

## Planning and Zoning Commission Meeting Minutes of August 13, 2019:

**19-0009M** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances Regarding the Timing and Process to Receive a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 3167. Mr. David Soto, Planner I for the City of McKinney, explained the proposed amendments to the Zoning Ordinance. He stated that a couple of weeks ago Staff gave an update on the new house bills that will affect our processes and what we are regulating. Mr. Soto stated that due to these changes that will take effect on September 1, 2019, Staff has proposed several modifications to the Zoning Ordinance to ensure compliance. He stated that these changes are in reference to House Bill 3167, which affects the processing and approval procedures for plats and plans. Mr. Soto stated that while the house bill mainly concerns the Subdivision Ordinance, a few minor changes were needed for clarification in the Zoning Ordinance. He stated that Staff has since determined that the house bill does not affect site plans; however, Staff has provided additional language to denote that site plans, as they are processed by the City of McKinney, derive their authority from the Texas Local Government Code Chapter 211 (Municipal Zoning Authority), not Chapter 212 (Municipal Regulation of Subdivisions). Mr. Soto stated that House Bill 3167 only affects Chapter 212; therefore, it is important to distinguish that site plans are not affected by this new house bill. He stated

that in order to assist with the new timeframes within which Staff must review and take action on plats and construction plans, further language has been added to establish the order in which plans should be reviewed. Mr. Soto stated that this is intended to assist applicants through the process and reduce potential issues. He stated that Staff recommends approval of the proposed amendments and offered to answer questions. Chairman Cox asked if the new house bill could affect a current submittal in the system. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, stated that House Bill 3167 is not retroactive. She stated that anybody currently in process would still be subject to the current laws and regulations. Ms. Arnold stated that anybody that submits after September 1, 2019 would be subject to the new ordinances. Ms. Samantha Pickett, Planning Manager for the City of McKinney, stated that the City's legal team and Staff have determined that site plans are not affected by the 30-day shock clock. She stated that the Planning and Zoning Commission should not be seeing additional site plans coming to the meetings. Ms. Pickett stated that site plans will typically be submitted first, so when they move on to the plat and construction plans, which are regulated by the 30-day shock clock, we should have already cleared most of the major comments to make it cleaner. Commission Member Taylor stated that he understands about the 30 days for action to be taken. He asked if the applicant has an unlimited amount of time after, that could be a year, to resubmit and then Staff has 15 days to review. Mr. Soto stated that was correct. Commission Member Taylor stated that could be difficult for Staff, especially if the applicant waits a year. Chairman Cox stated that was a good point and that it will require Staff to be on-point. Ms. Arnold stated

that Staff is trying to make sure that we are prepared for these changes. She stated that Staff experiences those types of gaps from time to time now with resubmittals. Ms. Arnold stated that with the 30-day shock clock going into effect, she expects to see more resubmittals come in. She stated that it is currently a challenge. Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and recommend approval of the proposed ordinance amendments as recommended by Staff, with a vote of 6-0-0. Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on August 20, 2019.