

# McKinney, Texas

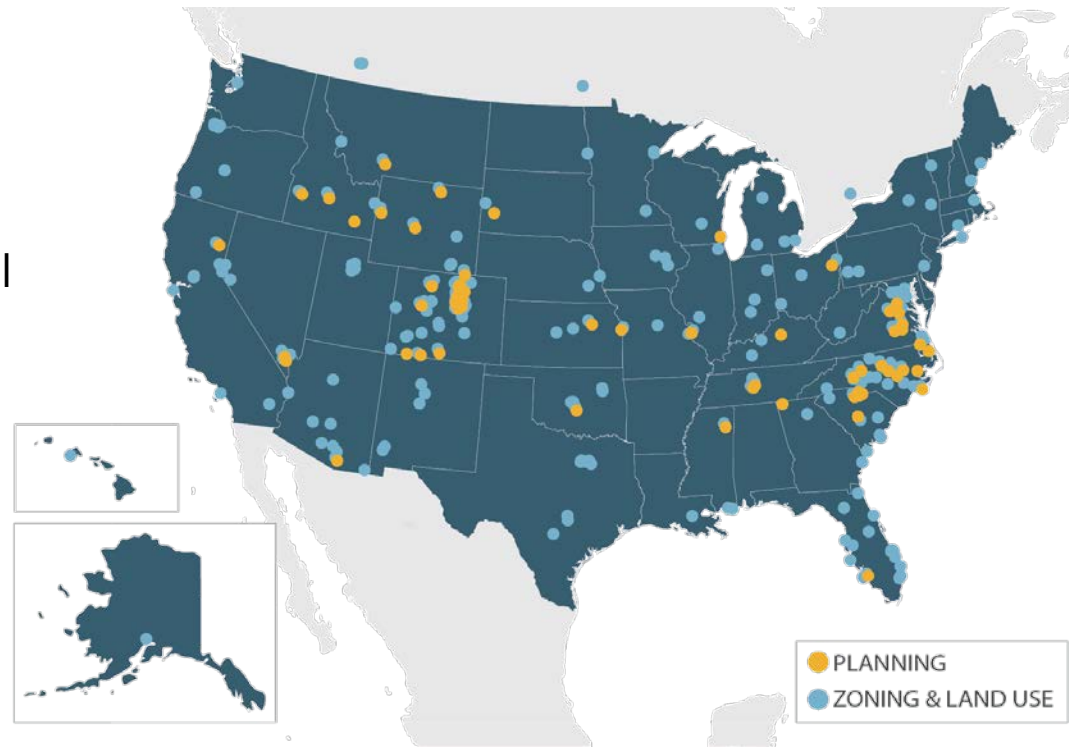
Development  
Code Update



**CLARION**

# CLARION ASSOCIATES

- National consulting practice with 25+ years experience
- Multi-disciplinary: Planners, attorneys, designers, and landscape architects
- Offices in Denver and Chapel Hill
- Focus on plan implementation and user-friendly codes
- Leaders in innovative codes integrating traditional and form-based approaches
- Texas experience: Addison, Arlington, Austin, Cedar Hill, Denton, Irving, Rowlett, San Antonio





# MCKINNEY TEXAS

## TEAM MEMBERS

### **Matt Goebel, AICP**

Clarion – Director  
Code Drafting

### **Tareq Wafaie, AICP**

Clarion – Project Manager  
Code Drafting

### **Jim Spung, AICP**

Clarion – Project Associate  
Code Drafting

### **Eric Wencil**

Clarion – Project Associate  
Code Graphics

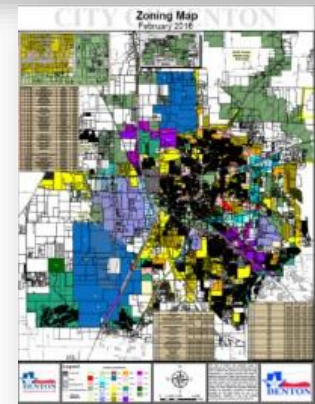
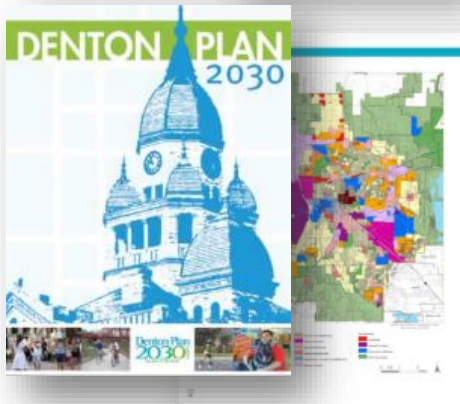
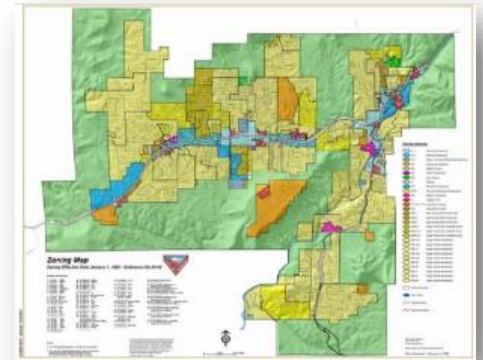
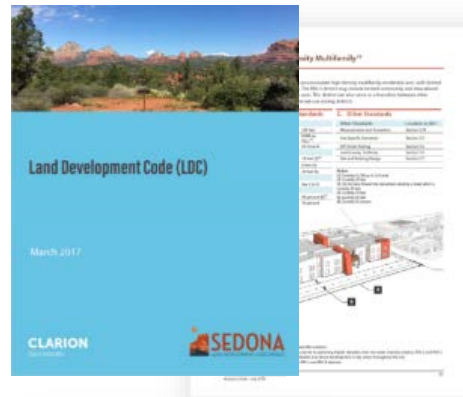
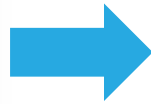
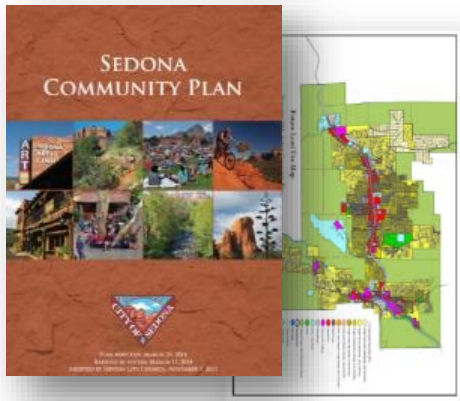
### **Jim Dougherty, Esq.**

Texas Land-use Law Expert  
Texas Planning Knowledge and Best  
Practices  
Extensive Texas Experience

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# THE CLARION APPROACH

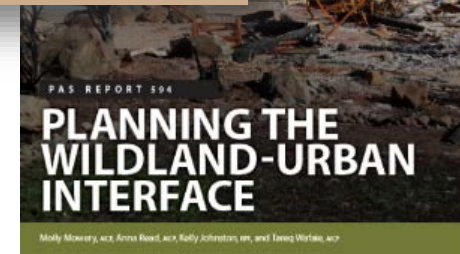
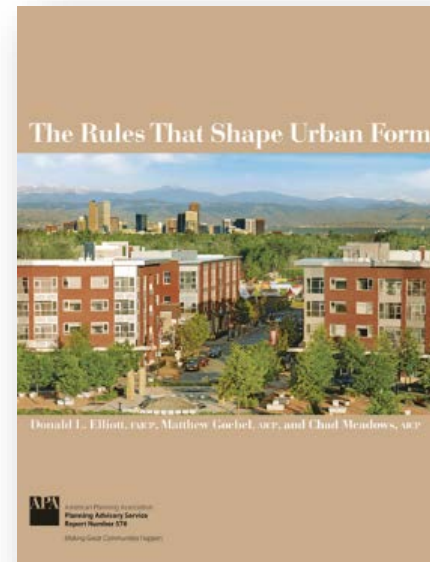
# IMPLEMENT THE PLAN



# DRAW ON BEST PRACTICES

## Build upon national best practices and experience

- Analyzing land use issues and drafting codes is Clarion's core practice area
- Clarion staff have authored leading books, APA reports, and publications
- We are regular speakers at APA national and state conferences





# ENGAGE THE PUBLIC

## Engage at project milestones:

- Project orientation
- Assessment and annotated outline
- Public draft for each phase

## Target key stakeholders/geographies

- Neighborhoods
- Development/business community
- Others

## Offer multiple methods of participation



# MAKE IT USER-FRIENDLY

## 2.10. RM-3: High-Density Multifamily<sup>35</sup>

### A. Purpose

The RM-3 district is intended to accommodate high-density multifamily residential uses, with limited single-family uses and duplexes. The RM-3 district may include limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between other multifamily and commercial or mixed-use zoning districts.

### B. RM-3 Lot and Building Standards

Lot Standards	Minimum	Other Standards	Location in LDC
<b>A</b> Width (minimum)	300 feet	Measurements and Exceptions	Section 2.2.3
Area (minimum)	8,000 sq. ft. <sup>36</sup>	Use-Specific Standards	Section 2.2
Density (maximum)	20 dwellers	Off-Street Parking	Section 5.5
<b>B</b> Setbacks (minimum)		Landscaping, Buffering	Section 5.6
Front	10 feet <sup>37</sup>	Steward Building Design	Section 5.7
<b>C</b> Side (S)	8 feet (S)		
<b>D</b> Rear	20 feet (S)		
<b>Height</b>			
Building height	See 2.3.3.D		
<b>Impervious Coverage (maximum)</b>			
Building coverage	45 percent <sup>38</sup>		
Total coverage	75 percent		

**Notes:**  
 (1) Currently 20,190 sq. ft. (UG 400)  
 (2) Currently 20 feet  
 (3) This rule only relates to the side setback abutting a street, which is currently 20 feet  
 (4) Currently 20 feet  
 (5) Currently 25 feet  
 (6) Currently 25 percent



<sup>35</sup> This district is carried forward from the current RM-3 district.  
<sup>36</sup> The current lot area requirement can act as a barrier to achieving higher densities than the lower intensity districts RM-1 and RM-2.  
<sup>37</sup> A shallower setback will encourage more walkable and dense development in key areas throughout the city.  
<sup>38</sup> Revised to match the proposed limits in the RM-1 and RM-3 districts.

## Article 8: Administration and Procedures

### 8.2 Summary Table of Review Procedures | 7.4.6. Required Improvements for Subdivision<sup>39F</sup>

Procedure	Code Reference	Notice		Pre-Application Conference	Review and Decision-Making Bodies				
		Published Written	Verbal		Staff	Historic Preservation Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment
<b>Development Permits</b>									
Minor	8.4			✓	D (2)			< A >	
Major	8.4	✓	✓	✓	R	< R >	(2)	< D >	< A >
Conditional Use Permit	8.4 B	✓	✓	✓	R	< R >	(2)	< D >	< A >
Single-Family Residential Review	8.4 C				D				< A >
Temporary Use Permit	8.4 D			(2)	D				< A >
<b>Subdivision Procedures</b>									
Preliminary Plat	8.5 A	✓	✓	✓	R			< R >	< D >
Final Plat	8.5 B				R				< D >
Land Division or Combination	8.5 C				D				< A >
Remedial to Acquire	8.5 E	✓	✓	✓	R			< R >	< D >
<b>Ordinance Amendments</b>									
Rezoning	8.8 A	✓	✓	✓	R	< R >	(2)	< R >	< D >
Rezoning to Planned Development (PD)	8.8 B	✓	✓	✓	R			< R >	< D >
Code Amendment (Type)	8.8 C	✓	✓	(2)	R			< R >	< D >
<b>Historic Preservation Procedures</b>									
Historic Landmark Designation	8.7 A	✓	✓	✓	R		< D >		< A >
Historic District Designation	8.7 C	✓	✓	✓	R	< R >		< R >	< D >
Certificate of Appropriateness	8.7 D	✓	✓	✓	R		< D >		< A >
Certificate of No Effect	8.7 E				D (2)				
<b>Flexibility and Relief</b>									
Variance	8.8 A	✓	✓	✓	R				< D >
Minor Modification	8							As required for associated application	
Appeal	8.8 F	✓	✓	✓				As outlined in table above	
Special Exceptions	8.8 D	✓	✓	✓	R				< D >

**Notes:**  
 (1) The Director may refer minor development review applications to the Planning and Zoning Commission.  
 (2) A pre-application conference is required for some types of temporary use permit applications: see 8.4.D.  
 (3) Applies only to historic districts or for designated historic properties.  
 (4) Pre-application meetings are required only for text amendments proposed by an applicant, not staff.  
 (5) (P) Chair for designed and Staff make the determination regarding a Certificate of No Effect.

## Article 8: Administration and Procedures

### 8.4 Development Permits | 8.4.8. Conditional Use Permit

### B. Conditional Use Permit

#### Commentary

This section is based generally on the existing Section 402, but the current language has been rewritten to refer to the new common procedures and remove unnecessary material that is now covered in the common procedures.

#### (1) Purpose<sup>40</sup>

The conditional use permit procedure provides a mechanism for the City to evaluate proposed land uses that are generally characterized by infrequency of use, high degree of traffic generation, and/or requirement of a large land area.<sup>41</sup> This procedure is intended to ensure compatibility of such uses with surrounding areas and that adequate mitigation is provided for anticipated impacts.

#### (2) Applicability

A conditional use permit is required for the establishment of certain land uses as specified in Table 3.1, Table of Allowed Uses. Approval of a new conditional use permit is also required for modification or expansion of an existing conditional use.

#### (3) Application Submittal and Review Procedure

Figure 8-4 identifies the applicable steps from 8.3, Common Review Procedures, that apply to the review of conditional use permits. Additions or modifications to the common review procedures are noted below.

Figure 8-4: Conditional Use Permit



#### a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with 8.3.8, Pre-Application Meeting.

#### b. Application Submittal and Handling<sup>42</sup>

The conditional use permit application shall be submitted, accepted, and reviewed, and may be withdrawn, in accordance with 8.3.C, Application Submittal and Handling.

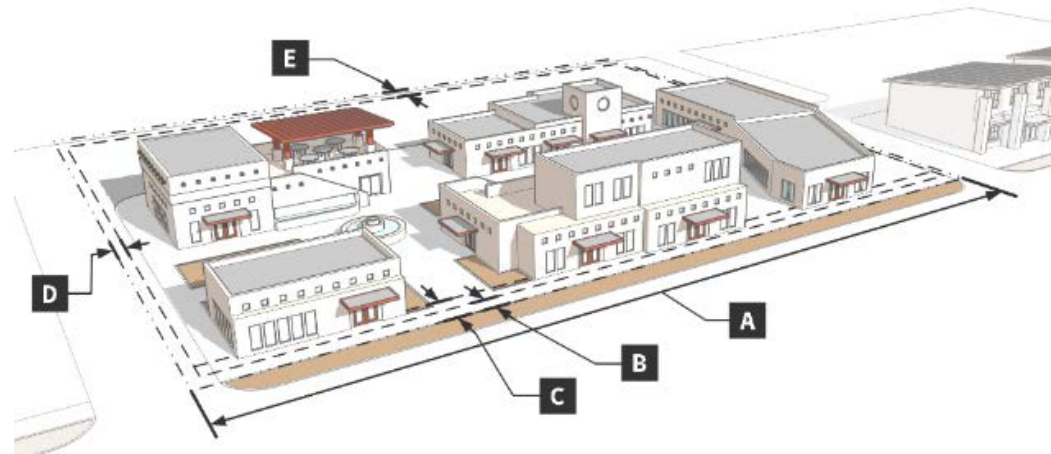
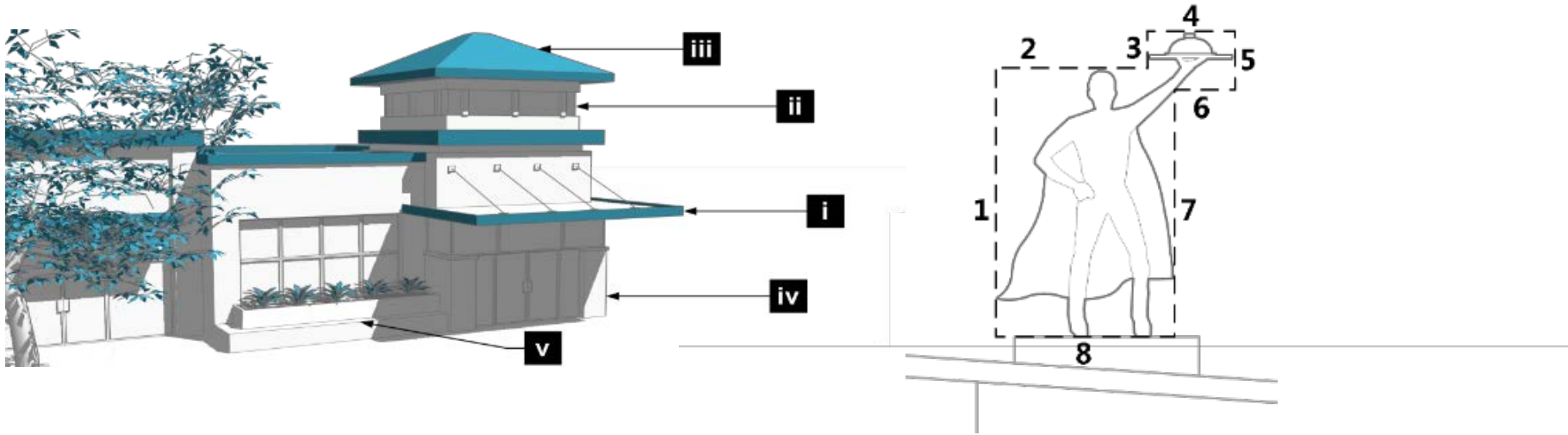
<sup>40</sup> New purpose statement.

<sup>41</sup> This language is from ARS 9-462.01.C.1.

<sup>42</sup> Submittal removed to be file for Administrative Manual.



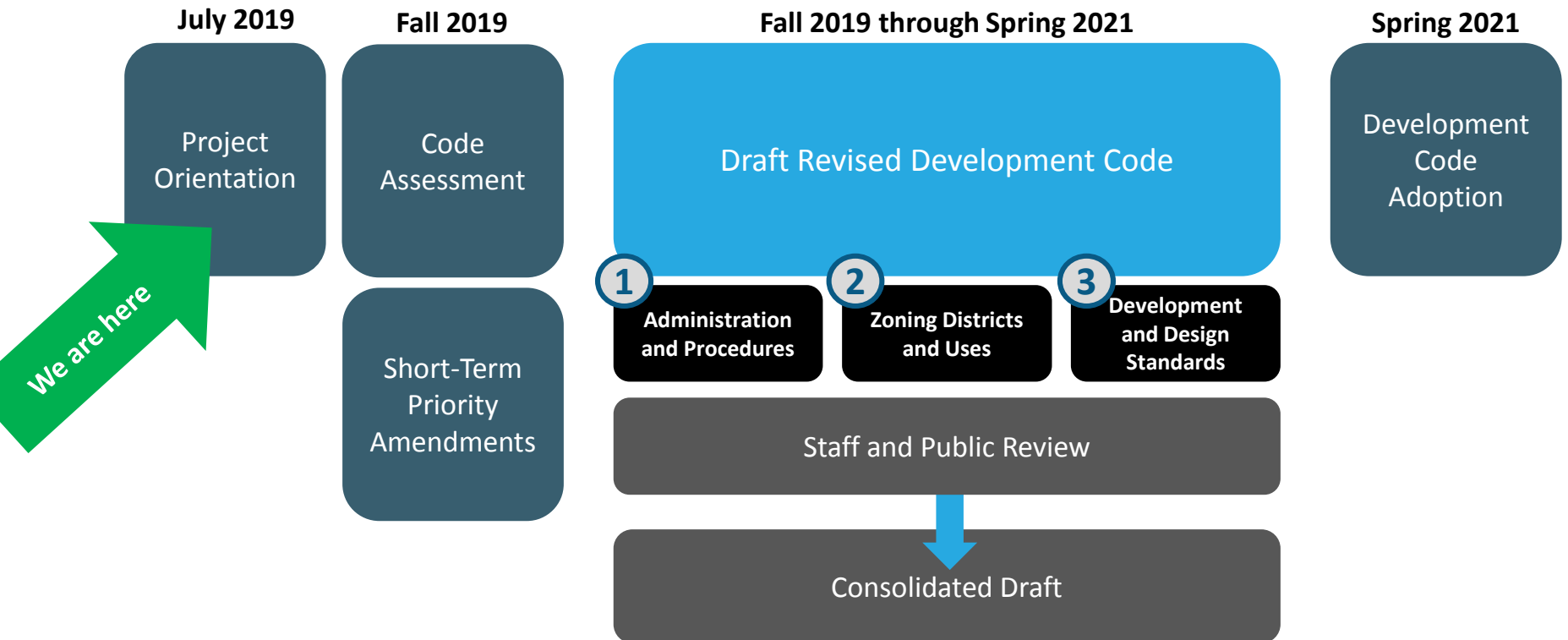
# USE GRAPHICS & ILLUSTRATIONS





# THE APPROACH FOR McKINNEY

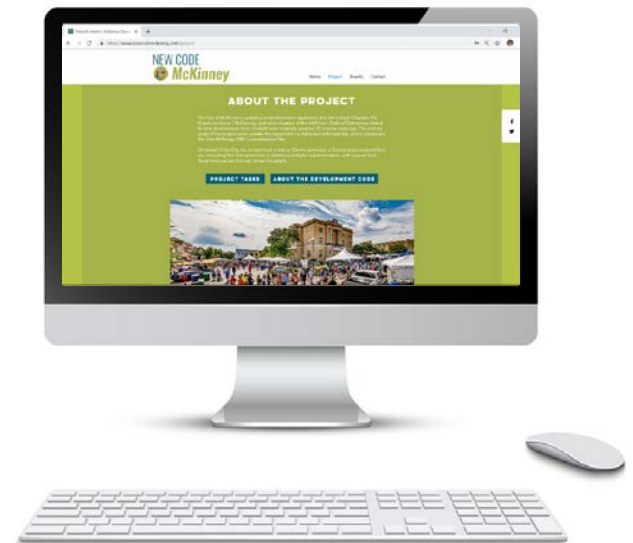
# PROJECT SCOPE & TIMELINE



# PROJECT WEBSITE

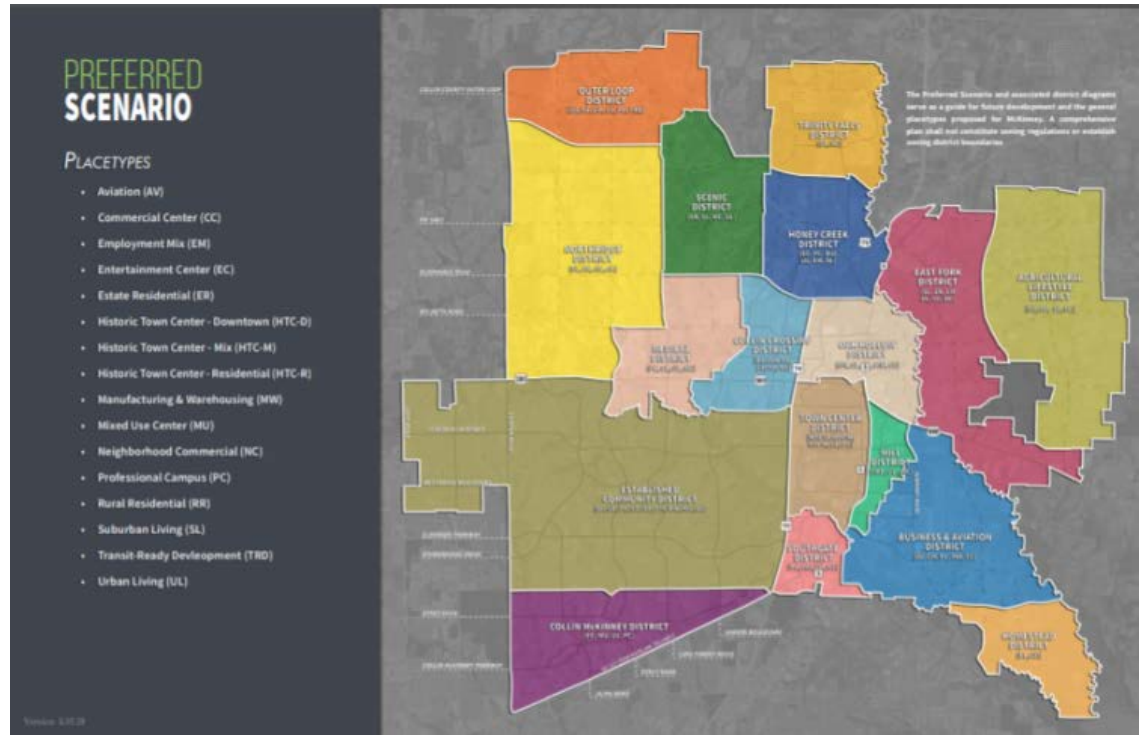
[www.newcodemckinney.com](http://www.newcodemckinney.com)

- Access project materials
- Ask questions and provide feedback
- Sign up to receive updates
- View project calendar





# ONE MCKINNEY 2040 PLAN



# CHANGING LEGAL LANDSCAPE

## Two new bills effective in September require immediate action:

- **HB 2439**  
Limits the City's ability to regulate construction materials.
- **HB 3167**  
Requires the City to act within 30 days on site plans and plats.

Updates to the Development Code are underway to comply with these statutes.



# QUESTIONS

**Are there any questions on the project approach or scope of work?**





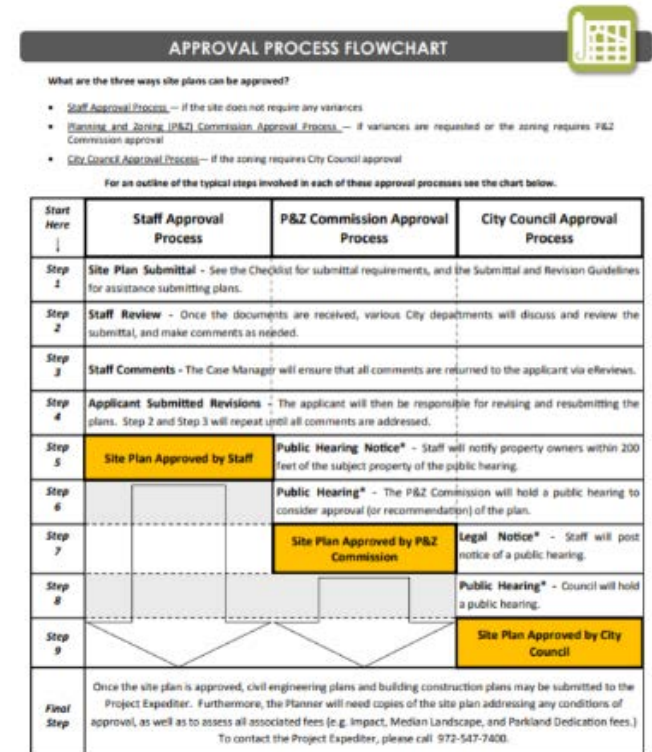
# REVIEW PROCEDURES



# REVIEW PROCEDURES

The current McKinney development review procedures establish review and evaluation of various development application types, including:

- Subdivisions and replats;
- Rezoning;
- General development plans;
- Specific use permits;
- Site plans; and
- Variances and appeals.



# REVIEW PROCEDURES

**Article 8: Administration and Procedures**  
**8.2 Summary Table of Review Procedures** | 7 AG, Required Improvements for Subdivisions<sup>01F</sup>

**Table 8.1**  
**Summary of Development Review Procedures**

KEY: R: Review and Recommendation D: Review and Decision A: Appeal ✓: Required <>: Public Hearing Required

Procedure	Code Reference	Notice		Pre-Application Conference	Review and Decision-Making Bodies				
		Published	Written		Staff	Historic Presv. Comm.	Planning & Zoning Comm.	City Council	Board of Adjustment
<b>Development Permits</b>									
Development Review	Minor	8.4		✓	D [1]				+ A +
	Major	8.4	✓	✓	✓	R	< R > [2]	< D >	< A >
Conditional Use Permit	8.4B	✓	✓	✓	R	< R > [2]	< D >	< A >	
Single-Family Residential Sides	8.4C				D				+ A +
Temporary Use Permit	8.4D			✓ [3]	D				+ A +
<b>Subdivision Procedures</b>									
Preliminary Plat	8.5A	✓	✓	✓	R		< R >	< D >	
Final Plat	8.5B				R			< D >	
Land Division or Combination	8.5C				D				+ A +
Transfer of Acreage	8.5E	✓	✓	✓	R		+ R +	+ D +	
<b>Ordinance Amendments</b>									
Repeal	8.6A	✓	✓	✓	R	< R > [4]	< R >	< D >	
Repeal to Planned Development (PD)	8.6B	✓	✓	✓	R		< R >	< D >	
Code Amendment (Text)	8.6C	✓	✓	✓ [4]	R		< R >	< D >	
<b>Historic Preservation Procedures</b>									
Historic Landmark Designation	8.7A	✓	✓	✓	R		< D >	< A >	
Historic District Designation	8.7C	✓	✓	✓	R		+ R +	< D >	
Certificate of Appropriateness	8.7D	✓	✓	✓	R		< D >	< A >	
Certificate of No Effect	8.7D				D [5]				
<b>Facility and Right</b>									
Variance	8.8A	✓	✓	✓	R				< D >
Minor Modification	8								As required for associated application
Appeal	8.8C	✓	✓	✓					As outlined in rules above
Special Exception	8.8D	✓	✓	✓	R			< D >	

Notes:  
 [1] The Director may refer minor development review applications to the Planning and Zoning Commission.  
 [2] A pre-application conference is required for some types of temporary use permit applications; see 8.4D.  
 [3] Applies only to historic districts or for designated historic properties.  
 [4] Pre-application meetings are required only for text amendments proposed by an applicant, not staff.  
 [5] IPC Chair (or designee) and Staff make the determination regarding a Certificate of No Effect.

**Article 8: Administration and Procedures**  
**8.3 Common Review Procedures** | 8.3.A. General

## 8.3. Common Review Procedures

### Commentary

Common review procedures are new to Sedona. Although the current development code has a good organizational framework for procedures, a lot of the information is repeated for each application procedure. For the *Analysis* report, these common review procedures consolidate general steps that are applicable to multiple development application types. The application-specific procedures then refer back to these common review procedures and note any modifications or additions.

### A. General

This section describes the standard procedure and rules applicable to all development applications unless otherwise stated in this Code. Common review procedures include seven steps, as shown below in Figure 8-1: *Common Review Procedures*, not all of which are applicable to every development application. Application-specific procedures in sections 8.4 through 8.8 identify additional procedures and rules beyond those in this section.

Figure 8-1: Common Review Procedures



### B. Pre-Application Meeting<sup>01F</sup>

#### (1) Purpose

The pre-application meeting is intended to provide an opportunity for the applicant to meet with City staff to review applicable submittal requirements and review procedures associated with the proposed development concept.

#### (2) When Required

A pre-application meeting is required according to Table 8.1, *Summary Table of Review Procedures*.

<sup>01F</sup> Note: This common procedure for pre-application conferences replaces and consolidates those currently found in multiple individual procedures, including recording, conditional use, development review, and others. The name is changed from the current "pre-application consultation."

# STREAMLINE PROCEDURES

## Issue:

- Review procedures are scattered throughout Chapters 118, 130, 138, 142, and 146.
- Relief procedures (waivers, appeals, and variances) are inconsistently addressed.

## Potential solutions:

- Consolidate administration and review procedures.



# POTENTIAL ASSESSMENT REPORT DISCUSSION TOPICS

## Review Procedures

- Are the designated decision-makers appropriate for each development application type?
- Are there any procedures that need to be added to the development code that are currently missing?
- Should the City consider restructuring the development regulations into a unified development code (UDC)?





# QUESTIONS

- **What are your priorities for updating review procedures?**
- **Any other questions or comments on the review procedures?**





# ZONING DISTRICTS AND USES

# ZONING DISTRICTS (EST. PRE-2014)

<b>AG</b>	Agricultural district (ten acres per lot)
<b>RED-1</b>	Residential estates district (one acre per lot)
<b>RED-2</b>	Residential estates district (two acres per lot)
<b>RS 120</b>	Single family residence district (12,000 square feet per lot)
<b>RS 84</b>	Single family residence district (8,400 square feet per lot)
<b>RS 72</b>	Single family residence district (7,200 square feet per lot)
<b>RS 60</b>	Single family residence district (6,000 square feet per lot)
<b>RS 45</b>	Single family residence district (4,500 square feet per lot)
<b>RD 30</b>	Duplex residence district
<b>RG 27</b>	General residence townhome district
<b>RG 25</b>	General residence district
<b>RG 18</b>	General residence district
<b>MF-1</b>	Multiple family residential - low density district
<b>MF-2</b>	Multiple family residential - medium density district
<b>MF-3</b>	Multiple family residential - medium-high density district
<b>MP</b>	Mobile home park district

<b>NC</b>	Neighborhood convenience district
<b>BN</b>	Neighborhood business district
<b>BG</b>	General business district
<b>C</b>	Planned center district
<b>O-1</b>	Neighborhood office district
<b>O</b>	Office district
<b>BC</b>	Commercial business district
<b>ML</b>	Light manufacturing district
<b>MH</b>	Heavy manufacturing district
<b>AP</b>	Airport district
<b>GC</b>	Governmental complex district
<b>MTC</b>	McKinney town center district
<b>PD</b>	Planned development district
<b>CHD</b>	Commercial historic overlay district (suffix)
<b>H</b>	Historic preservation overlay district (suffix)
<b>FP</b>	Floodplain district (prefix)
<b>REC</b>	Regional employment center overlay district (suffix)
<b>TMN</b>	Traditional McKinney neighborhood overlay district (suffix)

# ZONING DISTRICTS (EST. 2014)

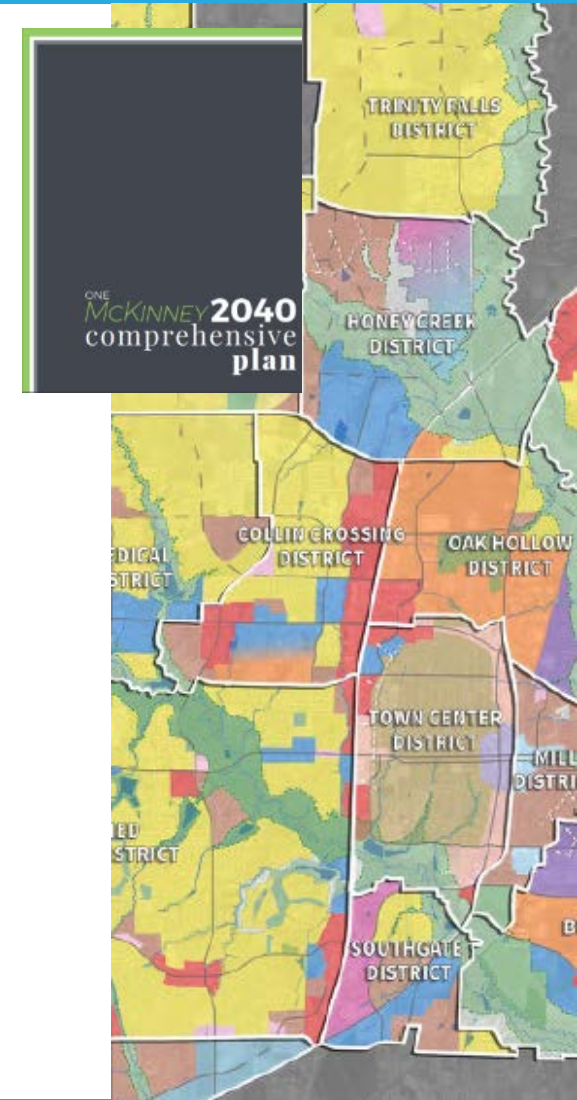
<b>SF12</b>	Single family residential district (12,000 square feet per lot)
<b>SF10</b>	Single family residential district (10,000 square feet per lot)
<b>SF8</b>	Single family residential district (8,000 square feet per lot)
<b>SF7.2</b>	Single family residential district (7,200 square feet per lot)
<b>SF5</b>	Single family residential district (5,000 square feet per lot)
<b>DR</b>	Duplex residential district
<b>TH</b>	Townhome residential district
<b>SO</b>	Suburban office district
<b>RO</b>	Regional office district
<b>C1</b>	Neighborhood commercial district
<b>C2</b>	Local commercial district
<b>C3</b>	Regional commercial district
<b>LI</b>	Light industrial district
<b>HI</b>	Heavy industrial district



# IMPLEMENT THE PLAN

## Align with Character Districts and Placetypes:

- The plan identifies unique character districts and placetypes with varied development patterns, uses, and densities.
- The menu of zoning districts should be aligned to accommodate them.

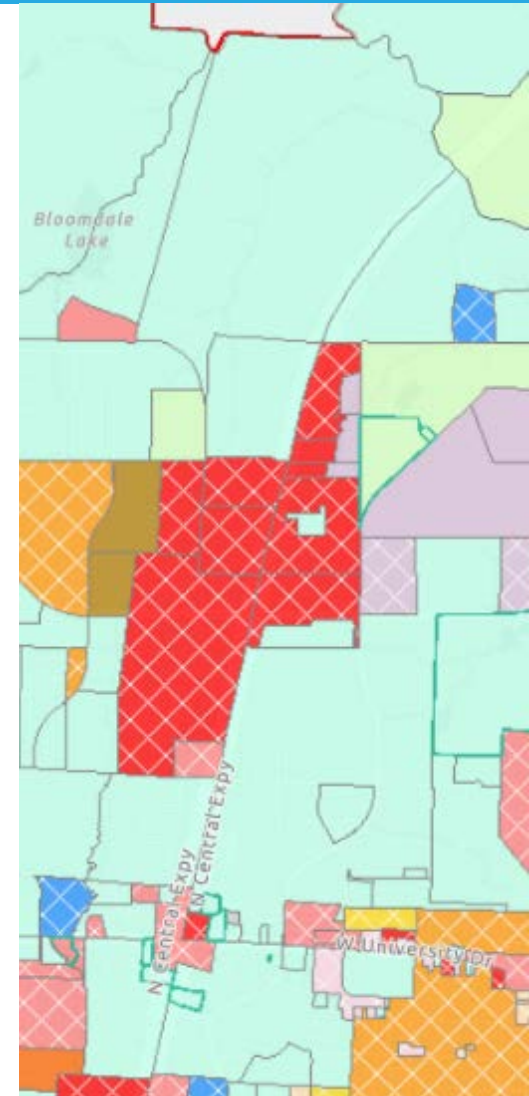


# SIMPLIFY THE DISTRICTS

**Issue:** The City has retained obsolete zoning districts, creating an overly complex code administration and mapping system.

1. Districts created in 2014 that can be applied (14)
2. Districts created prior to 2014 that can be applied (10)
3. Districts created prior to 2014 that CANNOT be applied (18)

**Potential Solutions:** Explore options to simplify the menu of districts to convert obsolete districts to new districts.



# IMPROVE DISTRICT LAYOUT

McKinney

## Sec. 146-70. - RS 120 - Single Family Residence district.

- (a) **Purpose.** The "RS 120" - Single Family Residence zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life environment on relatively ample lots. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.
- (b) **Permitted uses.** The permitted uses subject to the same regulations pertaining to such uses permitted in the "RED-1" - Residential Estates zone shall be permitted in the "RS 120" - Single Family Residence zone.
- (c) **Space limits.** The space limits identified in Appendix F of the Zoning Ordinance as being applicable to the "RS 120" - Single Family Residence zone shall apply.
- (d) **Miscellaneous provisions.** Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

(Code 1982, § 41-65; Ord. No. 1270, § 3.05, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 2002-08-084, § I.20, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 2, 3-4-2014)

## Sec. 146-71. - RS 84 - Single Family Residence district.

- (a) **Purpose.** The "RS 84" - Single Family Residence zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones. Zoning or rezoning to this classification will not generally be permitted after July 1, 2014.
- (b) **Permitted uses.** Those uses permitted in the "RED-1" - Residential Estates zone, subject to the same regulations pertaining to such uses in said zoning district, shall be permitted in the "RS 84" - Single Family Residence zone.
- (c) **Permitted accessory uses.** The following accessory uses are permitted in the "RS 84" - Single Family Residence zone:
  - (1) The parking of one unoccupied trailer designed for recreational use and not to exceed 24 feet in length, shall be permitted in the rear yard;
  - (2) The storage of one pleasure boat shall be permitted within a building, or in the open within the rear yard;
  - (3) Real estate lease or sale signs relating to the property on which the sign is located; and
  - (4) Other accessory uses and buildings customarily appurtenant to a permitted use, including, but not limited to, associational meetings, religious gatherings, and social activities.
- (d) **Space limits.** The space limits identified in appendix F of the zoning ordinance as being applicable to the "RS 84" - Single Family Residence zone shall apply.
- (e) **Miscellaneous provisions.** Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Code 1982, § 41-66; Ord. No. 1270, § 3.06, 12-15-1981; Ord. No. 1612, § 1, 12-17-1985; Ord. No. 94-08-26, § 3(C), 8-16-1994; Ord. No. 2002-08-084, § I.21, 8-20-2002; Ord. No. 2004-12-124, § I, 12-15-2004; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2010-12-053, § 14, 12-7-2010; Ord. No. 2012-11-056, § 27, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013; Ord. No. 2014-03-018, § 3, 3-4-2014)

Sedona

## 2.5. RS-10: Single-Family Residential<sup>16</sup>

### A. Purpose

The RS-10 district is intended to accommodate and preserve medium-density single-family residential uses with limited community and educational uses and incidental or accessory uses. This district can also serve as a transition between low- and medium-density single-family residential to higher-density residential zoning districts.

### B. RS-10 Lot and Building Standards

Lot Standards (minimum)	
<b>A</b> Width	80 feet (1)
Area	30,000 sq. ft. (2)
<b>Setbacks (minimum)<sup>(3)</sup></b>	
<b>F</b> Front	20 feet
<b>C</b> Side	7 feet (2)
<b>D</b> Side, abutting street	10 feet
<b>G</b> Rear	20 feet (4)(5)
<b>Height (maximum)</b>	
<b>E</b> Building height	32 ft. (see Sec. 2.29)
<b>Impervious Coverage (maximum)</b>	
Building coverage	40 percent
Total coverage	50 percent

### C. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.29
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
<b>Notes:</b>	
(1) Currently 90 feet in RS-22	
(2) Currently 12,000 sq. ft. in RS-12	
(3) Currently 10 feet in RS-20	
(4) Currently 25 feet in RS-22 and RS-28a	



# POTENTIAL ASSESSMENT REPORT DISCUSSION TOPICS

## Zoning Districts

- Are there zoning districts that should be consolidated?
- How should obsolete zoning districts be transitioned out?
- Should the City consider modifying the zoning map? If so, how and when?





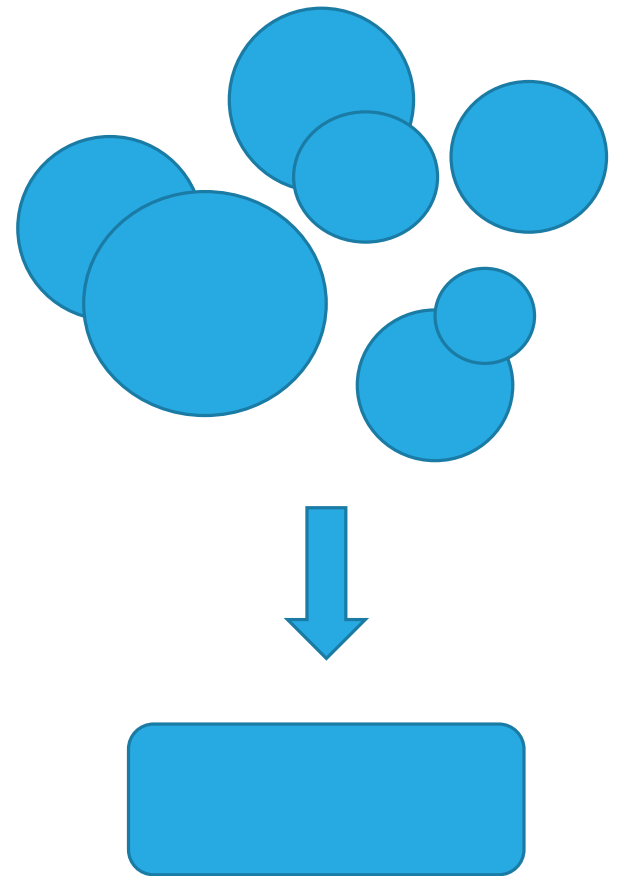


# SIMPLIFY USE REGULATIONS

## Issue:

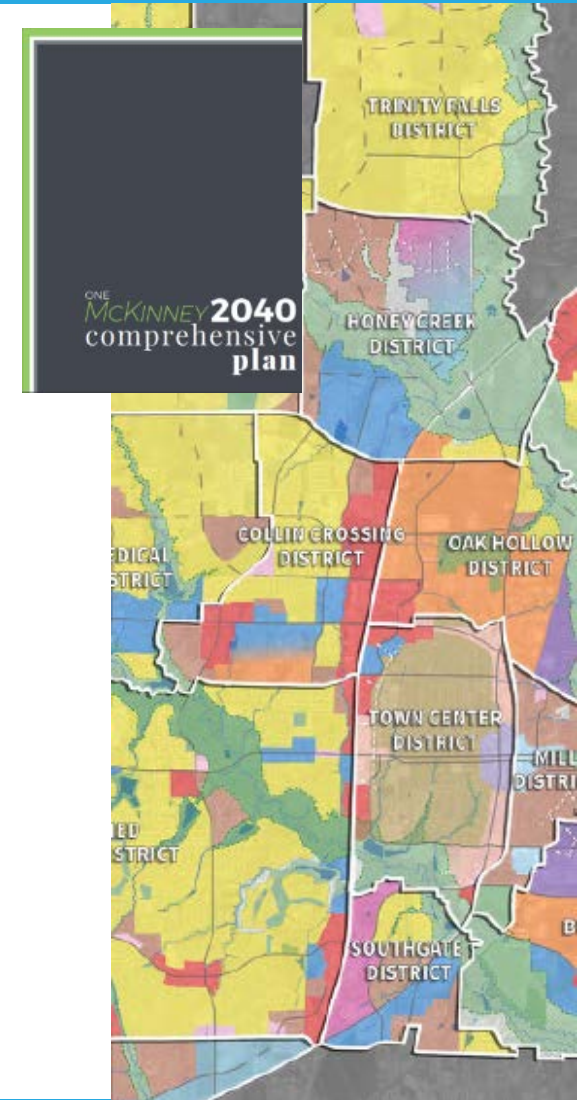
- Use regulations are scattered throughout the Development Code.
- For example, bed and breakfasts and sexually-oriented businesses in Chapter 138, other uses scattered throughout Chapter 146.

**Potential solution:** Consolidate use-specific standards.



# IMPLEMENT THE PLAN

**Provide a mix of housing choices:** The plan identifies the need to expand housing choices to accommodate diverse demographics and lifestyles.



# POTENTIAL ASSESSMENT REPORT DISCUSSION TOPICS

## Use Regulations

- Should the City consider expanding the types of uses allowed?
- Should the City expand the standards for any specific use types?
- Should any use regulations be left alone for this update (“hands-off”)?



# QUESTIONS

- **What are your priorities for updating the zoning districts and use regulations?**
- **Any other questions or comments on the zoning districts or use regulations?**



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# DEVELOPMENT STANDARDS

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**The Development Standards address the quality of development, including standards for:**

- Access and connectivity
- Stormwater and drainage
- Landscaping and fences
- Tree preservation
- Building and site design
- Outdoor lighting
- Parking and loading
- Signage

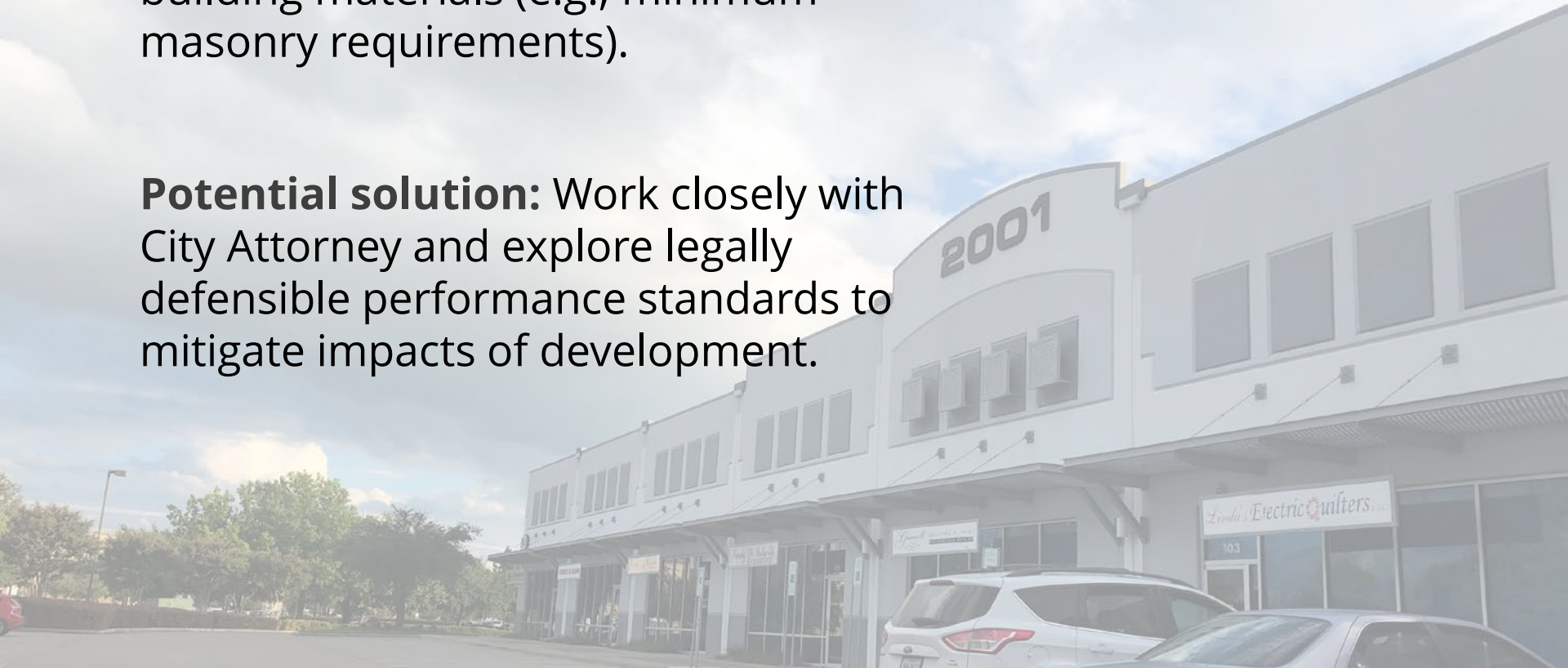




# DEVELOPMENT STANDARDS

**Issue:** HB 2439 (effective 9/1/2019) may limit McKinney's ability to regulate building materials (e.g., minimum masonry requirements).

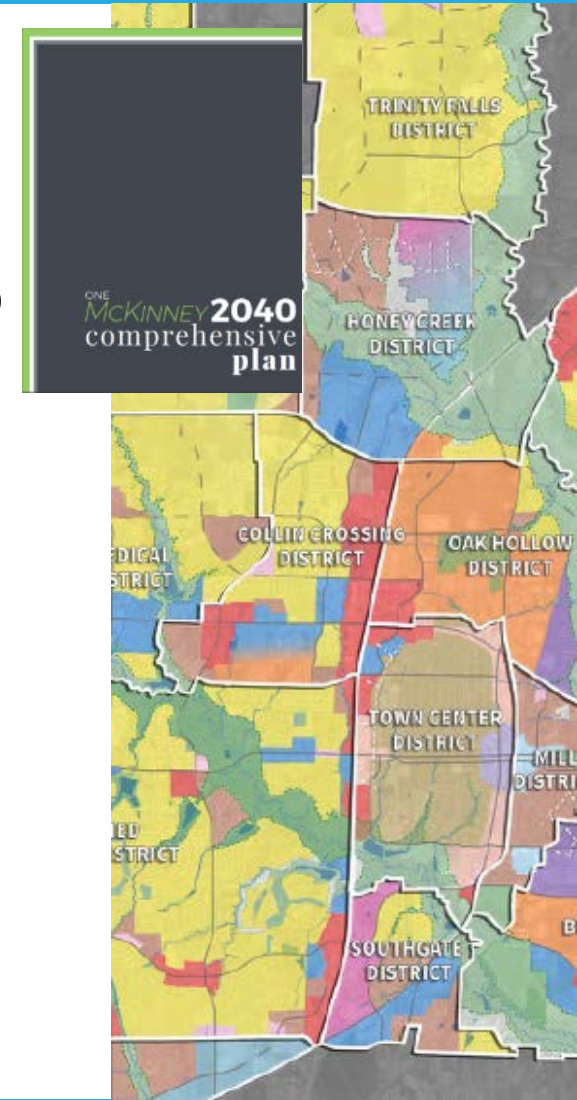
**Potential solution:** Work closely with City Attorney and explore legally defensible performance standards to mitigate impacts of development.



# IMPLEMENT THE PLAN

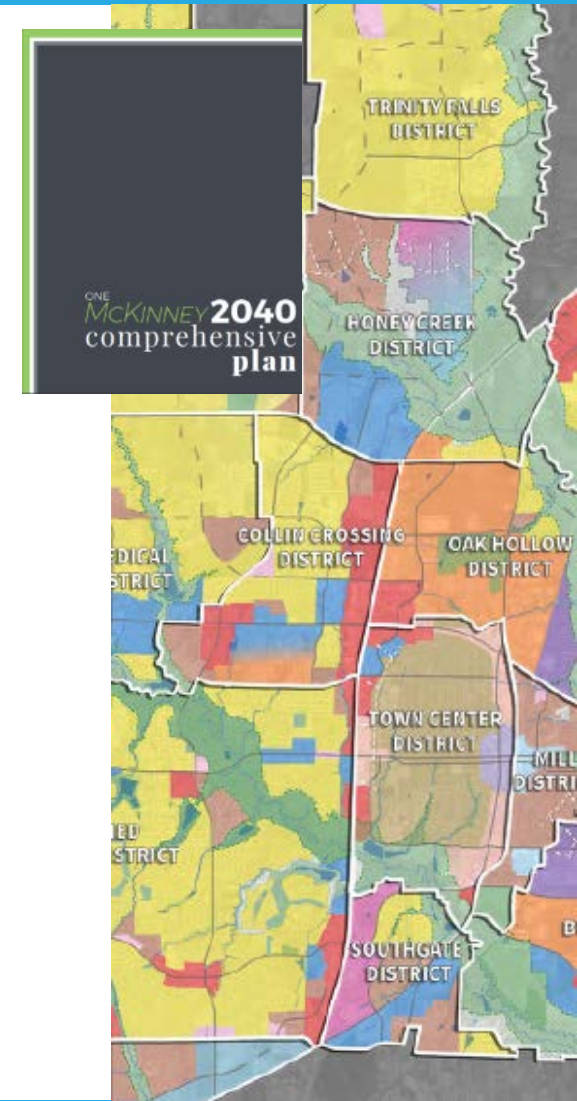
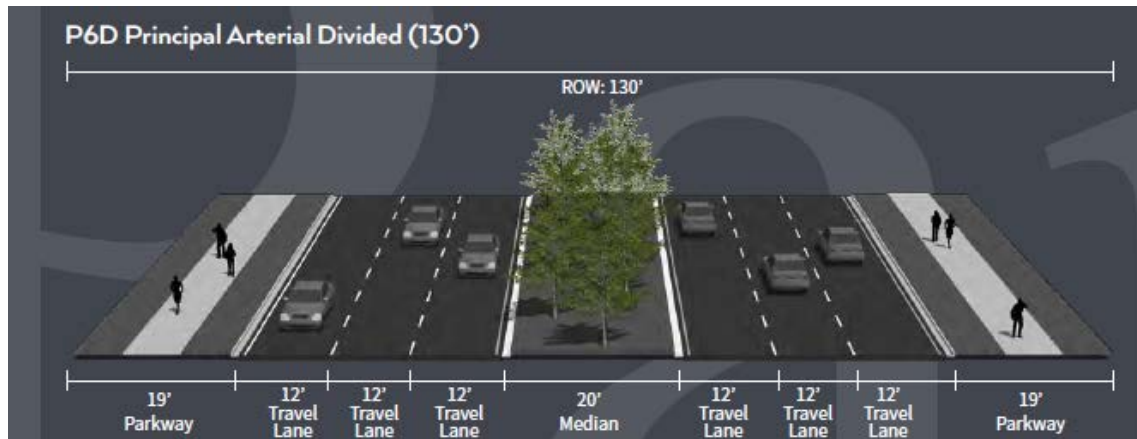
## Establish flexible alternatives:

- The plan identifies the need to include flexibility to accommodate market demands
- Flexible alternatives could be built into the development standards (e.g., parking, building design, landscaping)



# IMPLEMENT THE PLAN

**Integrate mobility strategy:** The plan calls for a safe and efficient transportation network for multiple modes and various contexts. The development code should align with those strategies.



# POTENTIAL ASSESSMENT REPORT DISCUSSION TOPICS

## Development Standards

- Should any development standards be strengthened?
- Should flexible alternatives to any development standards be considered? If so, under what conditions?
- Should any standards be relocated outside the development code in technical manuals or guidelines?



# QUESTIONS

- **What are your priorities for updating the development standards?**
- **Any other questions or comments on the development standards?**





# ADDITIONAL DISCUSSION

## Other comments or questions related to the code update?

- They could relate to the substance of the regulations....
  - *Administrative procedures*
  - *Zoning districts and uses*
  - *Development standards*
- Or relate to code organization and user-friendliness...
- Or relate to coordination with other City policies...
- Or something else?



# THANK YOU

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## **CLARION**

# FOR MORE INFORMATION

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