Commission Member Smith voted against the motion. Chairman Cox abstained.

Vice-Chairman Zepp stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 15, 2016.

Chairman Cox returned to the meeting.