

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

16-296M Conduct a Public Hearing to Consider/Discuss/Act on an Amendment to Chapter 146-130 (Vehicle Parking) of the Code of Ordinances, the Creation of Chapter 138, Article VII (Donation Collection Containers) of the Code of Ordinances, and an Amendment to Appendix A (Schedule of Fees) of the Code of Ordinances

Mr. Michael Quint, Executive Director of Development Services for the City of McKinney, explained the proposed amendments to the Code of Ordinances regarding donation containers and gave a brief history of the U.S. Court of Appeals for the Sixth Circuit's opinion in the case *Planet Aid v. City of St. John's, MI*. He stated that he had received feedback from City Council during a work session to develop regulations to address this issue. He noted that today a developer sent in some comments regarding the proposed amendments that focused on the requirement for a locking mechanism. Mr. Quint stated that some minor revisions to the proposed amendments had been made and those revisions had been previously distributed to the Planning and Zoning Commission. He pointed out that Section 138-509 (a) (3) was changed to say: Have a tamper-resistant locking mechanism for all collection openings to prevent theft and vandalism. Mr. Quint gave an example of the Community Food Pantry of McKinney. He noted that the door to their collection box should not be kept locked at all times, so that it allowed residents in to pick up food items as needed. He stated this revision clarified the use of a locking device when it is appropriate. He stated that the City of McKinney wished to follow the new case law. Mr. Quint stated that the proposed amendments should be going before City Council for consideration on Tuesday, November 1, 2016. He offered to answer questions.

Chairman Cox asked if there was a difference between a tamper-resistant locking mechanism versus a mechanism that prevents theft and vandalism. Mr. Quint stated that he was not aware of any locking mechanism that was not there to prevent vandalism or theft.

Commission Member Smith asked if the proposed amendments would also apply to the book bins around town. Mr. Quint said yes. He stated that any bins where people were expected to take from it would not need to be locked, since taking the items would not be considered theft.

Chairman Cox opened to public hearing and called for comments.

Mr. Martin Sanchez, Sanchez and Associates, 2000 N. McDonald St., McKinney, TX, stated that he contacted Mr. Quint earlier today regarding not all donation sites needing to be locked and gave an example of the Community Food Pantry of McKinney. He appreciated Mr. Quint addressing this concern with the revised proposed amendments. Mr. Sanchez stated that he also had concerns about someone needing to submit four-sided elevations of what a donation bin would look like; however, there were currently no approval or denial process in place for it. He stated that Mr. Quint told him that Staff would be working to address this issue.

On a motion by Commission Member Cobble, seconded by Commission Member Smith, the Commission voted unanimously to close the public hearing and recommend approval of the revised amendment to Chapter 146-130 (Vehicle Parking) of the Code of Ordinances, the creation of Chapter 138, Article VII (Donation Collection Containers) of the Code of Ordinances, and an amendment to Appendix A (Schedule of Fees) of the Code of Ordinances as listed in the Staff report, with a vote of 7-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on November 1, 2016.