



TITLE: Consider/Discuss/Act on a Development Agreement (ETJ) for the Estates of Willow Wood, Approximately 307 Acres, Located Within the City's Extra-territorial Jurisdiction Generally East of State Highway 5 (McDonald Street) and Approximately 3,000 Feet North of F.M. 543

MEETING DATE: May 7, 2013

DEPARTMENT: Planning

CONTACT: Michael Quint, Director of Planning
Michael Hebert, P.E., Director of Engineering
Jenny Baker, Senior Parks Planner
Rob Daake, P.E., Deputy City Manager
Mark Houser, City Attorney

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval.

ITEM SUMMARY:

- The property owner has requested that the City of McKinney enter into a development agreement under Section 212.172 of the Texas Local Government Code that will govern the development of the subject property, both prior to and after annexation. The agreement governs the following aspects of development indicated below.
 - The Owner/Applicant agrees to the voluntary annexation (full purpose) of the subject property into the City prior to the commencement of any construction, and the Agreement serves as a voluntary application for such annexation. Concurrent with annexation is the requirement that the Owner/Applicant seek zoning consistent with the land uses described in the Agreement.
 - The Owner/Applicant shall be permitted to construct no more than 859 single family residential lots:
 - No more than 655 lots be constructed to the south of the future unnamed east/west arterial (approved via a record plat on 11/18/09).

- No more than 204 lots be constructed to the north of the future un-named east/west arterial (7,440 square foot minimum lot size).
- The Owner/Applicant agrees that all residential units shall be subject to residential architectural design standards.
- The Owner/Applicant agrees that the portion of the subject property located to the north of the future un-named east/west arterial roadway shall be subject to the Tree Preservation requirements of the City's existing Zoning Ordinance.
- The Owner/Applicant agrees that the portion of the subject property located to the south of the future un-named east/west arterial roadway shall be subject to the Tree Preservation requirements of the City's Zoning Ordinance existing at the time of the Record Plat approval.
- The Owner/Applicant shall dedicate, at its expense, a 9 acre park site adjacent to a future Melissa ISD school site.
- The Owner/Applicant shall provide, at its expense, a hike and bike trail through the property to the future park site.
- The Owner/Applicant shall extend, at its expense, all public utilities (water and wastewater) to serve the subject property (estimated cost of approximately \$4.8MM).
- The Owner/Applicant shall construct, at its expense, all off-site water and wastewater lines before the 213th unit is constructed.
- The Owner/Applicant agrees that no building permits shall be issued prior to the acquisition of all off-site easements.
- The Owner/Applicant agrees that no more than 655 units shall be constructed before the Bloomdale Pump Station is completed (tentative completion date of 2018).
- The Owner/Applicant shall design and construct, at its expense, four (4) lanes of the future un-named east/west arterial through the subject property (estimated cost of approximately \$2.8MM).
- The Owner/Applicant shall improve, at its expense, State Highway 5 (McDonald Street) by adding turn lanes adjacent to the subject property.
- The Owner/Applicant shall improve, at its expense, State Highway 5 (McDonald Street) by adding turn lanes adjacent to the Trinity Heights residential neighborhood and the Creekpoint Apartments.

- The Owner/Applicant shall improve, at its expense, the McDonald Street/Wilmeth Road intersection or the McDonald Street/F.M. 543/Bloomdale Road intersection by adding turn lanes and additional lane capacity.
- The Owner/Applicant agrees to develop the subject property according to the general development plan (Exhibit A-1).
- The City agrees to use its eminent domain authority in accordance with state law to acquire offsite easements necessary for the extension of public infrastructure (all costs to be reimbursed by the Owner/Applicant).
- The City agrees to grant impact fee credits equaling all impact fee requirements for the subject property.
- The City agrees to install a Pressure Relief Valve (“PRV”) prior to September 1, 2014 between the 794 and 850 pressure planes. The PRV is a 2013-14 CIP project.

BACKGROUND INFORMATION:

- The subject property is located within the ETJ. As such, the City of McKinney does not have the authority to enforce the Zoning Ordinance but can enforce the Subdivision Ordinance. The Owner/Applicant received Record Plat approval to construct 655 single family residential lots in November 2009. As approved by this Record Plat (case # 08-144RP), the Owner/Applicant would only be subject to the requirements of the Subdivision Ordinance (subject to screening and buffering, extension of public improvements, platting and the conditions of the plat approval [Exhibit D]).
- If the Development Agreement is approved by the City Council, the Owner/Applicant has agreed to annex the property into the City of McKinney, agrees to be subject to regulations from which it would otherwise be exempt if the property remained within the ETJ, and agrees to develop to standards that would not otherwise govern the property (single family residential architectural design standards). In exchange, the Agreement obligates the City to use its eminent domain authority to acquire off-site easements that are necessary for public infrastructure (all costs to be reimbursed to the City by the Owner/Applicant) and would offer full impact fee credits.
- The City of McKinney’s Future Land Use Plan (FLUP) indicates that the property is best suited for office and retail uses. The Agreement’s general development plan requires that 7.51 acres of the site shall be reserved for commercial uses, 9 acres shall be dedicated for a City Park, 10 acres shall be reserved for a Melissa ISD school site, and the remaining 279 acres shall be utilized for single family

residential purposes. While the residential use is not technically, in conformance with the FLUP, Staff feels that the nature and quality of the development resulting from the Development Agreement, if approved, would be superior to a development constructed by the Owner/Applicant were it only required to adhere to the requirements of the Subdivision Ordinance. Perhaps more important is the City's assurance of its reliable delivery of utilities to this sector of the community through the Owner/Applicant's required construction, at its cost, of approximately \$7MM of infrastructure. Such new infrastructure should help to open up this area of the City for future development. The agreement will also obligate the Owner/Applicant, at its expense, to improve the traffic conditions and safety of drivers/passengers by adding turn lanes and capacity on State Highway 5 which would otherwise be shifted to TxDOT or the City of McKinney as budgets allow.

FINANCIAL SUMMARY:

- None.

BOARD OR COMMISSION RECOMMENDATION:

- None.