

PLANNING AND ZONING COMMISSION

NOVEMBER 12, 2013

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, November 12, 2013 at 6:00 p.m.

Commission Members Present: Chairman Rick Franklin, Vice-Chairman George Bush, Jim Gilmore, Matt Hilton, and Michael Osuna

Commission Members Absent: David Kochalka and Larry Thompson

Staff Present: Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Planners Steven Duong, Samantha Gleinser, and Neil Rose; Executive Assistant Karen Nash; and Administrative Assistant Terri Ramey

There were approximately 75 guests present.

Chairman Franklin called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairman Franklin 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 would be forwarded on to City Council. Chairman Franklin 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 five minutes and speak only once. Chairman Franklin 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 the issues.

Chairman Franklin continued the meeting with the Consent Items.

The Commission unanimously approved the motion by Commission Member Hilton, seconded by Commission Member Gilmore, to approve the following five Consent Items, with a vote of 5-0-0:

**13-1175 Minutes of the Planning and Zoning Commission
Regular Meeting of October 22, 2013**

- 13-228CVP Consider/Discuss/Act on the Request by Megatel Homes, on Behalf of McKinney 18, L.P., for Approval of a Conveyance Plat for Lots 1-3, Block A, of the Craig Ranch North Phase 3 Addition, Being Fewer than 20 Acres, Located on the Northwest Corner of Alma Road and Stacy Road**
- 13-220PF Consider/Discuss/Act on the Request by Sanchez and Associates, on Behalf of SP5 Conley Commons, for Approval of a Preliminary-Final Plat for Lots 1 and 2, Block A, of the Conley Commons Addition, Being Fewer than 9 Acres, Located on the East Side of State Highway 5 (McDonald Street) and Approximately 630 Feet South of McIntyre Road**
- 13-217CVP Consider/Discuss/Act on the Request by Glenn Engineering Corporation, on Behalf of 14th Street, L.P., for Approval of a Conveyance Plat for Lots 1R, 3, and 4, Block A, of the Parcel 905 Addition, Being Fewer than 18 Acres, Located on the Northeast Corner of Alma Road and Eldorado Parkway**
- 13-214PF Consider/Discuss/Act on the Request by RLK Engineering, Inc., for Approval of a Preliminary-Final Plat for Lots 1 and 2, Block A, of the Tuscarora at Craig Ranch Addition, Being Fewer than 18 Acres, Located on the Southwest Corner of Stacy Road and Alma Road**

END OF CONSENT

Chairman Franklin continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

- 13-223Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of McKinney Growth III, for Approval of a Request to Rezone Fewer than 16 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located at the Southeast Corner of Lake Forest Drive and Highlands Drive**

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed rezoning request. She stated that Staff distributed letters of opposition to the Commission prior to the meeting. Ms. Gleinser stated that Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report.

Vice-Chairman Bush asked if a Specific Use Permit (SUP) would be required for a mini-warehouse facility on Tract 4 if this rezoning request was approved. Ms. Gleinser stated that if the rezoning request was approved that the mini-warehouse facility would be an allowed use on the property and a Specific Use Permit (SUP) would not be required.

Chairman Franklin asked Staff if the elevation shown would be locked in with the approval of this rezoning request. Ms. Gleinser said yes. Chairman Franklin asked if the applicant decided to change the elevation if they would need to come back before the Commission. Ms. Gleinser said yes.

Mr. Jon David Cross, Cross Engineering Consultants, 131 S. Tennessee St., McKinney, TX, concurred with the staff report and offered to answer questions.

Chairman Franklin asked if there was any landscaping planned for the back side of the proposed mini-warehouse facility property. Mr. Cross said yes.

Commission Member Gilmore asked if there would be 24-hour access to the mini-warehouse facility. Mr. Bry Taylor, 2600 Eldorado Pkwy., McKinney, TX, stated that the mini-warehouse's office would be open six days a week from 9:00 a.m. to 6:00 p.m. He stated that the gate would be accessible seven days a week from 6:00 a.m. to 9:00 p.m.

Commission Member Osuna asked if they intend to build mini-warehouses on all of the tracts of land. Mr. Taylor said no, just on approximately 3.6 acres.

Commission Member Gilmore asked if there would be a manager residing on the property to watch over it. Mr. Taylor said no.

Chairman Franklin opened the public hearing and called for comments.

The following people spoke in opposition of the proposed rezoning request. These citizens had concerns regarding the safety of the children that play there and walk to a nearby school, increase in crime, drainage and erosion issues, decreasing surrounding property values that could also decrease tax revenue, hours of operation, increase in traffic, noise level, disturbing the wildlife's habitat, environmental issues, loss of green space, landscaping, three-story building blocking their view of the park, creating an eyesore at the entrance to their subdivision, rezoning the property for a new use that they felt was improper for the area, they thought the property was open parkland and not going to be developed, loss of access to the property for the kids to play on and hold soccer practices, and questioned whether they could stop the development on the property. They requested that an environmental impact study done on the property.

- Ms. Carolyn Biggio, 3006 Palmtree Dr., McKinney, TX

- Ms. Beth Owens, 3812 Columbus Dr., McKinney, TX
- Ms. Tabatha Sullivan, 4824 Spanishmoss Dr., McKinney, TX
- Mr. Leon Lusk, 5516 Periwinkle Ln., McKinney, TX
- Ms. Sharon Ahsam, 4925 Monte Vista Ln., McKinney, TX
- Mr. Regis Zurchin, 4209 English Ivy Dr., McKinney, TX
- Ms. Jennifer Johansen, 4912 Redwood Dr., McKinney, TX
- Ms. Rachel Freeland, 4920 Spanishmoss Dr., McKinney, TX
- Mr. Charles Doughtry, 4921 Monte Vista Ln., McKinney, TX
- Ms. Heather Hardin, 4817 Spanishmoss Dr., McKinney, TX
- Ms. Teresa Lusk, 5516 Periwinkle Ln., McKinney, TX
- Mr. Jason Switzer, 3107 Cactus Dr., McKinney, TX

Commission Member Gilmore asked what could be built under the current zoning of the property. Mr. Quint, Director of Planning for the City of McKinney, gave some examples of possible uses that could currently go on the property.

Mr. Quint stated that hours of operation were not regulated by the City, because it was difficult to enforce.

Mr. Quint briefly discussed the landscaping requirements in the Zoning Ordinance.

Mr. Quint stated that the Texas Commission of Environmental Quality has environmental quality requirements that must be met by all development in Texas. Mr. Taylor stated that he was willing to look into an environmental impact study; however, was not willing to commit to doing one at this time.

The Commission unanimously approved the motion by Commission Member Hilton, seconded by Vice-Chairman Bush, to close the public hearing, with a vote of 5-0-0.

Chairman Franklin stated that the current zoning on the property allowed for various uses.

Vice-Chairman Bush stated that he would like the rezoning request if it did not include the mini-warehouse facility.

Chairman Franklin asked the applicant if he would be willing to have the item tabled to another meeting to give the applicant and surrounding neighbors a chance to discuss the project in more detail. Mr. Taylor was okay with tabling the request.

Commission Member Hilton stated that the real estate agents that sold the houses to the surrounding neighbors should have discussed the zoning on the proposed property prior to selling them their houses. He also stated that it was good to ask what the zoning was on surrounding property prior to making a purchase and not just assume that it would not change over time.

The Commission unanimously approved the motion by Vice-Chairman Bush, seconded by Commission Member Gilmore, to table the rezoning request until the December 10, 2013 Planning and Zoning Commission meeting, with a vote of 5-0-0.

13-190Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Wynne Jackson, Inc., on Behalf of Coit and Plano Parkway, Ltd., William and Barbara Docekal, Ronald Alan Gibson, Erwin H. Gibson, Sr., Armon D. and Mary Ann Gibson, Wesley J and Evelyn E. Valek, for Approval of a Request to Zone Fewer than 127 Acres to "PD" - Planned Development District, Located on the North and South Sides of Wilmeth Road and on the East and West Sides of County Road 161 (Future Ridge Road)

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed zoning request. She stated that Staff recommends approval of the proposed zoning request with the special ordinance provision listed in the staff report.

Commission Member Osuna asked about the current zoning on the property. Ms. Gleinser stated that the property was currently not zoned and was in the process of being annexed into the City of McKinney.

Mr. Brent Miller, Wynne Jackson, Inc., 600 N. Pearl St., Dallas, TX, concurred with the staff report and offered to answer questions.

Chairman Franklin opened the public hearing and called for comments.

Mr. Kurt Kuehn, 5509 Fox Chase, McKinney, TX, asked if Ridge Road would need to be built in this area prior to the proposed development occurring. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Ridge Road did not need to be built for this property to be developed; however, it would benefit the property. He felt that Wilmeth Road could be used as access to the property.

Mr. Bryce Nelson, 6077 County Road 161, McKinney, TX, expressed concerns about flooding, water runoff, and the proposed commercial uses on the property. He thought that originally the majority of property had been designated as large estates and preferred that option.

Mr. Tracy Hopkins, 6235 County Road 161, McKinney, TX, expressed concerns over the historic Scott Cemetery possibly having businesses built around it. He felt that the property should be developed for residential uses to match the surrounding development.

Mr. Eric Autry, 3605 Tatum Dr., McKinney, TX, stated that he just built a secondary home in the Robinson Ridge neighborhood due to the scenery and openness of the area. He expressed concerns about the proposed property having commercial uses and how that might decrease the surrounding property values. Mr. Autry felt that the proposed property should be built with only residential uses.

Mr. Blane Richards, 6048 County Road 124, McKinney, TX, stated that it was his understanding that the property had initially been designated for residential development on larger acreage lots. He expressed concerns regarding the removal of trees when Robinson Ridge was developed and what the development of the proposed property might do to the surrounding landscape.

Chairman Franklin asked the applicant to address some of the surrounding resident's concerns.

Mr. Brent Miller stated that the requested zoning followed the City's Comprehensive Plan for this area. He stated that a six lane intersection was planned at the corner and he felt commercial uses were better suited for that area. Mr. Miller stated that they plan to build neighborhood scaled businesses and not high-rise buildings.

Chairman Franklin asked if there would be a two-story limitation. Mr. Miller said yes.

Chairman Franklin asked Staff to address the Comprehensive Plan for that area. Mr. Michael Quint, Director of Planning for the City of McKinney, briefly discussed the Comprehensive Plan that was updated in 2004 and the Future Land Use Plan (FLUP) and the FLUP Modules Diagram. He stated that the proposed property was designated

for suburban mix that allowed for flexibility in various land uses. He stated that Staff felt this zoning request was in compliance with the vision outlined by the Comprehensive Plan.

Commission Member Osuna expressed concerns about transitioning from estate style residential properties to commercial properties in this area. Mr. Brent Miller felt this was a good size and location for the proposed commercial use on the property. He stated that they had already reduced the amount of proposed commercial uses on the property from what an earlier developer had proposed. Mr. Miller did not feel that residential properties should be located near a six-lane intersection. Mr. Quint stated that the Comprehensive Plan envisions commercial development at the intersection of arterials.

Chairman Franklin asked about the proposed screening for the development near the Scott cemetery. Mr. Miller stated that the screening would be addressed during development. Commission Member Osuna wanted to clarify what type of screening would be installed on the development surrounding the Scott cemetery. Mr. Quint explained that the Scott cemetery was not located in the City of McKinney and had no zoning as a result and also that the cemetery was not currently used for residential uses; therefore, no screening wall would be required. Commission Member Osuna felt that screening around the cemetery should be addressed in the "PD" – Planned Development District for this property. Mr. Quint stated that the Commission could include that in their recommendation to City Council.

Ms. Chrisy Acuna, 606 N. Waddill St., McKinney, TX, asked if annexing the cemetery into the City of McKinney would make a difference in the required screening. Mr. Quint explained that if the cemetery was annexed into the City of McKinney and zoned for residential purposes that a screening wall would then be required when non-residential uses developed around the cemetery.

The Commission unanimously approved the motion by Vice-Chairman Bush, seconded by Commission Member Osuna, to close the public hearing, with a vote of 5-0-0.

Vice-Chairman Bush suggested amending the proposed zoning to have larger residential lot sizes. Mr. Quint expressed concerns about larger lot sizes possibly not being marketable at this time.

Chairman Franklin asked the applicant if he would be willing to table the request to address some of the surround resident's concerns. Mr. Quint explained that if this zoning request was tabled that the annexation proceedings would need to start back over; therefore, the previous two public hearings for the annexation of the property would need to be held again.

The motion by Commission Member Gilmore to recommend approval as recommended by Staff, failed due to a lack of a second.

The Commission approved the motion by Commission Member Osuna, seconded by Commission Member Hilton, to recommend denial of the proposed zoning, with a vote of 3-2-0. Chairman Franklin and Commission Member Gilmore 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 December 3, 2013. Mr. Quint stated that it would take a supermajority vote by City Council to approve the zoning request.

Vice-Chairman Bush stepped down during the consideration of item # 13-227Z, due to a possible conflict of interest.

13-227Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of McKinney Fellowship Bible Church, for Approval of a Request to Rezone Fewer than 33 Acres from "PD" - Planned Development District to "PD" - Planned Development District, to Allow for an Assisted Living Facility, Located on the East Side of Orchid Drive and Approximately 350 Feet North of Eldorado Parkway

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 with the special ordinance provisions listed in the staff report.

Commission Member Osuna asked if the proposed rezoning would be for the whole tract of land and not just the section where the assisted living facility might be located. Ms. Gleinser said yes.

Commission Member Osuna questioned why that particular piece of property was not being subdivided from the rest of the tract and only that tract of land rezoned to allow for an assisted living facility. Ms. Gleinser suggested the applicant address his question.

Mr. Arlyn Samuelson, Pogue Engineering & Development Company, Inc., 1512 Bray Central Dr., McKinney, TX, explained that they are in the process of selling the smaller tract of land for the assisted living facility; however, the buyer wants to make sure the property could be rezoned for that use prior to purchasing the property.

Chairman Franklin opened the public hearing and called for comments.

Mr. Steve Martinez, 3217 Gillespie Rd., McKinney, TX, asked what type of assisted living facility was planned for the property. Mr. Pat Ayars, Oxford Senior Living, 2008 Timbercreek Cir., Wichita, KS, stated that they plan to build a 53-bed assisted living and 24-bed memory care facility.

Mr. Martinez asked if any specific plans for the assisted living facility had been submitted and if they would be tied to the rezoning of the property. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that no specific site plans or elevations had been submitted for the assisted living facility. He stated that this request was only to rezone the property for that use.

Ms. Linda Bosworth, 3413 Gillespie Rd., McKinney, TX, expressed concerns over rezoning the whole tract of land to allow an assisted living facility use. She stated that this use had been proposed before for the property and had not been approved at that time. Ms. Bosworth stated that she thought the property was zoned for residential uses. She asked where the assisted living facility was proposed to be built.

Commission Member Gilmore also asked where the assisted living facility was planned to be built on the property. Mr. Samuelson explained that the proposed assisted living facility would be built on the southeast corner of the tract of land. He stated that they are unsure of the boundary line at this time and that is why they

requested the whole tract of land be rezoned to this use. Mr. Samuelson stated that the church is only considering selling this smaller piece of property at this time.

Commission Member Gilmore asked if the applicant was obligated to build the assisted living facility on the southeast corner of the property. Mr. Quint said no and that the Commission could include that restriction in their recommendation to City Council.

Commission Member Hilton asked what would happen if the assisted living facility decided to expand in the future. Mr. Quint explained that Staff would review the proposed expansion plans to see if it met the approved location. He stated that if it went past the approved location, then the property would need to be rezoned to allow the expansion. Mr. Samuelson stated that when the site plan is presented that it would show the lot line and where the future phase two could be built. He stated that piece of property being purchased would be the only area where an assisted living facility would be located on this property. Mr. Quint stated that site plans are Staff approved, so it would most likely not come back before the Planning and Zoning Commission.

Commission Member Osuna asked if the church had a signed contract to sell this property. Mr. Ayars explained that there are various things that need to be completed before the contract is finalized.

Commission Member Osuna asked for the acreage being considered for the proposed assisted living facility. Mr. Ayars said it was approximately 5 ½ to 6 acres. Commission Member Osuna suggested making a recommendation to rezone 7 acres of the southeast corner of the property to allow for an assisted living facility. Mr. Ayars was willing to agree to that stipulation.

Commission Member Gilmore asked Staff if they had any concerns with only rezoning 7 acres of the southeast corner of the property for an assisted living facility. Mr. Quint did not see any issues with this stipulation.

Mr. George Ellis, 3102 Chukar Dr., McKinney, TX, expressed concerns about rezoning the whole tract of land to allow for an assisted living facility, possible erosion issues, removal of trees on the northern section of property, and wildlife that could be affected by development on the property.

Mr. Joe Kiley, 3409 Gillespie Rd., McKinney, TX, expressed concerns about rezoning the whole tract of land to allow an assisted living facility.

Mr. Quint explained that even if this rezoning request for an assisted living facility is limited to the southeast side of the property, they could come back at a later time with another rezoning request for the property.

Ms. Jolie Williams, 3613 Cockrill Dr., McKinney, TX, asked about the current zoning on the property and what uses it would allow. Ms. Gleinser stated that the zoning on the property currently allows for single-family residential uses and a church.

Ms. Williams expressed concerns about traffic issues on Orchid Dr., additional traffic the assisted living facility would generate, whether or not there would be adequate emergency access for the facility, and possible decreasing surrounding property values with this rezoning.

On a motion by Commission Member Osuna, seconded by Commission Member Gilmore, the Commission voted to close the public hearing, with a vote of 4-0-1. Vice-Chairman Bush abstained.

Chairman Franklin asked the applicant how much traffic might be created with the assisted living facility. Mr. Ayars stated that the facility would have a low impact on the traffic. He stated that about 1/3 of the residents would not drive at all. Mr. Ayars stated that about 2/3 of the residents might have access to a vehicle; however, the facility would typically drive the residents to various locations. He stated that they were working with the City of McKinney Fire Department to make sure that they have proper access to the facility to address safety issues.

On a motion by Commission Member Osuna, seconded by Commission Member Hilton, the Commission voted to recommend approval of the rezoning request limiting the assisted living facility use to only be located on the southernmost 7 acres of the property, with a vote of 4-0-1. Vice-Chairman Bush abstained.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 3, 2013.

Vice-Chairman Bush returned to the meeting.

13-196SUP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Gary C. Roper, for Approval of a Specific Use Permit Request for a Bed and Breakfast (The Red

Gate Inn), Being Less than 1 Acre, Located on the Southwest Corner of Josephine Street and Church Street

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the specific use permit request. She stated that Staff recommends approval of the requested specific use permit.

Ms. Debbie Roper, 811 N. Church St., McKinney, TX, explained the specific use permit request. She stated that they had made a lot of improvements to the property. Ms. Roper stated that they had found records showing that the house was built in 1914. She stated that they are planning to have two bedrooms for the bed and breakfast for now. Ms. Roper stated that later on they intend to remodel the area above the garage to be a third bedroom.

Vice-Chairman Bush asked about the parking on the property. Ms. Roper explained that the current deck would be removed and a concrete parking area would be poured there for their guests. She stated that there would be two driveways.

Vice-Chairman Bush asked about the proposed stairway that would lead up to the second floor of the garage. Ms. Roper felt there would be enough room for the exterior stairwell.

Chairman Franklin opened the public hearing and called for comments. There were none.

The Commission unanimously approved the motion by Vice-Chairman Bush, seconded by Commission Member Hilton, to close the public hearing and recommend approval of the specific use permit for a bed and breakfast (The Red Gate Inn).

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 3, 2013.

13-199SUP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Allen-Correll Engineering, on Behalf of HJR Partners, L.P., for Approval of a Specific Use Permit Request to Allow a Restaurant with Drive-Through Window, Being Fewer than 2 Acres, Located Approximately 300 Feet East of Stonebridge Drive and on the North Side of Eldorado Parkway

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the specific use permit request. She stated that Staff recommends approval of the requested specific use permit.

Mr. Mike Allen, 101 Trails End, Highland Village, TX, concurred with the staff report and offered to answer questions.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Hilton, seconded by Commission Member Osuna, the Commission voted unanimously to close the public hearing and recommend approval of the requested specific use permit as recommend by Staff, with a vote of 5-0-0.

Chairman Franklin stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on December 3, 2013.

13-186MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by The British Builder, L.L.C., for Approval of a Minor Replat for Lots 1 and 2, Block A, of the Wayne Goodall Addition, Being Less than 1 Acre, Located on the South Side of Tucker Street and Approximately 260 Feet East of Waddill Street

Ms. Samantha Gleinser, Planner for the City of McKinney, explained the proposed minor replat. She stated that Staff recommends approval of the proposed minor replat as conditioned in the Staff Report.

Mr. Wayne Goodall, The British Builder, 210 Oak St., McKinney, TX, concurred with the staff report and stated that he would be removing the garage.

Chairman Franklin opened the public hearing and called for comments.

Ms. Chrisy Acuna, 606 N. Waddill St., McKinney, TX, spoke in favor of this request and the removal of the garage currently on the property.

The Commission unanimously approved the motion by Commission Member Gilmore, seconded by Vice-Chairman Bush, to close the public hearing and approve the proposed minor replat as conditioned on the staff report, with a vote of 5-0-0.

Chairperson Franklin stated that the Planning and Zoning Commission is the final approval authority for the proposed minor replat.

13-231M Conduct a Public Hearing to Consider and Discuss on a Request by the City of McKinney to modify Sections 138-429 (Sexually Oriented Businesses); 146-83 ("BN" - Neighborhood Business District); 146-84 ("BG" - General Business District); 146-85 ("C" - Planned Center District); 146-164 (Changes and Amendments); and Chapter 146, Appendix F-4 (Schedule of Uses) of the Code of Ordinances

Mr. Michael Quint, Director of Planning for the City of McKinney, discussed the proposed modifications to Sections 138-429 (Sexually Oriented Businesses); 146-83 ("BN" - Neighborhood Business District); 146-84 ("BG" - General Business District); 146-85 ("C" - Planned Center District); 146-164 (Changes and Amendments); and Chapter 146, Appendix F-4 (Schedule of Uses) of the Code of Ordinances. He stated that Staff recommends the Planning and Zoning Commission consider and discuss the proposed amendments to Chapters 138 (Sexually Oriented Businesses) and 146 (Zoning Regulations) of the Code of Ordinances. Mr. Quint stated that the final action regarding the proposed amendments would be taken by the Planning and Zoning Commission and City Council at the December 2, 2013 joint meeting.

Commission Member Hilton asked why Sexually Oriented Businesses had to be included in a zoning district. Mr. Quint stated that there are Federal laws that prohibit excluding Sexually Oriented Businesses from a community.

Vice-Chairman Bush asked if a Sexually Oriented Business would still require a Special Use Permit (SUP) with the proposed amendments. Mr. Quint said it would not require a Special Use Permit (SUP) in the "MH" – Heavy Manufacturing district. He stated that there would be additional City requirements that a Sexually Oriented Business would have to comply with before it would be allowed.

Commission Member Osuna asked for clarification on the multi-family residential uses not being permitted in commercial zoning districts going forward and not being applied retroactively. Mr. Quint gave a brief history. He explained that multi-family residential uses were currently shown as a prohibited use for commercial zoning districts on the Schedule of Uses chart; however, the commercial zoning district regulations still had multi-family residential uses listed as a permitted use. Mr. Quint explained that Staff was recommending amendments to the Schedule of Uses chart so that it matched the commercial zoning district regulations.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Osuna, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing, with a vote of 5-0-0.

13-230Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by City of McKinney, McKinney Economic Development Corporation and McKinney Community Development Corporation, for Approval of a Request to Rezone Fewer than 83 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 Modify the Development Standards and Allowed Land Uses, Located on the Southeast Corner of Marketplace Drive and U.S. Highway 75 (Central Expressway) (REQUEST TO BE TABLED)

Mr. Michael Quint, Director of Planning for the City of McKinney, stated that Staff recommends that the public hearing be closed and the item be tabled indefinitely to allow for more discussion between the interested parties. He stated that Staff would re-notify for an upcoming public hearing.

Chairman Franklin opened the public hearing and called for comments. There being none, on a motion by Commission Member Gilmore, seconded by Commission Member Hilton, the Commission voted unanimously to close the public hearing, with a vote of 5-0-0.

Chairman Franklin declared the meeting adjourned at 8:18 p.m.

RICK FRANKLIN
Chairman