

Planning and Zoning Commission Meeting Minutes of May 14, 2013:

Vice-Chairman Franklin stepped down during the consideration of item # 13-048Z2, due to a possible conflict of interest.

13-048Z2 Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of LF Development Partners, L.P., for Approval of a Request to Rezone Fewer than 2 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for a Daycare Use, Located on the East Side of Lake Forest Drive and Approximately 1,000 Feet South of U.S. Highway 380 (University Drive)

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff recommends approval of the proposed rezoning request.

Mr. David Craig, Craig International, Inc., 6850 TPC Drive, Suite # 210, McKinney, TX, explained the proposed rezoning request. He displayed and briefly discussed some photographs that he had taken of the site. Mr. Craig stated that the hours of operation would be Monday through Friday from 6:30 a.m. to 7:30 p.m. He stated that the building would be one-story and a quality product. Mr. Craig felt there was a demand for daycare and it would be an appropriate use in this area. He felt there would be plenty of buffering between the surrounding neighbors and the daycare.

Commission Member Kochalka asked Mr. Craig about the symbols shown on one of the aerials displayed on the screen. Mr. Craig explained that those were showing possible playground areas in the backyard of the daycare. He stated that they were only shown as examples.

Commission Member Gilmore asked Mr. Craig if they plan to build a 6' privacy fence along the back of the property. Mr. Craig said yes. He stated that they do not

want to compromise the bank of the creek in the back of the property. Mr. Craig stated that they plan to build a 4' subterranean with concrete and then a 6' board on board fence above the concrete.

Chairperson Clark opened the public hearing and called for comments.

Ms. Liz McElhaney, 1811 Meadow Ranch, McKinney, TX, spoke in opposition to the request. She expressed concerns about a daycare located directly behind their home creating a negative impact of their quality of life, decreasing property values, removal of approximately 80% of the trees and vegetation on the property causing a lack of privacy, increased road noise from Lake Forest since the removal of the trees, the daycare being open for business 13 hours a day, and inadequate screening. Ms. McElhaney stated that she preferred the current zoning for the property. She stated that this location would be open for a longer period of time compared to their daycare on EIDorado.

Commission Member Bush asked Ms. McElhaney to point out which lot she owned on the aerial displayed on the screen. Ms. McElhaney stated that she was to the south of Mr. Bradley's property. Commission Member Bush stated that her house would be 312' from the daycare's fence.

On a motion by Commission Member Kochalka, seconded by Commission Member Gilmore, the Commission voted 4-0-1, to close the public hearing. Vice-Chairman Franklin abstained.

Commission Member Bush stated that he lives on approximately 3.50 acres that is located approximately 250' away from an elementary school. He stated that he does not have the advantage of the screening that the proposed property has on it. Commission Member Bush stated that he really did not hear the children at the school.

Commission Members Gilmore and Kochalka also did not feel that there would be a noise issue from the daycare.

On a motion by Commission Member Kochalka, seconded by Commission Member Bush, the Commission voted 4-0-1, to recommend approval of the rezoning request as recommended by Staff. Vice-Chairman Franklin abstained.

Vice-Chairman Franklin returned to the meeting.