

**JOINT MEETING OF THE MCKINNEY CITY COUNCIL &
THE PLANNING & ZONING COMMISSION
AUGUST 24, 2021**

The City Council of the City of McKinney, Texas met in Joint session with the Planning & Zoning Commission in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, August 24, 2021 at 5:20 p.m.

City Council Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Justin Beller, Dr. Geré Feltus, Rick Franklin, Frederick Frazier, and Charlie Philips

Planning & Zoning Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, and Commission Members Hamilton Doak, Deanna Kuykendall, Cam McCall, Bry Taylor, and Alternant Member Scott Woodruff

Alternate Planning & Zoning Commission Member Present; however, did not participate in the meeting: Charles Wattley

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Kim Flom, City Attorney Mark Houser, City Secretary Empress Drane, Assistant City Secretary Joshua Stevenson, Executive Director of Development Services Michael Quint, Director of Planning Jennifer Arnold, Planning Manager Caitlyn Strickland, Planner II Alek Miller and Kaitlin Sheffield, Planners Jake Bennett and Sofia Sierra, and Planning Administrative Assistant Terri Ramey.

There were two members of the public present.

Mayor Fuller and Chairman Cox called the meetings to order at 5:20 p.m. upon determining a quorum of the City Council and Planning & Zoning Commission Members were present.

Mayor Fuller called for Public Comments on the Non-Public Agenda Items. There were none.

Mayor Fuller called for the discussion of the Joint Meeting Agenda Item.

21-0750 Consider/Discuss the New Code McKinney Initiative (Development Regulations Update), Specifically Related to Tree Preservation.

Ms. Jennifer Arnold, Director of Planning for the City of McKinney, gave a presentation regarding the New Code McKinney Initiative, specifically related to tree preservation. She discussed the code update goals and early direction and input received. Ms. Arnold discussed the existing tree preservation requirements and the proposed changes. She stated that the tree preservation ordinance has three main topics that it focuses on: tree preservation, tree mitigation, and tree protection. Ms. Arnold stated that the first thing required is a tree survey. She stated that Staff received feedback that the costs are too high for tree surveys and questioned why they must do a survey for trees that can be removed without penalty. Ms. Arnold stated that it was not a development requirement; however, an information piece that the City needs to enforce the tree preservation requirements. She explained what was required on the tree survey, mitigation exemptions, and mitigation of specimen trees (42" or greater in diameter). Ms. Arnold stated that most of the commercial developments have not complained about the cost and time associated with a tree survey. She stated that the larger residential developments have been impacted by the tree survey. Ms. Arnold stated that Staff is recommending adding an aerial survey and a fee-in-lieu option for the larger residential developments (over 35 acres). She stated that instead of them doing a full tree survey and preservation plan, they could do an aerial exhibit showing the footprint of their proposed development over the aerial and identify floodplain and non-disturbance areas. Ms. Arnold stated that submitting an aerial survey would come at a cost of \$480 per acre or \$16,800 per 35 acres (minimum) for a large residential development. She stated that Staff did a survey of previous projects to find out how many specimen trees were on those properties. Ms. Arnold stated that the funds would go towards planting trees somewhere else in the City. Council Member Philips asked why Staff was recommending that if the funds were not used within five years that the funds would be returned to them. He asked why we could not plant a tree 10 years from the time the funds were collected. Ms. Arnold stated that under the current ordinance fees that are paid in-lieu of mitigation go to a reforestation fund and we have three years to spend the money. She stated that currently Staff was recommending changing it from three years to five years; however, Staff could revisit the timeframe if Council prefers. Council Member Franklin also questioned why the funds would be

given back. He stated that the developer has probably already written that money off. Council Member Franklin felt that the funds could be used in the City. He stated that the cost associated with the tree survey can be a deterrent to large residential developments. Ms. Arnold stated that Staff has been researching into the expenses associated with tree surveys. She stated that the price is determined by the size and type of firm doing the tree survey. Ms. Arnold stated that some charge by the day and others by the acre. She stated that the number of trees on the property also plays a large part of the expense. Ms. Arnold stated that Staff looks at the proposed utility lines for a development and the tree survey. Mayor Pro Tem Rogers asked why we did not have a survey that looks for large trees. He stated that a residential development with 1,000 acres would be charged almost a half million dollars with the fee-in-lieu option. Mayor Pro Tem Rogers felt that was crazy. Ms. Arnold stated that to find the big trees they would still have to walk the property which comes with time and cost. She stated that the aerial would do away with the need to do the survey and the fee-in-lieu would be significantly lower than a tree survey fee. Ms. Arnold stated that the City would be protected in ensuring that we are recapturing the specimen tree and the developer is able to continue with the process. Alternate Commission Member Woodruff asked how much the City is currently collecting yearly for the tree mitigation. Mr. Adam Engelskirchen, Arborist for the City of McKinney, stated that it depends on the number of trees on the projects. Ms. Arnold stated that Staff did a survey based on previous projects throughout the City and found about one specimen tree per 30 acres. She stated that Staff is recommending that the development would be required to be 35 acres or larger to be able to use the aerial survey and fee-in-lieu option. Council Member Franklin asked if a project under 35 acres would be required to do a tree survey. Ms. Arnold said that was correct. Mayor Pro Tem Rogers asked how much currently is charged if a property owner wants to remove a large tree from their property. Ms. Arnold stated that it is based upon the size of the tree and was at a replaced ratio of 1:2. She gave the example of a 40" tree being removed and them needing to replace 80 caliper inches worth of new trees on the property or pay a fee-in-lieu of planting the trees. Mayor Pro Tem Rogers asked how Staff came up with \$480 per acre. Mr. Engelskirchen stated that mitigation for a 42" tree would be \$16,800. Mayor Fuller

stated that for 30 acres at \$480 per acre someone would spend \$14,400. He stated that if a developer knew that there was more than one specimen tree on a 35-acre tract, then they would be far better off using the aerial and fee-in-lieu option. Ms. Arnold agreed. She stated that Staff's goal was to save time and money for the developers of large residential developments, while recouping the value of the specimen trees. Ms. Arnold stated that quality trees that fall within an exemption area are not required to be mitigated; however, specimen trees do not have that same exemption. Mayor Fuller stated that this could cost the developer half the expense. Ms. Arnold agreed. She stated that it was difficult to determine the amount of time that could be saved. Ms. Arnold gave an example of it taking months to complete a tree survey for a 1,000-acre property and they paid almost a \$500,000. She stated that the aerial and fee-in-lieu would have been very desirable to them considering the value in their time and the cost of the survey. Council Member Franklin asked if someone goes to the property to count every single tree on the property for the tree survey. Ms. Arnold said yes. Mayor Pro Tem Rogers asked if the tree survey could only count the large trees on the property and not every tree. Ms. Arnold stated that the tree survey requirements in place today, requires that they list quality trees that are 6" or greater. Mayor Pro Tem Rogers asked why Staff was concerned with a tree survey when a property could be cleared for a building and parking lot. Mayor Fuller stated that they have to mitigate for the 6" or greater size trees that would not be taken down due not being in the building pad. He stated that it did not matter if specimen trees were in the building pad or not, they still needed to be mitigated. Ms. Arnold stated that was correct. Mayor Fuller asked if we could consider allowing a developer pay for a tree survey that only shows legacy trees for the non-developable area if they already have a concept site plan. Ms. Arnold stated that Staff could take look into modifying the survey requirements. She stated that she did not know how much time that would save the developer on the survey process, since they would still need to go to the site to walk the property for the survey. Mayor Fuller stated that the tree survey would be less expensive. Mayor Pro Tem stated that stuff like what is being proposed could help developers and the City grow. Ms. Arnold discussed the City's tree mitigation. She stated that Staff compared the City's mitigation requirements to our sister cities mitigation requirements and found that we are in line or

less restrictive to most of our sister cities. Ms. Arnold stated that McKinney is much less restrictive in the mitigation exemptions compared to our sister cities. She stated that Staff recommends maintaining our current mitigation requirements. Ms. Arnold stated that Staff is not recommending any changes to the tree protection requirements, since it is an industry standard. She stated that Staff wants to simplify the language and ratios in the ordinance to clean it up and make it easier to read. Ms. Arnold asked if any additional feedback or questions. Council Member Philips asked that Staff look at adding language that specifies what types of trees could replace a specimen tree. He stated that we want a quality tree being planted. Council Member Philips stated that he sees the value in preserving the trees and nature. He stated that he was serious about using the mitigation funds at different points in the future to continue having McKinney be a place known for rolling hills and trees and that he did not want to see that destroyed. Vice-Chairman Mantzey stated that he appreciated Staff always looking to balance between all parties. He stated that we would not hear from the party looking to preserve trees until the trees are gone. Vice-Chairman Mantzey stated that he did not know how much fee-in-lieu money could be collected long term. He expressed concerns about the number of trees placed on public property and the maintenance involved. Council Member Philips stated that documenting nature that exists in McKinney on a document less than 10-page ordinance was an amazing undertaking. He stated that Staff has done a tremendous job. Council Member Philips stated that he appreciates to diligence and hard work that everyone put in on this.

Mayor Fuller called for Council and Manager comments. Council Member Philips expressed his appreciation to Commission Members Kuykendall and McCall for their service on the Planning & Zoning Commission. He stated that they had done a tremendous and outstanding job and had been faithful and reliable to the City of McKinney. Mayor Fuller stated that the only reason that Council decided not to reappoint them for another term was due to the number of years that they had served. He stated that it was no reflection on them and that they had done a tremendous job, which was much appreciated. The Council Members concurred.

Chairman Cox called for Commission Comments. There were none.

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Feltus, to adjourn the Joint meeting at 5:57 p.m., with a vote of 7-0-0.

The Commission unanimously approved the motion by Commission Member Doak, seconded by Commission Member McCall, to adjourn the Joint meeting at 5:57 p.m., with a vote of 7-0-0.

GEORGE C. FULLER
Mayor

BILL COX
Planning & Zoning Chairman

ATTEST:

EMPRESS DRANE
City Secretary
City of McKinney, Texas