JOINT MEETING

APRIL 22, 2013

The City Council and the Planning and Zoning Commission of the City of McKinney, Texas met in joint session in the Council Chambers of the Municipal Building on April 22, 2013 at 5:30 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: David Brooks, Geralyn Kever, Don Day, Ray Ricchi, and Roger Harris.

Planning and Zoning Commissioners Present: Chairman Robert Clark; Vice Chair Rick Franklin; Commissioners: Jim Gilmore, David Kochalka, Larry Thompson, and Matt Hilton. Absent: Commissioner George Bush.

Staff Present: City Manager Jason Gray; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; McKinney Economic Development Corporation President Jim Wehmeier; Director of Planning Michael Quint; Assistant Director of Planning Kevin Spath; Planning Manager Brandon Opiela; Planning Manager Jennifer Arnold; and Historic Preservation Officer Guy Giersch.

There were 26 guests present.

Chairman Clark called the Planning and Zoning Commission meeting to order at 5:36 p.m. after determining a quorum present.

Mayor Loughmiller called the City Council meeting to order at 5:37 p.m. after determining a quorum present.

12-222M5 Chairman Clark and Mayor Loughmiller called for Public Hearings to Consider/Discuss/Act on the Request by the City of McKinney to Amend the Code of Ordinances by Creating Appendix G-1 (McKinney Town Center Regulating Plan) and Appendix G-2 (McKinney Town Center Zoning District Regulations) in the Zoning Regulations (Chapter 146); by Amending 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), 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 Yards and Setbacks), Appendix F-2 (Schedule of Heights, Areas, and Densities), and Appendix F-4 (Schedule of Uses); and by Amending Section 155 (Exemptions) of the Subdivision Regulations (Chapter 142); 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), and Accompanying Ordinance. Assistant Planning Director Kevin Spath staff is presenting two companion items associated with the McKinney Town Center (MTC) form-based zoning initiative: a proposed “textual” amendment (item 12-222M5) of certain sections 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 (item 13-001M5) of McKinney’s official zoning map for the purpose of rezoning approximately 262 acres (approximately 616 parcels) to the MTC form-based zoning district (assuming that the proposed “textual” amendment is adopted). Mr. Spath 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. The proposed form-based zoning district (designated as MTC - McKinney Town Center District) has been under development

since 2010. The purpose of this proposal is to replace most of the ineffective and obsolete land development regulations currently governing McKinney's Town Center. 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. The proposal is intended to help preserve, enhance, and grow McKinney's unique and historic Town Center for many years into the future.

Chairman Clark called for public comment.

Mr. Joe Joplin, 407 S. Tennessee Street, McKinney, spoke about property rights and how these changes will affect his property. Commissioners unanimously approved the motion by Commissioner Franklin, seconded by Commissioner Gilmore, to close the public hearing.

Mr. Spath stated that Staff has thoroughly reviewed the proposed regulations for possible unintended consequences and believes that every effort has been made with the proposed regulations to ensure that they would not negatively impact single family property owners. Mr. Spath stated that additional language is being proposed to the nonconforming section (Section 146-40) of the zoning ordinance that would allow the alteration or enlargement of a nonconforming structure provided that the alteration or enlargement does not create any new nonconformity or increase the degree of an existing nonconformity.

Mayor Loughmiller called for public comment and there was none.

Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro-Tem Ussery, to close the public hearing

Commissioner unanimously approved the motion by Commissioner Kochalka, seconded by Commissioner Thompson, to approve the Ordinance as presented by staff.

Council unanimously approved the motion by Council member Kever,

seconded by Mayor Pro-Tem Ussery, to approve an Ordinance amending the Code of Ordinances by Creating Appendix G-1 (McKinney Town Center Regulating Plan) and Appendix G-2 (McKinney Town Center Zoning District Regulations) in the Zoning Regulations (Chapter 146); by Amending 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), 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 Yards and Setbacks), Appendix F-2 (Schedule of Heights, Areas, and Densities), and Appendix F-4 (Schedule of Uses); and by Amending Section 155 (Exemptions) of the Subdivision Regulations (Chapter 142); 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), per staff ‘s recommendation and with the exception that legal nonconforming uses shall expire if the use is discontinued for more than twelve months. Caption reads as follows:

ORDINANCE NO. 2013-04-044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING 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 AREAS EXCEPTIONS, AND MINIMUM DISTANCES

BETWEEN 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), 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 YARDS AND SETBACKS), APPENDIX F-2 (SCHEDULE OF HEIGHTS, AREAS, AND DENSITIES), AND APPENDIX F-4 (SCHEDULE OF USES) OF CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES; AMENDING SECTION 155 (EXEMPTIONS) OF CHAPTER 142 (SUBDIVISION REGULATIONS) OF THE CODE OF ORDINANCES; AMENDING SECTIONS 5 (PROHIBITED SIGNAGE), 6 (ALL ZONING DISTRICTS), 9 (DOWNTOWN COMMERCIAL HISTORIC DISTRICT), AND 10 (MULTIPLE-BUILDING LOT COORDINATED SIGNAGE) OF CHAPTER 134 (SIGN REGULATIONS) OF THE CODE OF ORDINANCES; AND CREATING APPENDIX G-1 (McKINNEY TOWN CENTER REGULATING PLAN) AND APPENDIX G-2 (McKINNEY TOWN CENTER ZONING DISTRICT REGULATIONS) OF CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES 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

Mayor Pro-Tem Ussery, Council member Harris, and Council member Day stepped down from the dais on the following item.

13-001M5 Chairman Clark and Mayor Loughmiller called for Public Hearings 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 Benge 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 that this is the companion item to the previous agenda item. This is 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 that was just adopted in the previous agenda item.

Chairman Clark called for public comment and there was none.

Commissioners unanimously approved the motion by Commissioner Franklin, seconded by Commissioner Gilmore, to close the public hearing and approve the Ordinance as presented by staff.

Mayor Loughmiller called for public comment and there was none.

Council unanimously approved the motion by Council member Brooks, seconded by Council member Kever, to close the public hearing and approve an Ordinance rezoning 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 Benge 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, with the following special ordinance provision: the subject property, as depicted on Exhibit “A”, shall be zoned, used, and developed in accordance with the “MTC” -

McKinney Town Center District (Section 146-95 and Appendix G) of the City of McKinney Zoning Regulations, and as amended, the "CHD" - Commercial Historic Overlay District (Section 146-96) of the City of McKinney Zoning Regulations, and as amended, and the "H" - Historic Preservation Overlay District (Section 146-97) of the City of McKinney Zoning Regulations, and as amended as reflected on Exhibit "B." Caption reads as follows:

ORDINANCE NO. 2013-04-045

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT APPROXIMATELY 262 ACRES OF PROPERTY, LOCATED IN THE AREA GENERALLY EAST OF BENGE 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, IS REZONED 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; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Mayor Pro-Tem Ussery, Council member Harris, and Council member Day returned to the dais.

Commissioners unanimously approved the motion by Commissioner Thompson, seconded by Commissioner Gilmore, to adjourn. Chairman Clark adjourned the Planning and Zoning Commission meeting at 6:33 p.m.

Mayor Loughmiller recessed the meeting into executive session at 6:33 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), Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 6:53 p.m.

Council unanimously approved the motion by Council member Day, seconded by Mayor Pro-Tem Ussery, to adjourn. Mayor Loughmiller adjourned the meeting at 6:55 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