



14-731

TITLE: Discuss Policies and Regulations Governing the Planning Department's Processing of Development Applications

MEETING DATE: July 28, 2014

DEPARTMENT: Development Services Division - Planning Department

CONTACT: Michael Quint, Director of Planning

RECOMMENDED CITY COUNCIL ACTION:

- Consider, discuss and provide direction on existing policies and regulations that govern the Planning Department's processing of development applications

ITEM SUMMARY:

- Generally speaking, the Planning Department requests clarification and direction regarding our recommendations regarding a wide variety of topics including existing policies and regulations. These policies and regulations are indicated in more detail below:
 1. Preserving the Non-Residential Tax Base. *Should Staff still recommend denial of rezoning applications because of a change in the allowed land uses from non-residential to residential?*
 - Negative recommendations from Staff are often overturned. Is there another way to preserve McKinney's non-residential tax base other than recommending denial of rezoning requests?
 - Staff is currently working to create a fiscal impact analysis which will show the City's current tax base and land use split in a given area (based on the modules outlined within the Comprehensive Plan) as part of every rezoning request. This analysis should be ready for City Council consideration by the end of this year (2014).
 2. Residential Densities and Median/Mean Lot Sizes. *Should Staff be supportive of higher residential densities throughout the City or continue*

to recommend denial if a request exceeds the Comprehensive Plan's vision?

- The Comprehensive Plan mandates a maximum detached single family residential density of 3.2 to 3.4 dwelling units per acre and a mean/median lot size of 7,200 square feet. The newly created residential zoning districts adhere to these requirements but the Development Community and Planning and Zoning Commission are beginning to voice opposition to this standard in the way of rezoning requests and positive recommendations respectively.
- Older legacy residential zoning districts (which we are no longer using) allow much higher detached single family residential densities (up to 8 d.u./ac.) with much smaller minimum lot size requirements (2,700 sq. ft.).

3. Circumventing the Subdivision Ordinance's requirements to construct public improvements. *Should the Subdivision Ordinance be amended to remove developer's abilities to side-step or circumvent the Subdivision Ordinance's requirements to construct public improvements (roads, water lines, sanitary sewer lines, storm sewer lines, creek improvements, hike and bike trails, etc.)?*

- The Subdivision Ordinance currently allows for a developer to preliminary-final plat a large parent tract while selectively picking and choosing which lots shown on that preliminary-final plat get shown and recorded on an associated record plat. This allows developers to create common areas or lots where screening and buffering and other public improvement are contained and never file a record plat for those lots or common areas. Without the record plat being filed for these common areas and lots, the associated public improvement can never be mandated.
- In November of 2012, a Subdivision Ordinance amendment was approved resolving this issue but was repealed in April of 2013 due to unrelated property-rights concerns.

4. Plat Expirations and Complete Applications. *Should the Subdivision Ordinance be amended to establish completeness obligations and plat expiration dates?*

- The Subdivision Ordinance currently only contains an expiration date for preliminary-final plats but if an associated record plat is submitted within 6 months of the preliminary-plat's approval, the plat's approval is valid indefinitely. This is problematic from a life-safety standpoint. For example, if a plat is approved in 1990, the

layout shown on the plat could theoretically be built exactly as shown in 2014 regardless of which design standards or life safety standards may have changed. These plats are also difficult for Staff to track and administer.

- The Subdivision Ordinance does not currently allow Staff to refuse a plat application due to a lack of completeness. This is problematic when juxtaposed with State Law's 30 day action requirement. It is extremely difficult to evaluate a plat when Staff never formally receives a complete application.
- In November of 2012, a series of Subdivision Ordinance amendments were approved resolving these issues but were repealed in April of 2013 due to unrelated property-rights concerns.

5. Architectural and Site Standards. *Should the Architectural Standards Ordinance be modified to be easier to utilize and implement?*

- Staff has heard for many years that the City of McKinney's Architectural and Site Standards Ordinance is too confusing and difficult to utilize because of its use of an objective point system. In fact, City Council member Don Day requested that the Ordinance be amended in 2009 but there was not enough consensus from the rest of the City Council to adopt proposed amendments to this section.
- Additionally, the Planning Department has been receiving a number of complaints about the Ordinance's calculation of masonry content based on a per wall basis rather than a per elevation basis. The Planning and Zoning Commission regularly approves meritorious exception requests because of this requirement.
- Lastly, the Zoning Ordinance's strict definition of masonry as being brick, stone or synthetic stone is constantly called into question. Staff is constantly told that stucco or EIFS, split-face or architectural CMU, and hardi-board should be considered a masonry material. When requests to allow such materials are requested, Staff typically recommends denial but the requests are usually approved.

6. Sidewalks. *When should sidewalks be required and constructed; specifically in McKinney's downtown?*

- Currently, the Subdivision Ordinance indicates that sidewalks are a public improvement and must be constructed prior to filing a plat.

However, knowing that constructing sidewalks prior to the development of the lot on which it sits leads to the destruction and eventual re-construction of a brand new sidewalk, sidewalk construction is typically deferred until the lot is developed. In downtown or elsewhere in the City where plats may not always be required to be filed, the construction of sidewalks cannot be mandated thereby passing those construction costs on to the City.

7. “REC” - Regional Employment Center Overlay District. *If the City Council sees fit, Staff would be willing to participate in additional discussion of the REC and its requirements.*

BACKGROUND INFORMATION:

- N/A

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS: