

**CITY COUNCIL AND PLANNING AND ZONING COMMISSION
JOINT MEETING**

OCTOBER 1, 2012

The City Council and the Planning and Zoning Commission of the City of McKinney, Texas met in a joint session in the Council Chambers of the Municipal Building on October 1, 2012 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 Robbie Clarke, Matt Hilton, Jim Gilmore, Rick Franklin, and Dave Kochalka. Absent: Commissioners George Bush and Larry Thompson.

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; Director of Planning Michael Quint; Planning - Brandon Opiela and Ross Altobelli; Assistant Director of Development Services Rick Leisner; Arborist Emily Braht; and Assistant Chief of Police Randy Roland.

There were 4 guests present.

Mayor Loughmiller called the City Council meeting to order at 5:35 p.m. after determining a quorum present. Chairman Clark called the Planning and Zoning Commission meeting to order at 5:36 p.m. after determining a quorum present.

12-078M2 Mayor Loughmiller and Chairman Clark called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney, to Amend Section 138-429 (Location - Generally) of the Code of Ordinances Pertaining to Sexually Oriented Businesses; to Amend Sections 5 (Approval Required), 8 (Variances and Appeals), 9 (Definitions), 73 (General Development Plan), 74 (Preliminary-Final Plat), 75 (Preliminary-Final Replat), 76 (Record Plat), 77 (Minor Plat), 78 (Minor Replat), 79 (Amending Plat), 81 (Conveyance Plat), 99 (Lots), 105 (Improvements), 106 (Screening and Buffering of Certain Residential Lots Adjacent to Streets), and 157 (Conveyance of Land Requirements) of the Subdivision

Ordinance (Chapter 142 of the Code of Ordinances); to Amend Sections 40 (Nonconforming Uses and Nonconforming Structures), 41 (Specific Use Permits), 42 (Temporary Uses), 44 (Access Management Plan Approval), 45 (Site Plan Approval), 46 (Definitions), 67 (AG - Agricultural District), 68 (RED-1 - Residential Estates District), 69 (RED-2 - Residential Estates District), 70 (RS 120 - Single Family Residence District), 71 (RS 84 - Single Family Residence District), 73 (RS 60 - Single Family Residence District), 74 (RS 45 - Single Family Residence District), 75 (RD 30 - Duplex Residence District), 77 (RG 25 - General Residence District), 78 (RG 18 - General Residence District), 79 (MF-1 - Multi-Family Residential - Low Density District), 80 (MF-2 - Multi-Family Residential - Medium Density District), 81 (MF-3 - Multi-Family Residential Medium-High Density District), 83 (NC - Neighborhood Convenience District), 84 (BN - Neighborhood Business District), 85 (BG - General Business District), 86 (C - Planned Center District), 87 (O-1 - Neighborhood Office District), 88 (O - Office District), 89 (BC - Commercial Business District), 90 (ML - Light Manufacturing District), 91 (MH - Heavy Manufacturing District), 95 (MTC - McKinney Town Center District), 96 (CHD - Commercial Historic District), 130 (Vehicle Parking), 131 (Off-Street Loading), 132 (Fences, Walls, and Screening), 133 (Accessory Buildings and Uses), 134 (Performance Standards), 135 (Landscape Requirements), 137 (Communications Antennas, Satellite Dishes and Support Structures/Towers), 139 (Architectural and Site Standards), 162 (Administrative Official), 164 (Changes and Amendments), 165 (Board of Adjustment), Appendix C (Historic District Maps), 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 the Zoning Ordinance (Chapter 146 of the Code of Ordinances); to Create Sections 42 (Dormancy and Approval Expirations) and 82 (Administratively Complete) of the Subdivision Ordinance

(Chapter 142 of the Code of Ordinances); and to Create Sections 102 (RS SM - Single Family Residence District) and 141 (Residential Development Design Standards) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances), and Accompanying Ordinance. Director of Planning Michael Quint presented the comprehensive zoning and subdivision ordinance amendments that addresses four specific issues: increasing the residential quality, streamlining the development process, updating comprehensively the zoning subdivision regulations that have been historically overlooked and are now outdated, and rectifying typos discrepancies and unclear provisions. He stated that one of the standards that they are proposing is to create architectural standards for single family and duplex residential to include things such as mandating masonry on 85% of every wall. He stated that masonry as defined is very similar to masonry for non-residential: bricks, stone, synthetic stone and things of that nature. Mr. Quint stated that they are also increasing the residential quality by increasing additional landscaping on each family residential lot and by modifying the screening and buffering requirements. Mr. Quint stated the schedule of uses has not been touched since the 1960's and staff is in the process of modifying them. Council member Day asked if the residential architectural standards apply to the Historic District. Mr. Quint stated that they did not apply to the Historic District. Mayor stated that he'd rather changed the definition rather than changing the percentage. Mr. Quint stated that staff looked at other cities and neighboring cities do allow for stucco finishing materials to be counted towards masonry. He stated that the proposed residential architectural standards would only allow stucco for 15 percent of the masonry requirement. Mayor Loughmiller stated that the City is known for its diversity and uniqueness and the proposed ordinances will impact that and not in a positive way. Commissioner Rick Franklin stated that he is concerned with Section 42-8 that provides City staff the ability to appeal

the decision of the Planning and Zoning Commission that would add another layer to the approval and cause a delay for the applicant. Mr. Quint stated that the Planning and Zoning Commission approved a preliminary final plat against staff's recommendation and the reason for the recommended denial was due to the applicant not satisfying requirements in the "PD"-Planned Development District as well as the zoning ordinance. Mr. Quint stated that his goal is not to delay the development process. City Manager Gray stated that there are a lot of changes to the schedule of uses and he feels that there are a lot of significant questions that were left unanswered.

Mayor Loughmiller and Chairman Clark called for public comments.

The following individuals spoke against the proposed Ordinance changes:

Mr. Miles Prestemon, 6850 TPC Drive, Suite 104, McKinney

Mr. Bob Roeder, 1700 Redbud , Suite 300, McKinney

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to close the public hearing and table this item indefinitely.

Planning and Zoning Commissioners unanimously approved the motion by Commissioner Franklin, seconded by Commissioner Kochalka, to adjourn. Chairman Clark adjourned the Planning and Zoning Commission at 7:00 p.m.

Council unanimously approved the motion by Council member Ricchi, seconded by Council member Day, to adjourn. Mayor Loughmiller adjourned the City Council meeting at 7:00 p.m.

BRIAN LOUGHMILLER
Mayor

ROBBIE CLARK
Chairman

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ATTEST:

SANDY HART, TRMC, MMC
City Secretary