



**TITLE:** Conduct a Public Hearing 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

**MEETING DATE:** April 22, 2013

**DEPARTMENT:** Planning

**CONTACT:** Kevin Spath, AICP, Assistant Director  
Scott Polikov, AICP, President, Gateway Planning Group

**RECOMMENDED CITY COUNCIL AND PLANNING AND ZONING COMMISSION ACTION:**

- Staff recommends that the Planning and Zoning Commission and City Council approve the proposed amendment.

**ITEM SUMMARY:**

- Final action regarding the proposed amendment is scheduled to be taken by the Planning and Zoning Commission and City Council at the April 22, 2013 joint meeting.
- Final action regarding this item (and its companion item 13-001M2) was scheduled to be taken by the Planning and Zoning Commission and City Council at the February 25, 2013 joint meeting. A public hearing was held. However, due to scheduling conflicts, this item was tabled (and the public hearing was continued) to April 2, 2013. Due to scheduling conflicts, April 2 was not a viable date for a joint meeting. As a result, at their March 19, 2013 meeting, the City Council voted to reschedule this item and continue the public hearing to a joint meeting on April 22, 2013 at 5:30 p.m. At their March 26, 2013 meeting, the Planning and Zoning Commission also voted to reschedule this item and continue the public hearing to a joint meeting on April 22, 2013 at 5:30 p.m. On April 11, 2013, Staff mailed an official Public Hearing notice to the owner of every parcel located within the proposed MTC zoning district. Staff also mailed an official Public Hearing notice to the owner of every parcel located within 200 feet of the perimeter boundary line of the proposed MTC zoning district.
- Staff and the consultant team are 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).
- This item (12-222M5) focuses only on the proposed “textual” amendment.
- 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 by:
  - (1) Addressing unique redevelopment challenges,
  - (2) Facilitating economic revitalization,
  - (3) Creating adjacency predictability for property owners and potential investors,
  - (4) Simplifying and streamlining the development regulations and process,
  - (5) Realizing the long-term performance of TIRZ #1, and
  - (6) Achieving the community's adopted long-term vision.
- On November 26, 2012, Staff and the consultant team presented a final draft of the proposed MTC form-based zoning district to a joint meeting of the Planning and Zoning Commission and the City Council (Agenda Item #12-1055). At that time, the City Council and the Planning and Zoning Commission directed Staff to proceed into the formal approval process. Based on comments received from Commissioners and Councilmembers during that meeting as well as comments received from various other stakeholders over the last several months, Staff and the consultant team have made a handful of relatively minor changes to the final draft. Those changes have been "track changed" and appear in red font in the attached document entitled "Redline Proposed Appendix G-2 (MTC Zoning District Regulations)." An itemized list of those changes has also been attached.
- With this item, Staff and the consultant team are now presenting the final draft of the MTC McKinney Town Center form-based zoning district, which is comprised of two main components:
  - MTC Regulating Plan (proposed to be adopted into the City of McKinney Zoning Ordinance as a new Appendix G-1)
  - MTC Zoning District Regulations (proposed to be adopted into the City of McKinney Zoning Ordinance as a new Appendix G-2)
- It is also necessary to properly integrate the proposed MTC Zoning District Regulations and MTC Regulating Plan into the City's existing framework of land development regulations in order to ensure consistency and avoid conflicting regulations. As such, it is necessary to make minor textual modifications to certain sections of the City's Zoning Ordinance (Chapter 146), Subdivision Ordinance (Chapter 142), and Sign Ordinance (Chapter 134). Those changes have been "track changed" and appear in red font in several attached documents.
- Staff has prepared an accompanying Ordinance, incorporating the final versions of all of the components mentioned above.

## **BACKGROUND INFORMATION:**

#### SUMMARY OF PUBLIC INPUT PROCESS AND STAKEHOLDER PARTICIPATION:

- In January 2010, as the City's 2010 Bond Package was being prepared, Staff and the consultant team presented to City Council a brief summary of the critical importance of synchronizing the City's public capital investments ("carrots") with the City's development regulations ("sticks") in order to maximize leveraging and attract additional private investment in the Town Center over time (Agenda Item #10-040).
- In March 2010, Staff and the consultant team hosted an informational public Stakeholders Meeting to discuss and seek feedback on the early progress of Phase 2 of the Town Center Study Initiative.
- In May 2010, Staff and the consultant team presented to City Council a brief summary of the analysis of development regulations that are obstacles to realizing the preferred concepts of the vision and also outlined an approach and process by which a set of proposed form-based zoning regulations would be created to specifically implement the vision in the Town Center (Agenda Item #10-254).
- In August 2010, Staff and the consultant team hosted an informational public Stakeholders Meeting in conjunction with the proposed creation of the Tax Increment Reinvestment Zone (TIRZ #1) for the Town Center. During this meeting, Staff and the consultant team also presented a brief overview of the proposed form-based zoning regulations because implementation of the proposed regulations was one of the key assumptions behind the projected long-term growth of the tax increment in the Town Center.
- In January 2011, Staff and the consultant team presented to City Council a brief update on the progress of the drafting of the proposed MTC form-based zoning regulations (Agenda Item #11-044).
- On September 26, 2011, Staff and the consultant team presented to City Council a complete first draft of the proposed MTC form-based zoning district (Agenda Item #11-455).
- Between September 2011 and November 2012, the complete first draft was posted for public review and comment on the City's Town Center Study webpage. During that period of time, Staff received comments (written and/or verbal) from approximately 5 stakeholders. Staff used the comments to test, refine, and prepare the final draft.
- On November 26, 2012, Staff and the consultant team presented the final draft to a joint meeting of the Planning and Zoning Commission and the City Council (Agenda Item #12-1055). Since that meeting, Staff has received approximately 30 direct inquiries (phone, email, face-to-face conversation) from stakeholders seeking clarification or additional information about the proposed MTC form-

based zoning. Staff has responded to each of these inquiries. Of these inquiries, Staff has received zero (0) comments voicing opposition to the proposed MTC form-based zoning and twelve (12) comments voicing support for the proposed MTC form-based zoning.

- On November 27, 2012, Staff and the consultant team hosted a Final Informational Stakeholders Meeting (see attached photo). Two weeks in advance of the meeting, Staff mailed a Meeting Invitation (see attached) to the owner (approximately 300 distinct owners) of every parcel (616 parcels) located within the proposed MTC zoning district. Staff also mailed a Meeting Invitation to the owner (approximately 250 distinct owners) of every parcel located within 200 feet of the perimeter boundary line of the proposed MTC zoning district. Over 50 stakeholders attended, representing a broad cross-section of property owners, adjacent neighborhood residents, real estate investors/developers, and former City Council members who had participated in earlier phases of the Town Center Study Initiative. Staff and the consultant team provided a detailed presentation covering: (1) history/background of the Town Center Study Initiative, (2) details of the proposed MTC zoning district and how to use it, and (3) remaining steps and mechanics of the approval process. Thereafter, Staff and the consultant team facilitated a lengthy question and answer discussion. Stakeholder feedback was positive with just a handful of questions focusing on the proposed MTC zoning district. A few of the MTC zoning district-related questions were focused on how the proposed MTC zoning district would address non-conforming structures and uses. The other MTC zoning district-related questions focused on signage and the historic preservation zoning districts. Staff and the consultant provided explanation and clarification seemingly to the stakeholders' satisfaction. Most of the other questions focused on more general but related issues to the Town Center such as passenger rail service, street infrastructure, the tax increment reinvestment zone, and brownfields. Staff provided updates for those questions as well.
- At the invitation of the McKinney Historic Neighborhood Association (MHNA), Staff and the consultant also made a presentation to the MHNA on January 3, 2013. Approximately 40 members attended. Staff and the consultant also facilitated a lengthy question and answer discussion. Feedback from the MHNA stakeholders was positive with a handful of questions focusing on the proposed MTC form-based zoning district. A concern of the MHNA stakeholders was whether the proposed MTC form-based zoning district would remove or weaken the historic district zoning regulations already in effect. Staff and the consultant explained that the proposed MTC form-based zoning district would not remove or weaken the historic district regulations. Another question of the MHNA stakeholders was whether the proposed MTC form-based zoning district would involuntarily displace any current property owners/users. Staff and the consultant explained that the proposed MTC form-based zoning district would not involuntarily displace any current property owners/users. The MHNA stakeholders also had questions focused on more general but related issues to

the Town Center such as passenger rail service and street infrastructure. Staff provided updates for those questions as well. A few days after the meeting, Staff received an emailed Letter of Support from the MHNA Board (see attached).

- On January 11, 2013, Staff mailed an official Public Hearing notice (see attached) to the owner of every parcel located within the proposed MTC zoning district. Staff also mailed an official Public Hearing notice to the owner of every parcel located within 200 feet of the perimeter boundary line of the proposed MTC zoning district.
- At the invitation of Pastor Winston Douglas and St. James Church, Staff also made a presentation and answered questions for church members/leaders on January 28, 2013.

**FINANCIAL SUMMARY: N/A**

**BOARD OR COMMISSION RECOMMENDATION:**

- On January 22, 2013, the Planning and Zoning Commission considered the proposed amendments and held a public hearing but did not take action in accordance with the requirements of the Zoning Ordinance. The Commission did not suggest or request any changes to the proposed amendments. Please see the attached P&Z Meeting Minutes.