

AGENDA ITEM

TO: Planning and Zoning Commission

FROM: Michael Quint, Director of Planning

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend Sections 142-73 (General Development Plan) and 142-99 (Lots) of the Subdivision Regulations and Sections 146-40 (Nonconforming Uses and Nonconforming Structures), 146-44 (Access Management Plan Approval), and 146-45 (Site Plan Approval) of the Zoning Regulations

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the April 2, 2013 meeting.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendments to the Zoning and Subdivision Ordinances.

ITEM SUMMARY: The proposed amendments were originally considered by the Planning and Zoning Commission on September 11, 2012 before they were ultimately approved and adopted by the Planning and Zoning Commission and City Council at the November 5, 2012 joint meeting (Ordinance number 2012-11-056). Since that time, Staff has received feedback from members of the City Council that the ordinance amendments adopted via Ordinance number 2012-11-056 resulted in unforeseen and possibly negative impacts to existing property rights. As such, Ordinance number 2012-11-056 is planned to be repealed by the City Council on April 2, 2013 (Case #13-029M2).

Subsequent to the repeal of Ordinance number 2012-11-056, Staff is requesting that a few amendments contained within that ordinance be re-adopted as they result in an improvement to the overall development process and minimally impact existing property rights. The amendments that Staff recommends be re-adopted address the elimination of the General Development Plan and Access Management Plan processes, grant Staff the ability to approve site plans that conform to the regulations of the Zoning Ordinance, and update the non-conforming uses and structures section of the Zoning Ordinance in an attempt to streamline the development and redevelopment in nonconforming situations. These amendments are discussed in more detail below.

PROPOSED AMENDMENTS:

- **Proposed 142-73 (General Development Plan):** This section and the process which is established herein is being removed. In Staff's continuing effort to streamline the development process, each of the Planning Department application types that currently exist were re-evaluated to ensure that they are worthwhile and serve a necessary purpose. As part of this evaluation, it was determined that the general development plan process does not provide a lot of benefit as the information that is generally shown on these plans is shown by a site plan and or plat. General development plans may still be required by some existing "PD" – Planned Development Districts and for some developments in the "REC" – Regional Employment Center Overlay District. Applicants may choose to submit a general development plan to better illustrate a development proposal but the elimination of this process as a requirement should help to streamline the development process in most cases.
- **Proposed 142-99 Changes (Lots):** This section is subject to modifications to address the proposed elimination of the access management plan process.
- **Proposed 146-40 Changes (Nonconforming uses and nonconforming structures):** This section is being modified to clearly address three distinct types of nonconformities; nonconforming lots, nonconforming uses, and nonconforming structures. The current regulations are confusing and do not clearly dictate how to address each type of nonconformity.
- **Proposed 146-44 Changes (Access Management Plan Approval):** This section is being removed. The access management plan process is an unnecessary step in the development process which only serves to hinder the speed and efficiency in which a project moves forward to construction. The information that is currently shown on an access management plan will now be shown on a plat map.
- **Proposed 146-45 Changes (Site Plan Approval):** This section is being modified at Council Member Harris' request to allow all site plan applications to be approved at a Staff level. Site plans that Staff cannot approve or that require a special approval will still be forwarded to the Planning and Zoning Commission for action. This modification should help to streamline the development process and should reduce situations where residents show opposition to an issue only to have the Planning and Zoning Commission approve the site plan because of its ministerial nature. This modification was originally proposed by Staff approximately 2 years ago but was abandoned in favor of a different approval sequence.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments or phone calls in support of or opposition to this request.