CITY COUNCIL JOINT MEETING

DECEMBER 2, 2013

The City Council and Planning and Zoning Commission of the City of McKinney, Texas met in joint session in the Council Chambers of the Municipal Building on December 2, 2013 at 5:30 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: Geralyn Kever, Don Day, Ray Ricchi, Roger Harris, and Randy P. Pogue.

Planning & Zoning Commissioners Present: Chairman Rick Franklin, Commissioners: George Bush, Larry Thompson, Jim Gilmore, Matt Hilton, Dave Kochalka, and Michael Osuna.

Staff Present: City Manager Jason Gray; Deputy City Manager Jose Madrigal; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; McKinney Economic Development Corporation President Jim Wehmeier; Assistant Fire Chief Tim Mock; Facilities Construction Manager Patricia Jackson; Assistant to the City Manager Darrek Ferrell; McKinney Community Development Corporation President Cindy Schneible; Transportation Engineering Manager Gary Graham; Human Resources Director Tadd Phillips; Director of Engineering Mark Hines; Human Resources Manager Lana Raimbault; Assistant Chief of Police Randy Roland; Interim Director of Public Works Paul Sparkman; and McKinney Convention and Visitors Bureau Director Dee Dee Guerra.

There were 10 guests present.

Mayor Loughmiller called the City Council meeting to order at 5:30 p.m. after determining a quorum present.

Chairman Franklin called the Planning and Zoning Commission meeting to order at 5:30 p.m. after determining a quorum present.

13-231M2 Mayor Loughmiller and Chairman Franklin called for a Public Hearing to Consider and Discuss on a Request by the City of McKinney to modify Sections 138-429 (Sexually Oriented Businesses); 146-83 ("BN" -

Neighborhood Business District); 146-84 ("BG" - General Business District); 146-85 ("C" - Planned Center District); 146-164 (Changes and Amendments); and Chapter 146, Appendix F-4 (Schedule of Uses) of the Code of Ordinances, and Accompanying Ordinance. Director of Planning Michael Quint stated that Staff is requesting to make minor amendments to the Zoning Ordinance and Chapter 138 of the Code of Ordinances. The changes are specifically to address three issues. One issue is to modify where the sexually oriented businesses are permitted. Currently, they are permitted in the “BC” – Commercial Business, “BG”- General Business and “C”- Planned Center District as well as the Industrial District. Staff is proposing to modify where those uses are allowed so that they will only be allowed in the “MH”- Heavy Manufacturing zoning district. Another change is the elimination of the requirement for joint meetings to occur every time they propose modifications to the schedule of uses. Future amendments would still require consideration and a public hearing by the Planning and Zoning Commission prior to City Council consideration. Mr. Quint stated that they are proposing to modify the schedule of uses to indicate that multi-family uses are allowed in the commercial zoning districts. Mr. Quint stated that multi-family residential uses are currently permitted by right. While the Schedule of Uses indicates that multi-family residential uses are not currently permitted, the regulations corresponding to the City’s commercial zoning districts indicate that this use is permitted. This disconnect is an accidental oversight that occurred as part of the multi-family residential amendments that were adopted in May of 2010. Because the City Council has recently made it clear that property rights should not be affected retroactively, the only way to fix the existing disconnect in the Ordinance is to modify the Schedule of Uses to allow multi-family residential uses in commercial districts. Staff is proposing to modify the Schedule of Uses to indicate that multi-family residential uses are permitted by right. Mr. Quint stated

that broader changes will be discussed at the December 16, 2013 Work Session. Planning and Zoning Commission unanimously approved the motion by Commissioner Bush, seconded by Commissioner Thompson, to close the public hearing and to recommend approval of modifications to Sections 138-429 (Sexually Oriented Businesses); 146-83 ("BN" - Neighborhood Business District); 146-84 ("BG" - General Business District); 146-85 ("C" - Planned Center District); 146-164 (Changes and Amendments); and Chapter 146, Appendix F-4 (Schedule of Uses) of the Code of Ordinances. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Pogue, to close the public hearing and approve an Ordinance modifying Sections 138-429 (Sexually Oriented Businesses); 146-83 ("BN" - Neighborhood Business District); 146-84 ("BG" - General Business District); 146-85 ("C" - Planned Center District); 146-164 (Changes and Amendments); and Chapter 146, Appendix F-4 (Schedule of Uses) of the Code of Ordinances. Caption reads as follows:

ORDINANCE NO. 2013-12-111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING SECTION 138-429 (LOCATION – GENERALLY) OF THE CODE OF ORDINANCES PERTAINING TO SEXUALLY ORIENTED BUSINESSES; AMENDING SECTIONS 164 (CHANGES AND AMENDMENTS) AND APPENDIX F-4 (SCHEDULE OF USES) OF THE ZONING ORDINANCE (CHAPTER 146 OF THE CODE OF ORDINANCES); ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

13-1221 Mayor Loughmiller called for discussion on a Regular Process for Planning & Zoning Commission Recommendations. Mayor stated that he is recommending that the City Council and Planning and Zoning Commission meet jointly to discuss the high level of strategic planning policies of the Council and how it would impact the Planning and Zoning Commissioner’s view on projects that come before them for consideration. Mayor Loughmiller stated that in the past, there have

been comments made that if Council had communicated effectively, the Planning and Zoning Commission would know what the Council's policies are. Mr. Loughmiller stated that there needs to be some consistency between Council and the Planning and Zoning Commission. They don't have to agree on every issue. Mayor Pro-Tem Ussery stated that when people are looking to do business in McKinney, they look at the City's policies and they expect that they are applied consistently. Council member Pogue stated that Council expects that when the Planning and Zoning Commission considers an item before them, that they make their decision on what is in the best interest of the City.

Chairman Franklin adjourned the Planning and Zoning Commission meeting at 4:47 p.m.

Mayor Loughmiller called for discussion on the following work session items with no action taken:

DISCUSS REGULAR MEETING AGENDA ITEMS

13-1222 Sheraton Gateway Hotel and Conference Center Update

13-1223 Consider and Discuss Potential Amendments to Various Sections of the Code of Ordinances Regulating "Eight-Liner" Game Rooms

COUNCIL LIAISON UPDATES

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Ricchi, to adjourn. Mayor Loughmiller adjourned the meeting at 6:58 p.m.

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BRIAN LOUGHMILLER
Mayor

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RICK FRANKLIN
Chairman

ATTEST:

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SANDY HART, TRMC, MMC
City Secretary