

## CITY COUNCIL REGULAR MEETING

**FEBRUARY 15, 2022**

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, February 15, 2022 at 6:00 p.m.

Council Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips, Geré Feltus, Patrick Cloutier, Rick Franklin, and Justin Beller.

Mayor Fuller joined the meeting at 6:14 p.m.

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Assistant City Attorney Alan Lathrom, Director of Strategic Services Trevor Minyard, City Secretary Empress Drane, Deputy City Secretary Joshua Stevenson, City Secretary Records Specialist Juametta Terrell, Chief of Police Greg Conley, Facilities Construction Manager Trish Jackson, Director of Planning Jennifer Arnold, Assistant Director of Parks & Recreation Ryan Mullins, McKinney Performing Arts Center (MPAC) & Main Street Program Director Amy Rosenthal, and Desktop Support Technician II Robert Lisenby.

There were approximately thirty (30) Members of the public present in the audience.

Mayor Pro Tem Rogers called the meeting to order at 6:03 p.m. upon determining a quorum of the Council was present.

Mayor Pro Tem Rogers called for the Invocation and Pledge of Allegiance. The Invocation given by President Damon Nahoolewa of The Church of Jesus Christ of Latter-Day Saints. The Pledge of Allegiance led by Mayor Pro Tem Rogers.

Mayor Pro Tem Rogers called for the following Information Sharing items.

**22-0142** Proclamation for Acts of Kindness Day Month

Mayor Pro Tem Rogers called for Public Comment on Non-Public Hearing Agenda items.

Denise Steller, 4442 Hazelnut Hills, Celina, TX 75009, spoke regarding the Proclamation for Acts of Kindness Day Month.

Calvin Maxwell Jr., 409 Carver St., McKinney, TX 75069, spoke regarding Black History Month.

Angela Richardson-Woods, 2301 Spruce Meadow, McKinney, TX spoke regarding Recognition of Former City Council Member Frederick Frazier.

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Council Member Franklin, seconded by Mayor Pro Tem Rogers, to approve the following Consent items:

- 22-0143** Minutes of the City Council Work Session of February 1, 2022
- 22-0144** Minutes of the City Council Regular Meeting of February 1, 2022
- 22-0000** Minutes of the McKinney Armed Services Memorial Board Meeting of November 10, 2021
- 22-0061** Minutes of the McKinney Community Development Corporation Meeting of December 16, 2021
- 22-0062** Minutes of the McKinney Community Development Corporation Potential Projects Subcommittee Meeting of December 14, 2021
- 22-0063** Minutes of the McKinney Community Development Corporation TUPPS Subcommittee of January 5, 2022
- 22-0011** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of December 9, 2021
- 22-0052** Minutes of the Planning and Zoning Commission Regular Meeting of January 11, 2022
- 21-0864** Minutes of the Tax Increment Reinvestment Zone Number One (TIRZ1) Board Meeting of June 15, 2021
- 22-0145** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2021-2022 Annual Budget and Amending the 2022-2026 Capital Improvements Program to Provide Additional Funding for the McKinney Municipal Service Center - North Campus Project (FC2058) Located at 3501 N Central Expwy, McKinney, Texas 75071. Ordinance caption reads as follows:

**ORDINANCE NO. 2022-02-022**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2021-2022 BUDGET AND THE 2022–2026 CAPITAL IMPROVEMENTS PROGRAM FOR THE MCKINNEY MUNICIPAL SERVICE CENTER – NORTH CAMPUS PROJECT (FC2058) TO PROVIDE FUNDING FOR FURNITURE, FIXTURES & EQUIPMENT (FF&E); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

- 22-0146** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2021-2022 Annual Budget and Amending the 2022-2026 Capital Improvements Program, to Provide Funding for Additional Construction Manager at Risk Services for the Public Safety PH5 Renovation Project (FC1729) Located at 2200 Taylor Burk Drive, McKinney, Texas 75071. Ordinance caption reads as follows:

**ORDINANCE NO. 2022-02-023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2021-2022 BUDGET AND THE 2022–2026 CAPITAL IMPROVEMENTS PROGRAM FOR THE PUBLIC SAFETY PH5 RENOVATION PROJECT (FC1729) TO PROVIDE FUNDING FOR ADDITIONAL CONSTRUCTION MANAGER AT RISK SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

- 22-0147** Consider/Discuss/Act on a Resolution Adopting the Broadband Assessment Report and Recommendations and Authorizing the Publishing of a Corresponding Request for Information/Qualifications. Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-020 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ADOPTION OF THE CITY OF MCKINNEY BROADBAND ASSESSMENT REPORT AND RECOMMENDATIONS AND AUTHORIZING THE PUBLISHING OF A REQUEST FOR INFORMATION/QUALIFICATIONS**

- 22-0148** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept and Implement a State Homeland Security Program (SHSP) - Homeland Security Grant Program (HSGP) award from the Department of Homeland Security through the Office of the Governor (OOG) to Purchase equipment for a Public Works Emergency Response Team (PWERT) Incident Traffic Control Trailer. Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-021 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,**

**TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT AND IMPLEMENT THE STATE HOMELAND SECURITY PROGRAM (SHSP) – HOMELAND SECURITY GRANT PROGRAM (HSGP) AWARD FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE OF THE GOVERNOR (OOG) TO PURCHASE A PUBLIC WORKS EMERGENCY RESPONSE TEAM (PWERT) TRAILER AND EQUIPMENT**

- 22-0149** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Highway Intelligent Traffic Solutions, Inc. for the Construction of Roadway Illumination on Harry McKillop Boulevard from SH 5 to Airport Drive Project. Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-022 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$1,252,205.81 WITH HIGHWAY INTELLIGENT TRAFFIC SOLUTIONS, INC. FOR THE CONSTRUCTION OF ROADWAY ILLUMINATION ON HARRY MCKILLOP BOULEVARD FROM SH 5 TO AIRPORT DRIVE PROJECT (TR2021) AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$1,377,500**

- 22-0150** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Civil Consulting Group, PLLC for Professional Engineering Design Services for the Virginia and Throckmorton Infrastructure Improvements (Municipal Complex) Project and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-023 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$1,218,655.06 WITH CIVIL CONSULTING GROUP, PLLC FOR CONSULTING ENGINEERING SERVICES FOR THE VIRGINIA AND THROCKMORTON INFRASTRUCTURE IMPROVEMENTS (MUNICIPAL COMPLEX) PROJECT (ST2235, WA2235, WW2235) AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$1,350,000**

- 22-0151** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Professional

Engineering Design Services for the Stacy Road Elevated Storage Tank Project and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

**RESOLUTION NO. 2022-02-024 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$802,600 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR CONSULTING ENGINEERING SERVICES FOR THE STACY ROAD ELEVATED STORAGE TANK PROJECT (WA1714) AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$900,000**

- 22-0152** Consider/Discuss/Act on the Acceptance of the Annual Comprehensive Financial Report (ACFR) and the Federal/State Single Audit Reports for the Fiscal Year Ended September 30, 2021

Mayor Fuller called for the Plat Agenda.

- 22-0015PF** Consider/Discuss/Act on a Preliminary-Final Plat for Dahl/Norris Homestead Addition, Lots 1 and 2, Block A, Located in the ETJ of McKinney, Approximately 2,050 Feet East of County Road 168 and on the South Side of County Road 125

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Feltus, to approve Staff's Recommendation on a Preliminary-Final Plat for Dahl/Norris Homestead Addition, Lots 1 and 2, Block A, Located in the ETJ of McKinney, Approximately 2,050 Feet East of County Road 168 and on the South Side of County Road 125.

Mayor Fuller called for the Regular Agenda and Public Hearing items.

- 21-0006Z4** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C1" - Neighborhood Commercial District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family and Commercial Uses, Located on the Northwest Corner of Carlisle Street and Virginia Parkway, and Accompanying Ordinance

Modified Development Regulation submitted by the applicant will be included in the Appendix of the minutes as "Appendix A – 21-0006Z4 Modified Development Regulations".

Bob Roeder (Applicant), 1700 Redbud #300, McKinney, TX 75069, spoke regarding this item.

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Philips, to close the public hearing.

Council approved the motion by Council Member Cloutier, seconded by Council Member Franklin, to approve a Request to Rezone the Subject Property from "C1" - Neighborhood Commercial District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family and Commercial Uses, Located on the Northwest Corner of Carlisle Street and Virginia Parkway, and Accompanying Ordinance with a stipulation of three (3) floors, with a vote of 4 – 2, Mayor Pro Tem Rogers and Council Member Philips voting against. Ordinance caption reads as follows:

**ORDINANCE NO. 2022-02-024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 5.08 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF CARLISLE STREET AND VIRGINIA PARKWAY, IS REZONED FROM "C1" – NEIGHBORHOOD COMMERCIAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR MULTI-FAMILY AND COMMERCIAL USES AND 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**

**21-0129Z3** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to allow for Single Family Residential and Commercial Uses and to Modify the Development Standards, Located Approximately 265 Feet North of Plateau Drive and on the East Side of State Highway 5 (McDonald Street), and Accompanying Ordinance

Council unanimously approved the motion by Council Member Cloutier, seconded by Council Member Feltus, to close the public hearing.

Council approved the motion by Council Member Cloutier, seconded by Council Member Feltus, to approve a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to allow for Single Family Residential and Commercial Uses and to Modify the Development Standards, Located Approximately 265 Feet North of Plateau Drive and on the East Side of State Highway 5 (McDonald Street), and Accompanying Ordinance with a vote of 6 - 1, Council Member Beller voting against. Ordinance caption reads as follows:

**ORDINANCE NO. 2022-02-025**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 17.97 ACRE PROPERTY, LOCATED APPROXIMATELY 265 FEET NORTH OF PLATEAU DRIVE AND ON THE EAST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL AND COMMERCIAL USES AND 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**

**21-0193Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-60" - Single Family Residence District, "H" - Historic Preservation Overlay District, and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District, "H" - Historic Preservation Overlay District, and "TMN" - Traditional McKinney Neighborhood Overlay District, Generally to Allow for Single Family Residential Uses and to Modify the Development Standards, Located on the Southeast Corner of College Street and Howell Street, and Accompanying Ordinance

Council unanimously approved the motion by Council Member Cloutier, seconded by Council Member Feltus, to close the public hearing.

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Cloutier, to approve a Request to Rezone the Subject Property from "RS-60" - Single Family Residence District, "H" - Historic Preservation Overlay District, and "TMN" - Traditional McKinney Neighborhood Overlay District to "PD" - Planned Development District, "H" - Historic Preservation Overlay District, and "TMN" - Traditional McKinney Neighborhood Overlay District, Generally to Allow for Single Family Residential Uses and to Modify the Development Standards, Located on the Southeast Corner of College Street and Howell Street, and Accompanying Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2022-02-026**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 4.14 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF COLLEGE STREET AND HOWELL STREET, IS REZONED FROM "RS-60" - SINGLE FAMILY RESIDENCE DISTRICT, "H" - HISTORIC PRESERVATION OVERLAY DISTRICT, AND "TMN" - TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, "H" - HISTORIC PRESERVATION OVERLAY DISTRICT, AND "TMN" - TRADITIONAL MCKINNEY NEIGHBORHOOD OVERLAY DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USES AND 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**

**22-0090** Recognition of Former City Council Member Frederick Frazier

**21-0154Z3** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS-120" - Single Family Residential District to "PD" - Planned Development District, Generally for Single Family Uses and to Modify the Development Standards, Located at 616 Finch Avenue, and Accompanying Ordinance

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Beller, to close the public hearing and approve a Request to Rezone the Subject Property from "RS-120" - Single Family Residential District to "PD" - Planned Development District, Generally for Single Family Uses and



to Modify the Development Standards, Located at 616 Finch Avenue, and  
Accompanying Ordinance. Ordinance caption reads as follows:

**ORDINANCE NO. 2022-02-027**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS,  
AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN  
APPROXIMATELY 0.62 ACRE PROPERTY, LOCATED AT 616 FINCH AVENUE, IS  
REZONED FROM "RS-120" - SINGLE FAMILY RESIDENCE DISTRICT TO "PD" -  
PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE  
FAMILY RESIDENTIAL USES AND 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**

**21-0015SUP3** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use  
Permit Request to Allow for an Independent Living Facility (Watermere  
at McKinney), Located on the Southeast Corner of Hardin Boulevard  
and Virginia Parkway, and Accompanying Ordinance

Additional documents provided by the Planning Department in relation to this  
item will be included in the appendix of these minutes as "Appendix B – 21-0015SUP3  
Additional Documents".

The following residents spoke during the Public Hearing:

Michelle Woodard, 333 Tottenham Ct., McKinney, TX 75072, spoke regarding  
this item.

Mark Schroeder, 412 Preston Carter Dr., McKinney, TX 75072, spoke regarding  
this item. was called to speak

Karen Sowards, 625 Sorrell, McKinney, TX 75072, spoke regarding this item.

Rene Cabeza, 2804 Albany Dr., McKinney, TX 75072, spoke regarding this item.

George Russell Mortenson, 2744 Albany Dr., McKinney, TX 75072, spoke  
regarding this item.

Joy Wood (no card submitted), 620 Denton Creek Dr., spoke regarding this item.

Non-speaking comment cards will be included in the appendix of these minutes  
as "Appendix C – 21-0015SUP3 Non-Speaking Comment Cards".

Council unanimously approved the motion by Council Member Feltus, seconded  
by Council Member Franklin, to close the public hearing.

Council approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to approve a Specific Use Permit Request to Allow for an Independent Living Facility (Watermere at McKinney), Located on the Southeast Corner of Hardin Boulevard and Virginia Parkway, and Accompanying Ordinance with a vote of 5 - 2, Council Members Philips and Cloutier voting against. Ordinance caption reads as follows:

**ORDINANCE NO. 2022-02-028**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR AN INDEPENDENT LIVING FACILITY (WATERMERE AT MCKINNEY), LOCATED ON THE SOUTHEAST CORNER OF HARDIN BOULEVARD AND VIRGINIA PARKWAY; PROVIDING REGULATIONS; 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.**

**22-0002M** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Article VI. Conveyance of Land for Recreational Areas and Facilities, of the Code of Ordinances

Don Pascal (no card submitted), 904 Park Wood Ct., McKinney, TX, spoke regarding this item.

Council unanimously approved the motion by Council Member Franklin, seconded by Mayor Pro Tem Rogers, to close the public hearing.

Council approved the motion by Council Member Philips, seconded by Council Member Feltus, to approve a Request by the City of McKinney to Amend Article VI. Conveyance of Land for Recreational Areas and Facilities, of the Code of Ordinances with a vote of 6 - 1, Council Member Beller voting against. Ordinance caption reads as follows:

**ORDINANCE NO. 2022-02-029**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ARTICLE VI. CONVEYANCE OF LAND FOR RECREATIONAL AREAS AND FACILITIES OF THE SUBDIVISION ORDINANCE; 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**

Mayor Fuller called for Citizen Comments on matters not on the Agenda.

Dan Porzio, 5500 McKinney Place Dr., McKinney, TX 75070, spoke regarding comments made by Mayor Fuller.

Mayor Fuller called for Council and Manager Comments.

Council Member Philips spoke regarding MISD Basketball, Player of the Week Jacobi Campbell, and McKinney High being in the playoffs.

Council Member Feltus spoke regarding Calvin Maxwell Jr. and Black History Month events.

Mayor Pro Tem Rogers spoke regarding MISD Basketball.

Council Member Franklin spoke regarding and thank City of McKinney Staff.

Council Member Cloutier spoke regarding Calvin Maxwell Jr. and problems that growing cities have.

City Manager Grimes spoke regarding the upcoming Parks & Recreation Hiring event.

Mayor Fuller spoke regarding comments made at a MISD Trustee Meeting.

Council unanimously approved the motion by Council Member Cloutier, seconded by Council Member Feltus, to adjourn the meeting at 9:29 p.m.

The video recording of this meeting is available online through the City of McKinney video archives.

These minutes were approved by the City Council on March 1, 2022.

SIGNED:

\_\_\_\_\_  
GEORGE C. FULLER, Mayor

ATTEST:

\_\_\_\_\_  
EMPRESS DRANE, City Secretary  
JOSHUA STEVENSON, Deputy City Secretary

City of McKinney, Texas

MODIFIED DEVELOPMENT REGULATIONS  
(as of Tuesday, 2/15/2022)

21-0006Z

DEVELOPMENT REGULATIONS

The subject property (the “Property”) shall be zoned “PD” – Planned Development District. Use and development of the Property shall conform to the regulations contained herein. All provisions contained in the City’s Zoning Ordinance relating to development within the Property which are not in conflict with the provisions contained herein shall continue to apply to the development of the Property.

1. Permitted Uses:

- 1.1 Independent Living Facility (retirement community);
- 1.2 Multiple Family Dwelling (apartment);
- 1.3 Multiple Family Dwelling Senior (senior apartments);
- 1.4 Single Family Dwelling (attached);
- 1.5 Two Family Dwelling (duplex);
- 1.6 Assisted Living Facility, Nursing Home, or Rest Home;
- 1.7 Accessory Building or Use;
- 1.8 Swimming Pool (private);
- 1.9 Garage or Lot (private);
- 1.10 Parking Incidental to Main Use.

2. Temporary Uses:

- 2.1 Field Office or Real Estate Sales Office.

3. Space Limits:

- 3.1 Minimum Lot Area: 1800 sq ft per unit;
- 3.2 Minimum Lot Width: 60’;
- 3.3 Minimum Lot Depth: 100’;
- 3.4 Minimum Front Yard Setback: 35’;
- 3.5 Minimum Rear Yard Setback: 25’;
- 3.6 Minimum Side Yard Setback of Corner Lots: 35’;
- 3.7 Maximum Height of Structure: 43’ (three stories);
- 3.8 Maximum Lot Coverage: 50%;
- 3.9 Maximum Number of Units: 120 (24.0 units per acre).

4. Parking:

- 4.1 The required off street parking shall be calculated at 1.5 spaces for each unit (have achieved 1 parking space per bedroom for another tax credit MF project = 188 spaces);
- 4.2 No enclosed parking spaces shall be required; the number of covered parking spaces (carports) shall be equal to 50% of the total number of units and may be constructed of steel frame with gabled standing seam metal roofs supported by steel columns clad in metal or painted wood.

MODIFIED DEVELOPMENT REGULATIONS  
(as of Tuesday, 2/15/2022)

5. Residential Site Design:

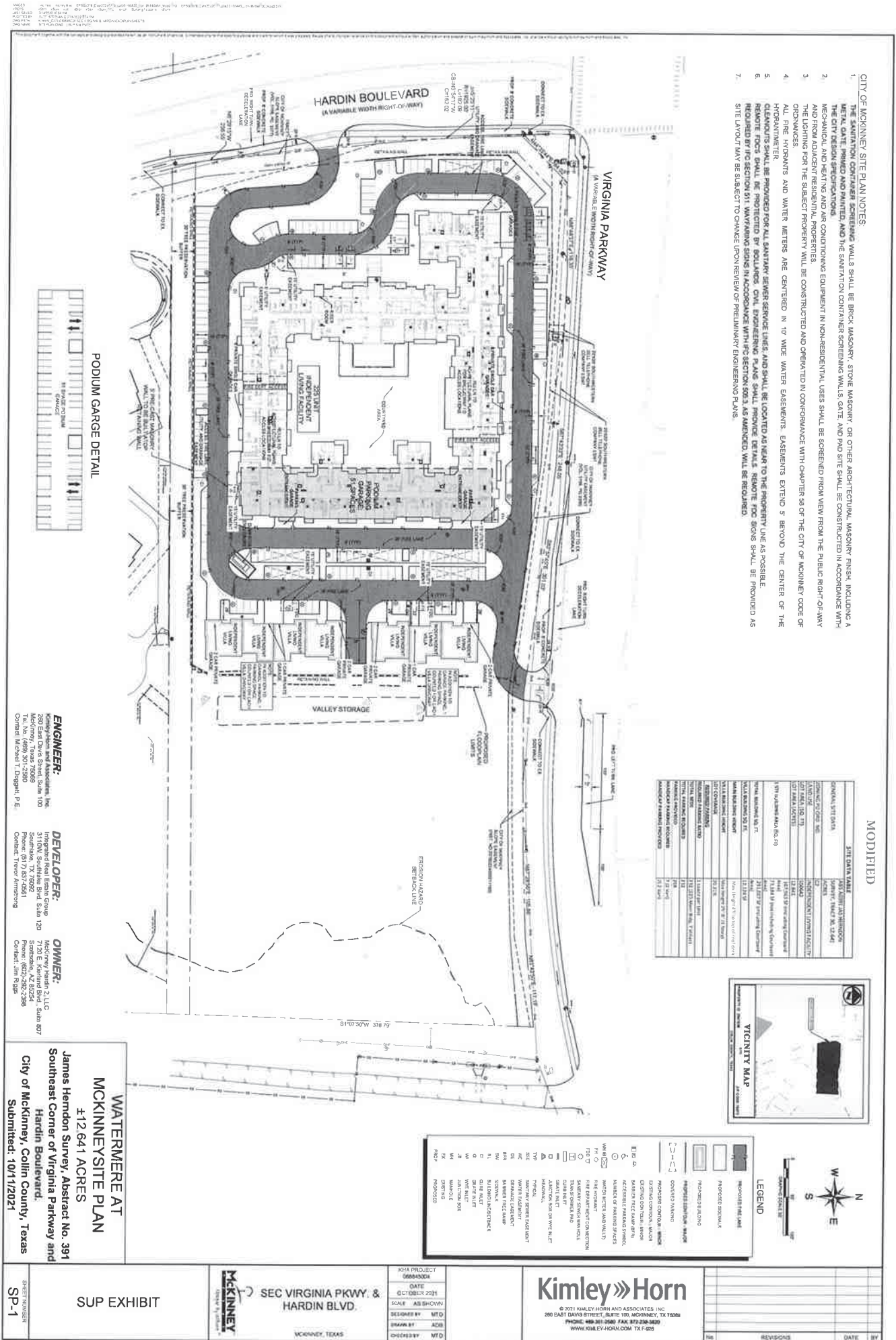
5.1 The project shall contain no less than four (4) amenities of the type required in Section 146-139(f)(2) of the Zoning Ordinance, as amended.

6. Landscape Requirements:

6.1 Landscape buffers along the north and east property lines shall be a minimum of ten feet (10') in width;

6.2 No entry island is required off of Carlisle and in lieu thereof enhanced landscaping reasonably satisfactory to the City arborist shall be planted on each side of the entry.





- CITY OF MCKINNEY SITE PLAN NOTES:
1. THE SANITATION CONTAINER SCREENING WALLS SHALL BE BRICK MASONRY, STONE MASONRY OR OTHER ARCHITECTURAL MASONRY FINISH, INCLUDING A METAL GATE, PRIMED AND PAINTED, AND THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY DESIGN SPECIFICATIONS.
  2. MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NON-RESIDENTIAL USES SHALL BE SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.
  3. THE LIGHTING FOR THE SUBJECT PROPERTY SHALL BE CONSTRUCTED AND OPERATED IN CONFORMANCE WITH CHAPTER 59 OF THE CITY OF MCKINNEY CODE OF ORDINANCES.
  4. ALL FIRE EXITS AND WATER METERS ARE CENTERED IN 10' WIDE WATER EASEMENTS. EASEMENTS EXTEND 5' BEYOND THE CENTER OF THE HYDRANT/METER.
  5. CLEANOUTS SHALL BE PROVIDED FOR ALL SANITARY SEWER SERVICE LINES, AND SHALL BE LOCATED AS NEAR TO THE PROPERTY LINE AS POSSIBLE.
  6. REMOTE FOGS SHALL BE PROTECTED BY BOLLARDS. CIVIL ENGINEERING PLANS SHALL PROVIDE DETAILS. REMOTE FOG SIGNS SHALL BE PROVIDED AS REQUIRED BY SECTION 911. WAYMARKING SIGNS IN ACCORDANCE WITH SECTION 509.3, AS APPLICABLE, WILL BE REQUIRED.
  7. SITE LAYOUT MAY BE SUBJECT TO CHANGE UPON REVIEW OF PRELIMINARY ENGINEERING PLANS.

**ENGINEER:**  
 Kimley-Horn and Associates, Inc.  
 260 East Davis Street, Suite 100  
 McKinney, TX 75069  
 Tel. No. (469) 371-2580  
 Contact: Michael T. Doggett, P.E.

**DEVELOPER:**  
 Integrated Real Estate Group  
 3110M Southside Blvd, Suite 120  
 McKinney, TX 75069  
 Phone: (972) 557-6561  
 Contact: Trevor Armstrong

**OWNER:**  
 McKinney Hardin 2, LLC  
 7120 E. Randlewood Blvd, Suite 807  
 McKinney, TX 75069  
 Phone: (972) 282-2398  
 Contact: Jim Riggs

**WATERMERE AT MCKINNEY SITE PLAN**  
 4.12.641 ACRES  
 James Herndon Survey, Abstract No. 391  
 Southeast Corner of Virginia Parkway and Hardin Boulevard.  
 City of McKinney, Collin County, Texas  
 Submitted: 10/11/2021

	SEC VIRGINIA PKWY. & HARDIN BLVD. MCKINNEY, TEXAS	KHA PROJECT 068440A DATE OCTOBER 2011 SCALE AS SHOWN DESIGNED BY MTO DRAWN BY ACB CHECKED BY MTO	
	SUP EXHIBIT	SHEET NUMBER SP-1	© 2011 KIMLEY-HORN AND ASSOCIATES, INC. 260 EAST DAVIS STREET, SUITE 100, MCKINNEY, TX 75069 PHONE: (469) 371-2580 WWW.KIMLEY-HORN.COM TX F-28

SUP 21-0015

11 February 2022

Bob and Pam Hatch  
4220 Cotton Gin Rd.  
Frisco, TX 75034

Mayor George Fuller  
222 N. Tennessee St.  
McKinney, TX 75070

Dear Mayor Fuller and Council Members,

We are writing this letter in support of the Watermere at McKinney project that is proposed on the corner of Virginia and Hardin.

We are former residents (10 years) of the City of McKinney and during my search for a senior living community could not find anything that fit my needs. Unfortunately, that meant I had to move away from my network in McKinney. We now live at Watermere at Frisco, and although we are very happy with our decision to move here, we cannot help but wish that it were located in McKinney when we made our decision to move to senior living

We can attest to the quality of lifestyle and the all-around service that is provided at Watermere. The City of McKinney would be a great fit for what is offered here: luxury, but at an attainable price. The staff is absolutely wonderful as is my apartment. The variety of social activities and exercise classes are great features.

As a former resident to the area, we can attest that McKinney risks losing their senior population to surrounding areas unless quality housing is provided. Approving the project would go a long way in showing local seniors you are invested in their long-term interests, and you may even be able to win a few back!

Thank you taking the time to read this, and for your consideration.

Sincerely,



Bob and Pam Hatch



February 14, 2022

Mayor George Fuller  
222 N. Tennessee St.  
McKinney, TX 75070

Dear Mayor Fuller/Council Members,

It has come to my attention that the Council is currently considering a proposal for the Watermere at McKinney project. I am writing in support of the project because I feel it would be a very positive addition to your city. My wife and I support this endeavor based on the experiences we have had during the past five years.

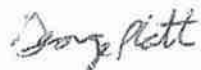
We moved from Arizona to this area four years ago because our daughter and family live in Plano. Prior to our move, we visited approximately a dozen senior independent living facilities in Plano, Frisco, McKinney and North Dallas. We were surprised that the decision we made to move into Watermere Frisco was such an easy one. We chose Watermere Frisco because of the attractive, new physical plant, the layout and roominess of the apartments, and particularly the vast array of activities available to the residents.

We have just completed our fourth year of living at Watermere Frisco. We have absolutely not regretted our decision. The quality of our lifestyle here has even exceeded our expectations. Watermere management have provided an environment that allows us to lead a most active life in an attractive and pleasant facility surrounded by wonderful people and an incredibly competent and likable staff.

Based on our experience, it is my opinion that the city of McKinney would benefit from the addition of a Watermere senior living facility. I believe that the proposed facility would definitely help retain members of your senior population and attract others now outside of McKinney.

Thank you for reading my letter and for your consideration of the Watermere McKinney project.

Sincerely,



George Platt  
4220 Cotton Gin Road Apt. 8205  
Frisco, TX 75034

February 14, 2022

Joseph B. Riley  
4220 Cotton Gin Rd., Apt. 9205  
Frisco, TX 75034

Mayor George Fuller and Council  
222 N. Tennessee St.  
McKinney, TX 75070

Dear Mayor Fuller and Council Members,

I am writing this letter in support of the Watermere at McKinney project that is proposed for construction at the corner of Virginia and Hardin.

I am currently a resident at a senior living community and feel the need to speak out on behalf of our growing elderly population and the increasing need for senior living communities. Today's reality is that our aging population no longer reside with children or family members as was the custom not too many years ago. The majority of seniors in our society strive to maintain an active lifestyle for as long as they possibly can. That is certainly my case as I now live at Watermere in Frisco.

During your deliberations, I believe it is essential that you consider every feasible alternative to allow McKinney's growing senior population every opportunity to continue living their active retirement years at a McKinney community that offers a quality active lifestyle and personalized services similar to what is provided at Watermere Frisco. Not unlike Frisco, the City of McKinney is a great environment for what is offered where I live: luxury senior living, but at an affordable price with amenities that are designed to keep seniors independent, healthy, entertained, and invigorated. The staff is highly trained and extremely professional.

As a resident of Watermere Frisco, I also represent our senior community and our neighborhood in the city's Neighborhood Watch program. So, retired seniors continue to be concerned about and involved with municipal and neighborhood matters.

I suggest that when you vote to approve the Watermere project proposal it will go a long way in showing your local seniors that you care about them, that you want them to stay in McKinney, and that you are willing to invest in their long-term interests. I think that's a win-win.

Thank you taking the time to read this, and for your consideration of the proposal before you.

Sincerely,

A handwritten signature in cursive script that reads "Joseph B. Riley". The signature is written in dark ink and is positioned below the typed name "Joseph B. Riley".

February 11, 2022

To whom it may concern,

My husband and I have been McKinney residents since 2012 and chose McKinney as a great place to raise our family, we love it here! As we are now approaching the empty nester chapter of our lives and thinking about our options for 55+ housing in McKinney we do not have any viable options in the McKinney area, that meet the quality and aesthetically pleasing housing we would be looking for. This is something that the city of McKinney needs to address as they continue to grow. The best option we have found in the surrounding area is the one which I have worked and been a part of since its inception 5 years ago, The Watermere at Frisco. Watermere is a high end, luxurious looking community that keeps affordability at its core and would be a great fit for seniors looking for housing in the McKinney area. Watermere McKinney would quickly become the go to community for seniors in the area who want affordability but don't want to sacrifice the quality things in life they've grown accustomed to.

Watermere at Frisco has been the go-to senior living choice for many in the area and the 100% occupied building for the past 3 years speaks to the quality and organization running it. We hope you will strongly consider adding a McKinney location as it would be an ideal fit for the community at large and give McKinney Seniors the best option for senior housing.

Sincerely,



Liz Petitt

Activity Director

Watermere at Frisco

11 February 2022

Vic and Barbara Stalick  
4220 Cotton Gin Rd. #5402  
Frisco, TX 75034

Mayor George Fuller  
222 N. Tennessee St.  
McKinney, TX 75070

Dear Mayor Fuller and Council Members,

I am writing this letter in support of the Watermere at McKinney project that is proposed on the corner of Virginia and Hardin.

I am a former resident of the City of McKinney and during my search for a senior living community could not find anything that fit my needs. Unfortunately, that meant I had to move away from my network in McKinney. I now live at Watermere at Frisco, and although I am very happy with my decision to move here, I cannot help but wish that it were located in McKinney.

I can attest to the quality of lifestyle and the all-around service that is provided at Watermere. The City of McKinney would be a great fit for what is offered here: luxury, but at an attainable price. The staff is absolutely wonderful as is my apartment.

As a former resident to the area, I can attest that McKinney risks losing their senior population to surrounding areas unless quality housing is provided. Approving the project would go a long way in showing local seniors you are invested in their long-term interests, and you may even be able to win a few back!

Thank you taking the time to read this, and for your consideration.



Sincerely,



The image shows two handwritten signatures in blue ink. The top signature is 'Vic Stalick' and the bottom signature is 'Barbara J. Stalick'. Both are written in a cursive, flowing style.

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SHEET NUMBER <b>EX</b>	<b>SEC VIRGINIA AND HARDIN EXHIBIT</b>	 <b>SEC VIRGINIA PKWY. &amp; HARDIN BLVD.</b> MCKINNEY, TEXAS	KHA PROJECT 088545004 DATE OCTOBER 2021 SCALE AS SHOWN DESIGNED BY MTD DRAWN BY ACW CHECKED BY MTD	 © 2021 KIMLEY-HORN AND ASSOCIATES, INC. 280 EAST DAVIS STREET, SUITE 100, MCKINNEY, TX 75069 PHONE: 972-381-1188 FAX: 972-338-3628 WWW.KIMLEY-HORN.COM TX F-018	REVISIONS DATE
	(Empty revision table area)				

**ORDINANCE NO. 2022-02-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR AN INDEPENDENT LIVING FACILITY (WATERMERE AT MCKINNEY), LOCATED ON THE SOUTHEAST CORNER OF HARDIN BOULEVARD AND VIRGINIA PARKWAY; PROVIDING REGULATIONS; 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.**

**WHEREAS**, the owner or owners of a proposed independent living facility (Watermere at McKinney), located on the southeast corner of Hardin Boulevard and Virginia Parkway, more fully depicted on Exhibits "A", "B" and "C", attached hereto, in the City of McKinney, Texas, have petitioned the City of McKinney to amend the zoning map of the City of McKinney, Texas, to provide for a Specific Use Permit for an independent living facility, and,

**WHEREAS**, the owner or owners are willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, and,

**WHEREAS**, after due notice of the requested rezoning as required by law, and the required public hearings held before the Planning and Zoning Commission and the City Council of the City of McKinney, Texas, the City Council is of the opinion that such an amendment should be made.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:**

Section 1. The zoning map is hereby amended to provide for a specific use permit for an independent living facility (Watermere at McKinney), located on the southeast corner of Hardin Boulevard and Virginia Parkway, more fully depicted on Exhibits "A", "B" and "C", attached hereto, in accordance with the provisions of Section 146-41 (Specific Use Permits) of the Code of Ordinances of the City of McKinney, Texas.

Section 2. Use and development of the subject property shall conform to the Section 146-41 (Specific Use Permits) of the Code of Ordinances of the City of McKinney, Texas, and as amended, except as follows:

1. The property shall generally develop in accordance with the associated site layout, attached as Exhibit "C."

2. Additional evergreen landscaping along the southern property line will be provided in conjunction with the minimum landscape requirements of Sec. 146-135, and as amended. The additional evergreen landscaping will assist in screening development on the property, subject to review and approval by the Director of Planning.

1.

Section 3. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.

- Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of McKinney to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.
- Section 5. That no developer or property owner shall acquire any vested interest in this Ordinance or specific regulations contained herein. The ordinance, and the subsequent site plans (if any) and regulations may be amended or repealed by the City Council of the City of McKinney, Texas, in the manner provided by law.
- Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney, and shall become effective upon such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 15<sup>th</sup> DAY OF FEBRUARY, 2022.**

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

\_\_\_\_\_  
EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK S. HOUSER  
City Attorney

**Request to Speak Before McKinney City Council**

Date 2/15/22

(Print) Full Name Steven Spainhower Phone 214. 241 9929

Address 1836 Virginia Ave City McKinney Zip 75069

Email spainhower@gmail.com

**Public Comments for items ON THE AGENDA**

I wish to speak in SUPPORT / OPPOSITION of Item # 21 00155UP3

*\*Those wishing to speak on Public Hearing item(s) will be called at the time of the Public Hearing.*

**Public Comments for items NOT ON THE AGENDA**

I wish to speak about: \_\_\_\_\_

*\*It is the Mayor's decision to call those wishing to speak on Non-Agenda at either the beginning or end of the meeting.*

**Submit a Comment without Speaking**

I do not wish to speak; however, please record my  SUPPORT FOR  OPPOSITION AGAINST

Topic of Discussion: Independent Living is better than commercial development for this tract of land.

*Non-speaking*

**Request to Speak Before McKinney City Council**

Date 2-15-22

(Print) Full Name ~~\_\_\_\_\_~~ Phone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

**Public Comments for items ON THE AGENDA**

I wish to speak in SUPPORT / OPPOSITION of Item # \_\_\_\_\_

*\*Those wishing to speak on Public Hearing item(s) will be called at the time of the Public Hearing.*

**Public Comments for items NOT ON THE AGENDA**

I wish to speak about: \_\_\_\_\_

*\*It is the Mayor's decision to call those wishing to speak on Non-Agenda at either the beginning or end of the meeting.*

*# 21-00155UP3*

**Submit a Comment without Speaking**

I do not wish to speak; however, please record my  SUPPORT FOR  OPPOSITION AGAINST

Topic of Discussion: I support the approval of this special use permit. This property is zoned for this use. Opposition claims there will be more noise and traffic. However senior housing produces very little noise or traffic. Probably the quietest group out there. Perfect buffer for adjacent residential.