

## Planning and Zoning Commission Meeting Minutes of October 22, 2019:

**19-0012M** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Sections 70-58 (Duty of owner, occupant to cut and remove weeds, brush, and unsightly matter), 142-5 (Approval required), 146-7 (Zoning district map), 146-40 (Nonconforming uses and nonconforming structures), 146-84 (Neighborhood Business District), 146-99 (REC regional employment center overlay district), 146-131 (Off-street loading), 146-132 (Fences, walls, and screening requirements), 146-139 (Architectural and site standards), 146-162 (Administrative official), 146-164 (Changes and amendments), and 146-165 (Board of adjustment), of the Code of Ordinances. Mr. Aaron Bloxham, Planning Manager for the City of McKinney, explained the proposed ordinance amendments. He stated that Staff proposes several amendments to the Zoning Ordinance and other related Sections of the Code of Ordinances in order to improve the processing of common variances as well as the overall usability of the Ordinances. Mr. Bloxham stated that these changes would modify standards to allow administrative approval of common variances to screening and loading space requirements; create a process for the Board of Adjustment to set a date to bring a nonconforming use into conformity; clarify the meaning of certain provisions; and remove several typos and other minor errors in the Ordinance. He explained to the commission the proposed process improvement amendments, which include Section 146-132 (Fences, walls, and screening requirements), Section 146-131 (Off-street loading), Section 146-40 (Nonconforming uses and nonconforming

structures) and Section 146-16 (Board of Adjustments), Section 146-164 (Changes and amendments), and Section 146-7 (Zoning district map). He gave a timeline for the proposed amendments. Mr. Bloxham requested a favorable recommendation to the proposed amendments and offered to answer questions. Vice-Chairman Mantzey asked for clarification on the nonconforming uses. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that the ordinance has a lot of language in it allowing nonconforming uses. She stated that the proposed amendments would allow the City to amortize nonconforming uses out of compliance. Ms. Arnold stated that the nonconforming uses would need to have a significant impact to the community. She stated that it is modeled off of how surrounding cities address these issues. Ms. Arnold stated that the City's legal team and consultants were involved in drafting the proposed amendments. She stated that this would not be something widely used in a lot of communities. Mr. Arnold stated that it is a gap in the City's ordinance that is important to put in place for the future. Vice-Chairman Mantzey stated that he was happy to see some of the changes that would save Staff many hours and lower cost to developers. Chairman Cox stated that there were some great proposed amendments. He expressed concerns regarding the proposed amortization of the non-conforming uses and a volunteer board making a recommendation or determination that could affect someone's livelihood. Chairman Cox asked Staff to go back to look at revising that section. He opened the public hearing and called for comments. Mr. Joe Joplin, 407 S. Tennessee Street, McKinney, TX, stated that he concurred with Chairman Cox's concerns regarding the proposed nonconforming uses amendments. He stated that the propose

amortization is a harsh remedy and subject to so much subjective thinking, rather than objective thinking. Mr. Joplin stated that it is so close to condemnation that it needs hard scrutiny. He stated that when you take a person's livelihood away and amortize it, they lose that source of income and would only have the value of the real estate. Mr. Joplin concurred with Chairman Cox's comments regarding caution of amortizing. On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 7-0-0. Vice-Chairman Mantzey stated that Staff has done a good job in cleaning up many of the items in the ordinance. He acknowledged the concerns regarding the amortization of non-conforming uses. Additionally, he stated that he wasn't sure if this should be more than just a simple majority, maybe it should require a super majority vote. On a motion by Vice-Chairman Mantzey, seconded by Commission Member Haeckler, the Commission unanimously voted to approve the proposed amendments as recommended by Staff, with a vote of 7-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to City Council at the November 5, 2019 meeting.