

## JOINT MEETING

FEBRUARY 25, 2013

The City Council and Planning and Zoning Commission of the City of McKinney, Texas met in joint session in the Council Chambers of the Municipal Building on February 25, 2013 at 7:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: GERALYN KEVER, DON DAY, RAY RICCHI, and ROGER HARRIS. Absent: Council member David Brooks.

Planning and Zoning Commission Present: Chairman Robert Clark; Vice Chair Richard Franklin; Commissioners: LARRY THOMPSON, JIM GILMORE, GEORGE BUSH, and MATT HILTON. Absent: Commissioner David Kochalka.

Staff Present: City Manager Jason Gray; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Development Services Director Barry Shelton; Assistant Development Services Director Rick Leisner; Director of Planning Michael Quint; and Assistant Director of Planning Kevin Spath.

There were 19 guests present.

Chairman Clark called the Planning and Zoning Commission meeting to order at 5:32 p.m. after determining a quorum present.

Mayor Loughmiller called the City Council meeting to order at 5:32 p.m. after determining a quorum present.

**12-222M2** Mayor Loughmiller and Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Create Appendix G-1 (McKinney Town Center Regulating Plan) and Appendix G-2 (McKinney Town Center Zoning District Regulations) in the Zoning Regulations (Chapter 146 of the Code of Ordinances); to Amend Sections 6 (Zoning Districts Established), 40 (Nonconforming Uses and Nonconforming Structures), 45 (Site Plan Approval), 95 (MTC McKinney Town Center District), 96 (CHD Commercial Historic District), 129 (Height and Area Exceptions, and Minimum Distances Between Specific Uses), 130 (Vehicle Parking), 131 (Off-Street Loading), 132 (Fences, Walls, and Screening Requirements), 135 (Landscape Requirements), 137

(Communications Antennas, Satellite Dishes and Support Structures/Towers), 138 (Open Storage and Outdoor Display), 139 (Architectural and Site Standards), 141 (Residential Development Design Requirements), 163 (Planning and Zoning Commission), 167 (Historic Preservation Officer), 168 (Designation of Historic Landmarks and Districts), Appendix C-1 (McKinney Commercial Historic District Map), Appendix C-2 (Historic District Map), Appendix F-1 (Schedule of Areas, Densities, Heights, Lot Coverages, Setbacks and Yards), and Appendix F-4 (Schedule of Uses) of the Zoning Regulations (Chapter 146 of the Code of Ordinances); to Amend Section 155 (Exemptions) of the Subdivision Regulations (Chapter 142 of the Code of Ordinances); and to Amend Sections 5 (Prohibited Signage), 6 (All Zoning Districts), 9 (Downtown Commercial Historic District), and 10 (Multiple-Building Lot Coordinated Signage) of the Sign Regulations (Chapter 134 of the Code of Ordinances), and Accompanying Ordinance. Assistant Director of Planning Kevin Spath stated that staff and the consultant team are presenting two interrelated cases associated with the McKinney Town Center form-based zoning initiative: a proposed “textual” amendment of McKinney’s zoning, subdivision, and sign ordinances for the purpose of adopting and integrating the MTC form-based zoning district regulations, and a proposed “map” amendment of McKinney’s official zoning map for the purpose of rezoning approximately 262 acres (approximately 616 parcels) to the MTC form-based zoning district. He stated that one of the most critical implementation elements of Phase 2 of the Town Center Study Initiative has been the analysis of existing zoning regulations and the crafting of new form-based zoning regulations. Mr. Spath stated that the proposed form-based zoning district has been under development since 2010 and the purpose of this proposal is to replace most of the ineffective and obsolete land development regulations currently governing McKinney’s Town Center. He stated that the proposal will not

expand, remove, or weaken any of the historic preservation regulations currently in effect and the proposal will not involuntarily displace any current property owners/users. Mr. Spath stated that the proposal is intended to help preserve, enhance, and grow McKinney's unique and historic Town Center for many years into the future by addressing unique redevelopment challenges, facilitate economic revitalization, creating adjacency predictability for property owners and potential investors, simplifying and streamlining the development regulations and process, realizing the long-term performance of TIRZ #1 and achieving the community's adopted long-term vision. He stated that on November 26, 2012, staff and the consultant team presented a final draft of the proposed MTC form-based zoning district to a joint meeting of the Planning and Zoning Commission and the City Council and based on the comments received from Commissioners and Council members during that meeting as well as comments received from various other stakeholders over the last several weeks, staff and the consultant team made minor changes to the final draft. He stated that it is also necessary to properly integrate the proposed MTC Zoning District Regulation and MTC Regulating Plan into the city's existing framework of land development regulations in order to ensure consistency and avoid conflicting regulations. Mr. Spath stated that Staff is recommending that a public hearing be held and continued until the April 2, 2013 Joint meeting. Mayor Loughmiller called for public comment.

Mr. Brad Kidwell, 407 E. Louisiana, McKinney did not wish to speak but wanted his support entered into the record.

The following individuals expressed concerns with the proposed changes:

Mr. Maurice Malvern, 602 Howard, McKinney

Mr. Alonzo Tutson, P. O. Box 1584, McKinney

Mr. Spath stated that the proposed MTC District does not propose to

change anything with the existing non-conforming section of the zoning ordinance. The use can continue if a property changes ownership or a property can change business tenant as long as there is not a 6 month lapse. Mayor Loughmiller stated that the general idea is to try to create some form based zoning or some type of zoning in the historic district and in east McKinney that would actually enhance or create opportunities for developers. Mr. Scott Polikov stated that when they worked with the community during the phase 1 efforts several years ago, that was the big issue. There is a challenge because the community wants to see neighborhood amenities brought into the community and that has an impact on the property value. He stated that the proposed ordinance encourages redevelopment in areas that would have the least affect in single-family neighborhoods. Commissioners unanimously approved the motion by Commissioner Thompson, seconded by Commissioner Franklin, to continue the public hearing and table the item until April 2, 2013. The motion by Council member Council member Geralyn Keever, seconded by Council member Travis Ussery, to be tabled to Another Meeting continue the public hearing and table the item until April 2, 2013.

**13-001M2** Mayor Loughmiller and Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Rezone Fewer Than 262 Acres from "AG" - Agricultural District, "RS 60" - Single Family Residence District, "RG 18" - General Residence District, "BG" - General Business District, "BN" - Neighborhood Business District, "CHD" - Commercial Historic District, "GC" - Governmental Complex District, "MH" - Heavy Manufacturing District, "ML" - Light Manufacturing District, "PD" - Planned Development District and "H" - Historic Preservation Overlay District to "MTC" - McKinney Town Center District, "CHD" - Commercial Historic Overlay District and "H" - Historic Preservation Overlay District, Located in the Area Generally East of Bengé Street,

West of Carver Street, South of Watt Street and North of Standifer Street as well as in the Area Generally East of McDonald Street, South of Elm Street, and West of the Dallas Area Rapid Transit Rail Right-of-Way, and Accompanying Ordinance. Assistant Director of Planning Kevin Spath stated this item is a companion item to the previous agenda item. Staff is recommending that the public hearing be held and continued and the item be tabled until the April 2, 2013 Joint meeting. Commissioners unanimously approved the motion by Commissioner Larry Thompson, seconded by Commissioner Franklin, to continue the public hearing and table the item until April 2, 2013. Council unanimously approved the motion by Council member Kever, seconded by Mayor Loughmiller, to continue the public hearing and table the item until April 2, 2013.

**12-223M2** Mayor Loughmiller and Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney, to Amend Section 146-46 (Definitions), Section 146-130 (Vehicle Parking), Section 146-139 (Architectural and Site Standards), and Appendix F, Section F-4 (Schedule of Uses) of the Zoning Ordinance as these Sections Pertain to Multi-Family Residential Uses, Senior Multi-Family Residential Uses, Independent Uses, and Assisted Living Uses, and Accompanying Ordinance. Director of Planning Michael Quint stated that staff is proposing to modify the zoning ordinances pertaining to multi-family regulations. In August of 2009, Council Member Day stated that future multi-family developments need to be of a high quality. Staff researched and drafted a series of multi-family regulations that were intended to increase the quality of future multi-family residential construction. These proposed multi-family regulations were adopted by the City Council in May of 2010. Since May of 2010, Staff has received complaints that the regulations pertaining to multi-family residential development are too restrictive, specifically the enclosed parking space requirement for multi-family residential uses. In May of 2012, Council Members Day and

Ussery requested that Staff reassess the multi-family residential regulations and bring back modified regulations that still ensure that a high quality development is constructed. On November 26, 2012, Staff presented amendment changes pertaining to definitions, vehicle parking, architectural and site standards, and Schedule of Uses regarding to multi-family residential uses, senior multi-family residential uses, independent living uses, and assisted living uses. The proposed changes provide a clear distinction between multi-family residential, senior multi-family residential, independent living, and assisted living uses; they provide for a modified parking standard for multi-family residential, senior multi-family residential, independent living, and assisted living uses; they provide for modified architectural design standards for multi-family residential and senior multi-family residential uses; they provide an updated Schedule of Use chart which clearly indicates which zoning district each use will be allowed within; and they provide an updated listing of definitions which clearly indicates what multi-family residential, senior multi-family residential independent living, and assisted living uses are. Commissioners unanimously approved the motion by Commissioner Thompson, seconded by Commissioner Hilton, to approve an Ordinance amending Section 146-46 (Definitions), Section 146-130 (Vehicle Parking), Section 146-139 (Architectural and Site Standards), and Appendix F, Section F-4 (Schedule of Uses) of the Zoning Ordinance as these sections pertain to Multi-Family Residential Uses, Senior Multi-Family Residential Uses, Independent Uses, and Assisted Living Uses, per Staff's recommendation except that section 146-130(2)(f)(v) of the Zoning Ordinance shall read: the enclosed parking space requirement for multi-family residential and senior multi-family residential uses may be reduced from no less than 50% of the units having an enclosed parking space to no less than 30% of the units having an enclosed parking space as part of the site plan approval

process. The project is subject to the City Council's discretionary approval after consideration by the Planning and Zoning Commission and may be approved if the proposed project satisfies the following: the project represents an innovative or exceptional quality design; and the project represents a significant contribution to the existing and future built environment in the area; and reductions in the enclosed parking requirement may not be granted for pecuniary reasons or to serve as a convenience for the development. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to approve an Ordinance amending Section 146-46 (Definitions), Section 146-130 (Vehicle Parking), Section 146-139 (Architectural and Site Standards), and Appendix F, Section F-4 (Schedule of Uses) of the Zoning Ordinance as these sections pertain to Multi-Family Residential Uses, Senior Multi-Family Residential Uses, Independent Uses, and Assisted Living Uses, per Staff's recommendation except that section 146-130(2)(f)(v) of the Zoning Ordinance shall read: the enclosed parking space requirement for multi-family residential and senior multi-family residential uses may be reduced from no less than 50% of the units having an enclosed parking space to no less than 30% of the units having an enclosed parking space as part of the site plan approval process. The project is subject to the City Council's discretionary approval after consideration by the Planning and Zoning Commission and may be approved if the proposed project satisfies the following: the project represents an innovative or exceptional quality design; and the project represents a significant contribution to the existing and future built environment in the area; and reductions in the enclosed parking requirement may not be granted for pecuniary reasons or to serve as a convenience for the development. Caption reads as follows:

ORDINANCE NO. 2013-02-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AMENDING SECTIONS 146-46  
(DEFINITIONS), 146-130 (VEHICLE PARKING), 139

(ARCHITECTURAL AND SITE STANDARDS), AND APPENDIX F, SECTION F-4 (SCHEDULE OF USES) OF THE ZONING ORDINANCE (CHAPTER 146 OF THE CODE OF ORDINANCES) AS THESE SECTIONS PERTAIN TO MULTI-FAMILY RESIDENTIAL, SENIOR MULTI-FAMILY RESIDENTIAL, INDEPENDENT LIVING USES, AND ASSISTED LIVING USES; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Chairman Clark adjourned the Planning and Zoning Commission meeting at 8:25 p.m.

Mayor Loughmiller recessed the meeting into executive session at 8:25 p.m. per Texas Government Code Section 551.071 (2). Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed) and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:38 p.m.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Mayor Loughmiller, to adjourn. Mayor Loughmiller adjourned the meeting at 8:39 p.m.

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BRIAN LOUGHMILLER  
Mayor

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ROBERT CLARK  
Chairman

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary