

## CITY COUNCIL REGULAR MEETING

DECEMBER 4, 2012

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on December 4, 2012 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: David Brooks, GERALYN KEVER, Don Day, and Roger Harris. Absent: Council member Ray Ricchi.

Staff Present: City Manager Jason Gray; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Director of Engineering Jack Carr; Director of Planning Michael Quint; Communications and Marketing -CoCo Good and Anna Clark; McKinney Community Development Corporation Executive Director Cindy Schneible; McKinney Economic Development Corporation - Abbie Liu and John Valencia; Fire Chief Danny Kistner; Assistant Fire Chief Tim Mock; Assistant Fire Chief Neil Howard; Parks, Recreation, and Open Space Director Lemuel; Assistant to the City Manager Aretha Harvey; Parks Planner Jenny Baker; Parks Development Superintendent Steve Brainerd; Affordable Housing Administrator Cristel Todd; Planning - Guy Giersch, Terri Ramey, and Samantha Gleisner; Planning Manager Ross Altobelli; Planning Manager Brandon Opiela; Chief of Police Joe Williams; Police Officer Melissa Robillard; Assistant Director of Planning Kevin Spath; Buyer II Lincoln Thompson; Human Resources Director Tadd Phillips; and Engineering Environmental Manager Kyle Odom.

There were approximately 90 guests present.

Mayor Loughmiller called the meeting to order at 6:05 p.m. after determining a quorum was present. Invocation was given by Dr. Richard Mark Lee from First Baptist Church. Mayor Loughmiller led the Pledge of Allegiance.

### INFORMATION SHARING

- 12-1076** Presentation of the Calendar for the "Preserve Historic McKinney - Home Recognition Program"
- 12-1075** Presentation of Athletic Certificates of Accomplishment

**12-1074** Presentation to Wistron GreenTech (Texas) Corporation

Mayor Loughmiller called for Citizen Comments

Mr. Mike Giles, 3213 Gillespie Road, McKinney spoke about the Bicycle Plan that was discussed at the November 6<sup>th</sup> meeting.

Mr. Dave Harvey, 394 CR 3317, Emory, Texas, spoke about the new American Legion Post 110 to be located on the west side of McKinney.

Mr. John Helmer, 2103 Heather Court, McKinney, spoke about the economy, City staffing salaries, the Chief of Police, and the City Manager.

Ms. Nita Horne, 3191 Medical Center Drive, #17106, McKinney, spoke about the loss of antique malls in the downtown area. She also expressed her appreciation to the Mayor and Council for their work on the Council.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Keever, to approve the following consent items:

- 12-1077** Minutes of the City Council and McKinney Independent School District Joint Meeting of October 29, 2012
- 12-1078** Minutes of the City Council and the Planning and Zoning Commission Joint Meeting of November 5, 2012
- 12-1079** Minutes of the City Council Work Session of November 6, 2012
- 12-1080** Minutes of the City Council Regular Meeting of November 6, 2012
- 12-1081** Minutes of the City Council Work Session of November 26, 2012
- 12-1082** Minutes of the City Council and Planning and Zoning Commission Joint Meeting of November 26, 2012
- 12-1001** Minutes of the Animal Services Facility Advisory Board 12:00 Noon Meeting of September 19, 2012
- 12-1002** Minutes of the Animal Services Facility Advisory Board 12:15 p.m. Meeting of September 19, 2012
- 12-1005** Minutes of the Building and Standards Meeting of February 20, 2012
- 12-982** Minutes of the Collin County Airport Development Meeting of October 11, 2012
- 12-952** Minutes of the Historic Preservation Advisory Board Regular Meeting of

October 4, 2012

- 12-1031** Minutes of the Library Advisory Board Meeting of October 18, 2012
- 12-955** Minutes of the McKinney Armed Services Memorial Board meeting of October 10, 2012.
- 12-1025** Minutes of the McKinney Arts Commission Meeting of October 18, 2012
- 12-1019** Minutes of the McKinney Community Development Corporation Board Meeting of October 16, 2012
- 12-1039** Minutes of the McKinney Economic Development Corporation Board Meeting of October 16, 2012
- 12-1083** Minutes of the McKinney Housing Authority Meeting of October 23, 2012
- 12-994** Minutes of the McKinney Housing Finance Corporation Meeting of October 19, 2012
- 12-1014** Minutes of the McKinney Main Street Board meeting of October 11, 2012
- 12-1011** Minutes of the Parks, Recreation and Advisory Board Meeting of October 11, 2012.
- 12-1037** Minutes of the Planning and Zoning Commission Regular Meeting of October 23, 2012
- 12-208M2** Consider/Discuss/Act on a Resolution to Accept and File the Semiannual Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Caption reads as follows:

RESOLUTION NO. 2012-12-145(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, ACCEPTING AND FILING THE SEMI-ANNUAL REPORT WITH RESPECT TO THE PROGRESS OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY AND UTILITY IMPACT FEES

- 12-1084** Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide Miscellaneous Surveying Services and Authorizing the City Manager to Execute Agreements for Professional Services. Caption reads as follows:

RESOLUTION NO. 2012-12-146 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO

PROVIDE MISCELLANEOUS SURVEYING SERVICES AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE  
AGREEMENTS FOR PROFESSIONAL SERVICES

- 12-1085** Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deed for 407 S. Kentucky Street. Caption reads as follows:

RESOLUTION NO. 2012-12-147 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 12-1086** Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deed for 1302 Lela Street. Caption reads as follows:

RESOLUTION NO. 2012-12-148 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 12-1087** Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deed for 405 N. Chestnut Street. Caption reads as follows:

RESOLUTION NO. 2012-12-149 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 12-1088** Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deed for Lot 385 of the McKinney Outlots Addition. Caption reads as follows:

RESOLUTION NO. 2012-12-150 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF

PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY,  
COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE  
DISTRICT AND THE MCKINNEY ISD

- 12-1089** Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deed for 806 Throckmorton Street. Caption reads as follows:

RESOLUTION NO. 2012-12-151 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 12-1090** Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deed for 1208 E Standifer Street. Caption reads as follows:

RESOLUTION NO. 2012-12-152 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 12-1091** Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deed for 217 W Graham Street. Caption reads as follows:

RESOLUTION NO. 2012-12-153 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 12-1092** Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deed for 408 Rice Street. Caption reads as follows:

RESOLUTION NO. 2012-12-154 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF

PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY

- 12-1094** Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide Geotechnical and Materials Testing Services and Authorizing the City Manager to Execute Agreements for Professional Services. Caption reads as follows:

RESOLUTION NO. 2012-12-156 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO PROVIDE MISCELLANEOUS GEOTECHNICAL AND MATERIALS TESTING SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR PROFESSIONAL SERVICES

- 12-1095** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement For State Legislative Consulting Services from Red Media Group of Austin, Texas. Caption reads as follows:

RESOLUTION NO. 2012-12-157 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR LEGISLATIVE CONSULTING SERVICES FROM RED MEDIA GROUP OF AUSTIN, TEXAS

END OF CONSENT

- 12-1093** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving Qualified Firms to Provide Miscellaneous Drainage and Floodplain Management Services and Authorizing the City Manager to Execute Agreements for Professional Services. Director of Engineering Jack Carr stated that the item authorizes a pool of consultants to review flood plain and drainage items and was revised to add a 6<sup>th</sup> consultant (Pacheco Koch) that was part of the selection process. Staff discovered that there was a tie within the 4<sup>th</sup> and 5<sup>th</sup> consultants and the addition of the 6<sup>th</sup> consultant actually corrects the omission. Council unanimously approved the motion by Council member

Harris, seconded by Council member Brooks, to approve a Resolution approving qualified firms to provide miscellaneous drainage and floodplain management services and authorizing the City Manager to execute agreements for Professional Services. Caption reads as follows:

RESOLUTION NO. 2012-12-155 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO PROVIDE MISCELLANEOUS DRAINAGE AND FLOODPLAIN MANAGEMENT SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR PROFESSIONAL SERVICES

- 12-1096** Mayor Loughmiller called for Consideration/Discussion/Action on Designating Chairman of the Reinvestment Zone Number One. City Attorney Houser stated that the City Council appoints the Chair for each of the Reinvestment Zone Boards. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to appoint Don Day as Chairman of the Reinvestment Zone Number One.
- 12-1097** Mayor Loughmiller called for Consideration/Discussion/Action on Designating Chairman of the Reinvestment Zone Number Two. Council unanimously approved the motion by Council member Kever, seconded by Council member Brooks, to appoint Travis Usery as Chairman of the Reinvestment Zone Number Two.
- 12-1098** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Adopting the City of McKinney and McKinney Chamber of Commerce 2013 Joint Legislative Agenda. Assistant to the City Manager Aretha Adams stated that the Joint legislative agenda between the Chamber of Commerce and the City of McKinney focuses on six major areas in the best interest of McKinney's citizens and businesses, including: Economic Development, Education and Workforce, Health Care, Transportation, Taxes and Spending, and Water. The Council and Chamber have also agreed to work together in opposing legislation

that threatens local control and or imposes unfunded mandates. This Legislative Agenda will remain a living document, and will be amended as new issues arise throughout the legislative session. Mayor Loughmiller suggested that the following sentence be removed from the Legislative Agenda: Increase in transportation funding to at least meet the "Worst Acceptable Condition Scenario" identified in the state's 2030 Committee Report. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve a Resolution Adopting the City of McKinney and McKinney Chamber of Commerce 2013 Joint Legislative Agenda with the removal of "Increase in transportation funding to at least meet the "Worst Acceptable Condition Scenario" identified in the state's 2030 Committee Report." Caption reads as follows:

RESOLUTION NO. 2012-12-158 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE APPROVAL OF THE CITY OF MCKINNEY AND MCKINNEY CHAMBER OF COMMERCE 2013 JOINT LEGISLATIVE AGENDA

Council member Brooks stepped down on the following agenda item.

- 12-207Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by IBG Adriatica Holdings, Inc., for Approval of a Request to Rezone Approximately 20.05 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located Approximately 200 Feet South of Virginia Parkway and Approximately 200 Feet East of Stonebridge Drive, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone to increase the building height from 50 feet to 60 feet and also to modify the timing as to when commercial construction must be completed in order to commence the construction of residential construction. Currently, the Ordinance allows for 285 residential units to be developed



in the Town Center District as long as 120 thousand square feet of commercial uses are also developed in the area. He stated that the applicant requested to modify the "PD" – Planned Development District so that the existing commercial and office development along Virginia Parkway would be included at 120 thousand calculation and staff has no opposition to the request. Mr. Quint stated that the applicant has indicated that the additional 10 feet are for architectural variations in the roof line and the applicant feels it gives them an architecturally appealing look. Applicant, Mr. George Fuller, 6991 Mediterranean Drive, McKinney, stated that the reason they are requesting the increased building height is to have pitched roofs that benefit the development and generate a better looking product. Mr. Fuller stated that it would not add any additional floors but purely to allow them to have a pitched clay tile roof versus a flat or very shallow pitched roof. Mr. Fuller stated that anytime that they are developing anything in Adriatica, they have to provide Council with renderings to make sure that the applicant is developing according to the planned development. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Day, to close the public hearing and approve the Ordinance rezoning approximately 20.05 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards, located approximately 200 feet south of Virginia Parkway and approximately 200 feet east of Stonebridge Drive, with the following special ordinance provisions: the subject property shall develop in accordance with "PD" - Planned Development District Ordinance No. 2005-02-017, and as amended, with the following exceptions: the section (Section 3 - Town Center District) pertaining to timing issues of "PD" - Planned Development District Ordinance No. 2005-02-017, which applies to the Town Center

District (tracts D, E, and F as depicted on the attached zoning exhibit), shall be amended to read as follows: concurrently with the development of the first 50 townhouse or condominium/loft residential units within the Town Center District, the developer shall construct within the Adriatica Development (Stonebridge Ranch Parcel 201 as reflected by "PD" - Planned Development District Ordinance No. 1621) 40,000 square feet of floor area of commercial uses exclusive of parking. Any enclosed mechanical and electrical space and parking uses are not part of the calculated floor area; concurrently with the development of the next 100 townhome or condominium/loft residential units within the Town Center District, the developer shall construct within the Adriatica Development, 50,000 square feet of commercial uses, exclusive of mechanical and electrical space and parking uses; concurrently with the remaining 135 townhome or condominium/loft units within the Town Center District, the developer shall construct within the Adriatica Development, 30,000 square feet of floor area of commercial uses, exclusive of mechanical and electrical space and parking uses; and the section (Section 3 - Town Center District) pertaining to space limits for the Town Center District of "PD" - Planned Development District Ordinance No. 2005-02-017, which applies to the Town Center District (tracts D, E, and F as depicted on the attached zoning exhibit), shall be amended to read as follows: maximum height of building of 60 feet, with a vote of 5-0-1, with Council member Brooks abstaining. Caption reads as follows:

ORDINANCE NO. 2012-12-061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-02-017 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 20.05 ACRE PROPERTY, LOCATED APPROXIMATELY 200 FEET SOUTH OF VIRGINIA PARKWAY AND APPROXIMATELY 200 FEET EAST OF STONEBRIDGE DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY

FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING  
FOR AN EFFECTIVE DATE HEREOF

Council member Brooks returned to the dais.

- 12-163Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Churchill Residential, on Behalf of Donald M. Motsenbocker, for a Request to Rezone Approximately 5.50 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the East Side of College Street and Approximately 875 Feet North of Eldorado Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that applicant is requesting to rezone the property in order to develop an age restricted senior multi-family facility with increasing building height and increasing building density. Mr. Quint stated that staff is requesting denial of the proposed rezoning request because it is not in conformance with the Council's adopted multi-family policy. Mr. Quint stated that in the policy, the City is divided into sectors with no more than 10% of existing or proposed units could be for multi-family purposes. At this time, this sector is above the 10% threshold and by increasing the density it only furthers that non-conformance with the policy. The additional special ordinance provisions requested by the applicant are not in compliance with the Council's stated vision for multi-family development and staff recommends denial of the proposed rezoning request. Mr. Quint stated that the proposed Town Center Code will allow deviation from this policy. He stated that if the proposed standards were in place today, this project would still be classified as a senior multi-family development and the architectural would apply to this property as well a modified reduction in parking. Applicant, Mr. Bob Roder, 1700 Redbud, Suite 300, McKinney, stated that Staff has taken an approach that they can have a senior independent living standard as long as it has a commercial kitchen and on-site food preparation. If you don't have that component, then you are classified into a senior multi-

family category where there is a distinction between setbacks and height requirements. Mr. Roeder stated that if you're going to have those types of components, then you are going to price yourself out of the market for most seniors that need a multi-family project that is restricted by Ordinance or by deed for people over the age of 55. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to close the public hearing and approve the Ordinance rezoning approximately 5.50 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards, located on the east side of College Street and approximately 875 feet north of Eldorado Parkway, with the following special ordinance provisions: occupancy of the facility shall be restricted to persons age 55 or older without children; the facility shall provide transportation services, as well as recreational/enrichment/socialization activities, for its residents; no on-site health supervision or related care for residents is required; the maximum number of units allowed on the property shall be 160, which units may be individually metered; the maximum height of the facility shall be four (4) stories; the number of parking spaces to be provided shall be one (1) per unit and no less than 50% of those parking spaces shall be covered or enclosed; garages and covered parking shall be allowed no closer than 10 feet from each side property line and no closer than 20 feet from of each front and rear property line; the minimum landscape buffer for front and rear yards shall be 20 feet; the minimum landscape buffer for side yards shall be 10 feet. Perimeter trees shall be planted on 30 foot centers; however, the required minimum number of perimeter trees in the front yard may be grouped instead of spread; all exterior walls of the facility that are not located within a courtyard shall consist of no less than 85% brick, stone, synthetic stone or stucco; the balance may consist of hardi-plank, metal,

wood or other exterior material approved by the City staff; and six (6) foot high masonry screening wall shall not be required along the side and rear property lines. Caption reads as follows:

ORDINANCE NO. 2012-12-062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1452 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 5.50 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF COLLEGE STREET AND APPROXIMATELY 875 FEET NORTH OF ELDORADO PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 12-175Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by North Collin County Habitat for Humanity, for Approval of a Request to Rezone Approximately 0.46 Acres from "RS 60" - Single Family Residence District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Northwest Corner of Lively Hill and Monterey Street, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is proposing to rezone approximately 0.46 acres of land, located on the northwest corner of Lively Hill and Monterey Street from "RS 60" - Single Family Residence District to "PD" - Planned Development District, generally to modify the development standards, allowing for the reorientation of three existing single family residential lots. He stated that the applicant is requesting approval of the "PD" – Planned Development District with the base zoning district of "RS – 60" Single Family Residence District with one deviation that the minimum lot width reduced from 46 feet instead of 50 feet. Mr. Quint stated that there has been discussion at the Planning and Zoning Commission as to what is going to happen with the alleys and unimproved rights-of-way adjacent to this

property and reiterated that this is just a zoning request and not a platting event. Mr. Quint stated that the gravel road and the unimproved alleys will remain. Applicant, Mr. Wayne Pound, 2060 Couch Drive, McKinney, stated that they are proposing to have the proposed home facing the same way as other homes they have built in that area and he hoped that by the end of the year Habitat for Humanity would have built their 89th house in McKinney. Council member Day suggested the Mr. Pound speak with the neighbors because they are unhappy with their fence being removed and not replaced by Habitat for Humanity. Mr. Pound stated that fence that Mr. Day is talking about is from a home that was built this year and the fence that was removed was 2 feet onto Habitat for Humanity's property and stated that was an issue that was pointed out while obtaining the permits. Mayor Loughmiller called for public comment.

Ms. Gilda Garza 1208 Garcia Street, McKinney, spoke in opposition of the proposed rezoning request. Mayor Loughmiller asked if there is a mechanism in approving this rezoning request where the Council could require right-of-way or alley abandonment that the applicant would have to do in order to develop the property. Mr. Quint stated that the only right-of-way dedication they could require is about a 7½ foot portion north of Monterey Street. Mr. Quint stated that if the rezoning request is denied tonight, the applicant could still come in with an amending plat and shift the lines. The applicant could still come through the Board of Adjustment and request approval of three lots versus two. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to continue the public hearing and table this item until the January 15, 2013 meeting to allow time for the applicant to meet with the neighbors to see if they can reach an agreement.

**12-188Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Dallas Design Build, on Behalf of V.F.B. Family, Ltd.

Partnership for Approval of a Request to Rezone Approximately 0.80 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located Approximately 1,100 Feet West of Bois D'Arc Road and on the South Side of U.S. Highway 380 (University Drive), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property to allow for an office warehouse facility on the south side of Highway 380, west of Bois D'Arc Road. Staff has no objections with the request and they recommend approval. Applicant, Mr. Sam Ellis, 6916 Echo Canyon, McKinney, stated that this was left over land that an office warehouse is the best use for the property. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Keever, to approve the Ordinance rezoning approximately 0.80 acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to modify the development standards, located approximately 1,100 feet west of Bois D'Arc Road and on the South Side of U.S. Highway 380 (University Drive), with the following special ordinance provisions: the subject property shall develop in accordance with Section 146-86 "C" - Planned Center District and Section 146-101 "CC" - Corridor Commercial Overlay District, and as amended, except as follows: Office/Retail/Warehouse Flex Space shall be an allowed use and shall be defined as a commercial building that features a small retail or office use in combination with a larger warehouse use. The warehouse use of this building shall be no more than five times larger than the office or retail use that it is associated with or a maximum of 10,000 square feet, whichever is smaller. This building type shall be subject to the "nonresidential uses in

non-industrial districts” architectural design requirements of Section 146-139 of the Zoning Ordinance and one canopy tree shall be required for every 30 linear feet of street frontage. Caption reads as follows:

ORDINANCE NO. 2012-12-063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2006-10-120 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.80 ACRE PROPERTY, LOCATED APPROXIMATELY 1,100 FEET WEST OF BOIS D’ARC ROAD AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Mayor Pro-Tem Ussery stepped down from the dais for the following agenda item.

- 12-1099** Mayor Loughmiller called for Consideration/Discussion/Action on Consent Agreement, Development Agreement, Strategic Partnership Agreement and Amended and Restated Park Development and Disbursement Agreement for Two (2) Existing Municipal Utility Districts: Municipal Utility District No. 1 and Municipal Utility District No. 2-Trinity Falls. Executive Director of Development Services Barry Shelton stated that this item includes the renegotiated agreements associated with MUD 1 and MUD 2 that are located in the ETJ. On December 5, 2006, the City of McKinney approved a Consent Ordinance and interrelated agreements with Marlin Atlantis allowing the creation of two Municipal Utility Districts (MUDs). The original Trinity Falls development agreement sets out the governing regulations for: Land development, Infrastructure construction, Public safety, Parks and Schools. Since the property is not subject to city zoning ordinances, the Development Agreement acts as a binding



land use agreement for all subsequent owners. CH-B Trinity Falls, LP, has purchased the property and is requesting approval of renegotiated agreements that would continue to provide the governing regulations for the property but would allow for an alternate development pattern and flexibility to respond to market forces over the life of the project. The documents for each of the MUDS before you tonight include: Consent Agreements, Strategic Partnership Agreements, Development Agreement, and Park Development and Disbursement Agreement. Proposed amendments include: the property owner will dedicate approximately 85 acres of right-of-way at such time that it is needed for construction of the outer loop road; the City of McKinney will have the right to annex the outer loop and the associated commercial properties; will allow a south-to-north pattern, taking initial access off of FM 543 rather than Melissa Road; reduction in average lot size – In response to the dedication of the outer loop ROW, the minimum average lot size has been reduced to keep the same number of single family lots on reduced acreage; sets lot standards with maximums for various lot types, but does not dictate where those lots can be located within the project; increased development standards for subdivision design and architectural standards for single family residential have been incorporated into the proposed agreement; the City of McKinney Fire Department will provide coverage to the development. The district will pay an annual fee based on the number of permitted homes to offset the cost of service; standards have been included to specify the amenities required in the neighborhood parks to be constructed by the owner and dedicated to the city; and alters the phasing, but maintains the quality and amenities of the approximately 220 acre privately owned and maintained park. Applicant Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, complimented the City Manager and Staff on the way they have worked through this project. City Manager Gray stated that the Municipal Utility District debt is not

backed by the full faith and credit of the City of McKinney, is not paid for by the City of McKinney taxpayers, and does not obligate the City of McKinney in any way. It is a State law requirement that MUDs receive consent of the cities in which they are situated in their ETJs to receive consent from a certain amount of debt. Mr. Roeder stated that what they are requesting is to increase the debt for MUD #1 from \$103 million to \$125 million. Council unanimously approved the motion by Council member Kever, seconded by Council member Brooks, to approve the Consent Agreement, Development Agreement, Strategic Partnership Agreement and Amended and Restated Park Development and Disbursement Agreement for Two (2) Existing Municipal Utility Districts: Municipal Utility District No. 1 and Municipal Utility District No. 2-Trinity Falls subject to the debt modification to \$125 million on the Consent Agreement for Municipal Utility District No. 1, with a vote of 5-0-1, with Mayor Pro-Tem Ussery abstaining.

Mayor Pro-Tem Ussery returned to the dais.

**12-189M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend the Comprehensive Plan, Including the Parks, Recreation and Open Space Section, and Accompanying Ordinance. Director of Planning Michael Quint stated that Staff is proposing to amend the Comprehensive Plan to update the Comprehensive Plan, specifically, the Parks, Recreation and Open Space Section. In 2010, City Council approved the Parks, Recreation and Open Space Master Plan. The proposed changes to the Comprehensive Plan will make stronger references to the Master Plan, remove some outdated information, and to also update two maps – the preservation plan and hike and bike plan. Staff is recommending the changes to the Comprehensive Plan. Mayor Loughmiller called for public comment.

Ms. Gilda Garza, 1208 Garcia, McKinney, requested an update on

Bonnie Wenk Park.

Parks, Recreation, and Open Space Director Lemuel Randolph stated that the dog park should be completed and opened by the end of January. Mr. Randolph stated that the entirety of Phase I will be completed by the end of May. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Day, to close the public hearing and approve an Ordinance amending the Comprehensive Plan, including the Parks, Recreation and Open Space Section. Caption reads as follows:

ORDINANCE NO. 2012-12-064

AN ORDINANCE AMENDING THE 2004 CITY OF MCKINNEY COMPREHENSIVE PLAN; PROVIDING FOR AN AMENDMENT TO THE PARKS, RECREATION AND OPEN SPACE SECTION, INCLUDING THE HIKE AND BIKE TRAILS PLAN AND PRESERVATION PLAN; PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Mayor Loughmiller called for Council and Manager Comments.

Council member Day did not have any comments.

Council member Kever stated that there will be an invitation extended to the Council from the Texas Department of Transportation to a US 75 Corridor Study to have a discussion surrounding that corridor study and the transitioning to interstate status and what that might mean from a technical standpoint. The meeting will be held on the evening of December 19<sup>th</sup>

Council member Harris expressed his appreciation to Mayor for his involvement and work in the Wistron project.

Council member Brooks stated that the Council did good work tonight. Mr. Brooks echoed the comments of Council member Brooks concerning the good work that the Mayor did concerning the Wistron Project. Mr. Brooks recognized everyone at the McKinney Economic Development Corporation that participated in that project. Mr. Brooks stated that the City has a lot of growth coming our way. I continue to advocate a broad vision, a responsible financial vision, but a vision for the City to maintain the quality of life that we have come to know and love.

Mayor Pro-Tem Ussery thanked staff for all that they do. Mr. Ussery thanked Mayor Loughmiller for leading the Wistron project.

Mayor Loughmiller reminded everyone that the City Council will hold a Work Session on December 17<sup>th</sup> and a Regular meeting on December 18<sup>th</sup>. On January 31<sup>st</sup> there will be a planning retreat to discuss items and issues that Mr. Brooks brought up in his comments. The City is aggressively pursuing commercial development in McKinney while recognizing the reasons that people move to McKinney which includes are parks, recreation, and open space, and our school districts. We are having a meeting this Friday concerning the construction along US 75 and how it is progressing and the challenges. Mr. Loughmiller recognized Geordon Cox who organized a Strikes Against Cancer baseball tournament in honor of his Mother who had breast cancer. During the inaugural year, they had over 160 teams participating and this year there will be 250 teams. Mr. Loughmiller expressed his sympathy to Geordon and his Father Adam for the loss of Ms. Cox on November 4<sup>th</sup> after a long battle with breast cancer. This is one courageous kid who continues to push forward with his project despite the loss of his Mother. Mr. Loughmiller stated that cancer affects all walks of life. He hopes that the City of McKinney continues to reach out as a community to help people that are suffering from cancer and raise money for cancer research.

City Manager Gray did not have any comments.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 8:05 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary