

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

19-0007M 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 that Regulate the Building Products, Materials, or Methods Used in the Construction or Renovation of Residential or Commercial Buildings to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 2439. Ms. Kaitlin Gibbon, Planner I for the City of McKinney, explained the proposed amendments to the Zoning Ordinance. She stated that Staff gave a presentation a few weeks ago about the house bills that take effect on September 1, 2019. Ms. Gibbon stated that Staff has proposed several modifications to the Zoning Ordinance to ensure compliance in reference to House Bill 2439, which limits the ability a City has to enforce architectural requirements. She stated that building materials and architectural features cannot be enforced outside of specific areas per the new house bill. Ms. Gibbon stated that in order to align the Zoning Ordinance with the new state law regulations, Staff has modified sections of the ordinance related to applicability and enforcement of architectural requirements. She stated that sections that are no longer enforceable have been removed and additional language has been added to the Zoning Ordinance to clarify where the regulations can be enforced. Ms. Gibbon stated that the term "Historically Significant Area" (HSA) has been added to protect buildings within a "place or area designated for historical, cultural, or architectural importance and significance" as established with

House Bill 2439. A map showing the boundary of the “Historically Significant Area” was displayed on the overhead projector. Ms. Gibbon stated that within the “Historically Significant Area” the City can still enforce building materials and architectural features. She stated that Staff recommends approval of the proposed amendments to the Zoning Ordinance and offered to answer questions. Chairman Cox asked about the boundaries of the “Historically Significant Area”. Ms. Gibbon stated that the boundaries were basically from US Highway 380 (University Drive), Airport Drive, Wilson Creek Parkway, and US Highway 75 (Central Expressway). Commission Member McCall wanted to clarify that the City has control of architectural elements and building materials within this designed area. Ms. Gibbon said yes. Chairman Cox stated that part of the boundary goes to Industrial Boulevard. He stated that with that boundary, the properties on the north side of Industrial Boulevard would be held to a higher standard compared to the properties on the south side of the road that do not fall within the “Historic Significant Area”. He asked if Staff had given that any thought. Ms. Gibbon stated that within the House Bill 2439 it allows the City to still regulate the architectural requirements within the “Historically Significant Areas”. She stated that this outline is the same boundary for the Historic Neighborhood Improvement Zone (HNIZ). Ms. Gibbon stated that since the City will still be allowed to regulate the building materials in this area that is where the boundary is currently shown. Chairman Cox wanted to clarify that the Historic Neighborhood Improvement Zone (HNIZ) was already a set area in the City. Ms. Gibbon said yes. She stated that it encompasses the MTC – McKinney Town Center District, CHD – Commercial Historic Overlay District, H – Historic

Preservation Overlay District, TMN – Traditional McKinney Neighborhood Overlay District, the Main Street Program area, and the Historic Neighborhood Improvement Zone (HNIZ) per Chapter 98 of McKinney's Code of Ordinances. Ms. Jennifer Arnold, Director of Planning for the City of McKinney, reiterated that this was not a newly drawn boundary. She stated that it was already existing and met the definition of the house bill. Chairman Cox opened the public hearing and called for comments. There were no comments from the audience. Commission Member McCall asked if this was the only area within the City that met those requirements. Ms. Gibbon said yes. She stated that if there is a historic building located in McKinney, then we could still apply those architectural requirements. Ms. Gibbon stated that if there is a development agreement with architectural requirements within the agreement, then those still apply. Vice-Chairman Mantzey wanted to clarify that architectural requirements would no longer be enforceable within a PD – Planned Development. Ms. Gibbon stated that was correct. Vice-Chairman Mantzey asked if architectural requirements listed in filed deed restrictions would still be enforceable. Ms. Gibbon said yes. Vice-Chairman Mantzey asked if the architectural requirements within Craig Ranch and Stonebridge would still be controlled by their deed restrictions. Ms. Arnold stated that if any neighborhood has deed restrictions or covenants, conditions, and restrictions (CC&Rs) with restrictions on architectural features would still be applicable. She stated that there are several neighborhood associations within the City of McKinney. Ms. Arnold stated that within the past two weeks Staff emailed known homeowners associations in McKinney notifying them about the changes. She stated that the email let

them know if they have been relying on the City's regulations for their neighborhoods, then they may want to go back to revisit their covenants, conditions, and restrictions (CC&Rs), since that authority is no longer available to the City. Ms. Arnold reiterated that any development agreements that have spelled out architectural standards would still be enforceable. She stated that architectural standards included in "PD" – Planned Development Districts would no longer be enforceable. Chairman Cox stated that these are unchartered waters for cities, like McKinney, that have fast growth. He stated that the State of Texas has stepped in to change the way cities does business. Chairman Cox stated that we will have to see how this works and hopefully work through any questions. He wished Staff luck with the changes. Ms. Arnold thanked Chairman Cox. She stated that the proposed amendments to the Subdivision Ordinance would be going before City Council at the Tuesday, August 20, 2019 meeting for their consideration. Ms. Arnold stated that the Subdivision Ordinance does not technically fall under the purview of the Planning and Zoning Commission. She stated that Staff would be providing a full update to the Planning and Zoning Commission on the procedural impacts of the amendments to the Subdivision Ordinance after City Council considers the amendments. Commission Member Taylor stated that this house bill pains him the most. He stated that he could not believe all of the work that has gone into creating the City's ordinances and developers spending money, that with a swipe of a pen that a lot of it is gone. Commission Member Taylor said it was unbelievable. He stated that the sponsor of the house bill was a real estate developer in a town nothing like McKinney. Chairman Cox stated that we will need to watch property values of adjoining and

neighboring areas and what does the exterior finishing materials look like on the buildings. He stated that last year it was something and next year it could be something completely different. Chairman Cox questioned how the City will look going forward. On a motion by Commission Member Kuykendall, seconded by Alternate Commission Member Woodruff, the Commission unanimously voted to close the public hearing and recommend approval of the proposed amendments to the Zoning Ordinance 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.