



CITY OF McKINNEY, TEXAS

Agenda City Council Regular Meeting

Tuesday, March 20, 2018

6:00 PM

Council Chambers
222 N. Tennessee Street
McKinney, TX 75069

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation given by Deacon Nicholas Park, St. Nicholas Russian Orthodox Church

CITIZEN COMMENTS

CONSENT AGENDA

These items consist of non-controversial or housekeeping items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

MINUTES

18-250 [Minutes of the City Council Work Session of March 5, 2018](#)

Attachments: [Minutes](#)

18-251 [Minutes of the City Council Regular Meeting of March 6, 2018](#)

Attachments: [Minutes](#)

18-180 [Minutes of the Animal Services Facility Committee Meeting of November 15, 2017](#)

Attachments: [Minutes](#)

18-101 [Minutes of the Historic Preservation Advisory Board Meeting of January 4, 2018](#)

Attachments: [Minutes](#)

18-183 [Minutes of the McKinney Convention & Visitors Bureau Board Meeting of January 23, 2018](#)

Attachments: [Minutes](#)

18-184 [Minutes of the McKinney Convention and Visitors Bureau Finance Committee Meeting of January 22, 2018](#)

Attachments: [Minutes](#)

18-252 [Minutes of the McKinney Housing Authority Meeting of January 23, 2018](#)

Attachments: [Minutes](#)

18-249 [Revised Minutes of the Planning and Zoning Commission Meeting of February 13, 2018](#)

Attachments: [Minutes](#)

18-248 [Minutes of the Planning and Zoning Commission Regular Meeting of February 27, 2018](#)

Attachments: [Minutes](#)

ORDINANCES

18-224 [Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget to Provide Funding for the 2018 Chestnut Commons Parking Garage Mosaic](#)

Attachments: [Ordinance](#)

18-253 [Consider/Discuss/Act on an Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division Regarding the Company's 2017 Annual Rate Review Mechanism Filing](#)

Attachments: [Ordinance](#)
 [Mid-Tex RRM Tariff](#)
 [Exhibit A](#)

END OF CONSENT**REGULAR AGENDA AND PUBLIC HEARINGS**

This portion of the agenda consists of items requiring individual consideration by the Council.

- 17-0021Z** [Conduct a Public Hearing to Consider/ Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, Located Approximately 595 Feet West of Village Park Drive and on the North Side of Collin McKinney Parkway, and Accompanying Ordinance](#)

Attachments: [P&Z Minutes](#)
 [Location Map and Aerial Exhibit](#)
 [Letter of Intent](#)
 [Comprehensive Plan Maps](#)
 [Land Use and Tax Base Summary](#)
 [Land Use Comparison Table](#)
 [Ex. PD Ord. No. 2013-03-028](#)
 [Proposed Ordinance](#)
 [Proposed Exhibits A-C](#)
 [PowerPoint Presentation](#)

- 17-0001ROW** [Conduct a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of College Street, Located on the West Side of College Street and North of Inwood Drive, and Accompanying Ordinance](#)

Attachments: [Proposed Ordinance](#)
 [City Council Minutes March 23, 1970](#)
 [Petition](#)
 [Exhibit A \(Location Map\)](#)
 [Exhibits B & C](#)

- 18-0003ROW** [Conduct a Public Hearing to Consider/Discuss/Act on a](#)

Right-of-Way Abandonment of a Portion of an Unnamed Alley, Located East of Graves Street and North of University Drive, and Accompanying Ordinance

Attachments: Proposed Ordinance

Petition

Exhibit A (Location Map)

Exhibits B & C

17-186SUP

Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan for a Meter and Flow Control Facility (North McKinney Pipeline, Phase III), Located Approximately 1,500 Feet South of Bloomdale Road and on the West Side of Redbud Boulevard, and Accompanying Ordinance

Attachments: PZ Minutes 02.27.18

Standard Conditions Checklist

Location Map and Aerial Exhibit

Letter of Intent

Proposed Ordinance

Proposed Exhibits A-C

PowerPoint Presentation

18-254

Consider/Discuss/Act on a Resolution Awarding a Contract to US Digital Designs of Tempe, Arizona for the Fire Station Alerting System (FSAS)

Attachments: Resolution

Scoring Summary

18-255

Consider/Discuss/Act on an Ordinance Amending the Code of Ordinances of the City of McKinney, Texas for Alarm Permitting and Processes for Residential and Commercial Alarms

Attachments: Ordinance

Alarm Ordinance - Redline

18-256

Consider/Discuss/Act on a Resolution Authorizing the

[Execution of Documents for the Acquisition of Property Rights and the Consideration of the Use of Eminent Domain to Condemn Property for the Construction of a Roadway and Utility Lines in the Vicinity of SH 5 \(McDonald Street\) from about CR 278 Continuing Southward to Approximately Willow Wood Boulevard in Association with the Willow Wood Off-Site Un-Named Arterial and Sanitary Sewer Main Projects](#)

Attachments: [Resolution](#)
 [Location Map](#)

COUNCIL AND MANAGER COMMENTS

Council and Manager Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, requests of the City Manager for items to be placed on upcoming agendas, and condolences.

EXECUTIVE SESSION

In Accordance with the Texas Government Code:

- A. Section 551.071 (2). Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed) and legal consultation on the following item(s), if any:
- B. Section 551.071 (A) Pending or contemplated litigation
- Stephen Dorris v. City of McKinney, Texas, et al; Cause No. 4:16-cv-00069; U.S. District Court for the Eastern District of Texas, Sherman Division
 - Devin Huffines, Jacob Thomas, Aaron Harris, Brent Connett, and Matthew Langston v. City of McKinney, Texas
- C. Section 551.074 Discuss Personnel Matters
- City Council Self- Evaluation, Roles /Responsibilities under Home Rule Charter
- D. Section 551.072 Deliberations about Real Property
- Municipal Facilities

ACTION ON EXECUTIVE SESSION ITEMS

ADJOURN

Posted in accordance with the Texas Government Code, Chapter 551, on the 16th day of March, 2018 at or before 5:00 p.m.

Sandy Hart, TRMC, MMC
City Secretary

In accordance with the Americans with Disabilities Act, it is the policy of the City of McKinney to offer its public programs, services, and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at least 48 hours in advance of the event. Phone 972-547-2694 or email contact-adacompliance@mckinneytexas.org. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. ADA grievances may also be directed to the ADA Coordinator or filed online at <http://www.mckinneytexas.org/ada>.

18-250



TITLE: Minutes of the City Council Work Session of March 5, 2018

SUPPORTING MATERIALS:

[Minutes](#)

CITY COUNCIL WORK SESSION

MARCH 5, 2018

The City Council of the City of McKinney, Texas met in work session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on March 5, 2018 at 5:30 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Chuck Branch, Charlie Philips, Tracy Rath, and La'Shadion Shemwell. Council member Scott Elliott arrived at 6:10 p.m.

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Assistant Director of Public Works Paul Sparkman; Planning Manager Matt Robinson; Planning Manager Samantha Pickett; Parks and Recreation Director Mike Kowski; Director of Engineering Gary Graham; CIP Manager Nicholas Ataie; Main Street/MPAC - Amy Rosenthal and Geoff Fairchild; and Director of Organizational Development & Performance Management Joseph Mazzola.

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

Mayor Fuller called for Discussion on Regular Meeting Agenda Items.

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

18-215 Discuss and Provide Background about Third Party Special Events Held Across the City of McKinney.

Council member Branch left the meeting at 6:05 p.m.

18-216 Update on the Development of the Engineering Design Manual.

Mayor Fuller called for Council Liaison Updates.

Mayor Fuller recessed the meeting into executive session at 6:40 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section

551.071 (A). Litigation / Anticipated Litigation, and Section 551.072. Deliberations about Real Property as listed on the posted agenda. Mayor Fuller recessed back into open session at 7:05 p.m. Councilwoman Rath left at 6:50 p.m.

Council unanimously approved the motion by Council member Elliott, seconded by Mayor Pro Tem Rogers, to adjourn. Mayor Fuller adjourned the meeting at 7:05 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

18-251



TITLE: Minutes of the City Council Regular Meeting of March 6, 2018

SUPPORTING MATERIALS:

[Minutes](#)

CITY COUNCIL REGULAR MEETING

MARCH 6, 2018

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on March 6, 2018 at 6:00 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Chuck Branch, Scott Elliott, Charlie Philips, Tracy Rath, and La'Shadian Shemwell.

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Assistant Director of Public Works Paul Sparkman; Planning Manager Matt Robinson; Planning Manager Samantha Pickett; Parks and Recreation Director Mike Kowski; Director of Engineering Gary Graham; CIP Manager Nicholas Ataie; McKinney Economic Development Corporation Interim President Abby Liu; Officer Shannon Seabrook; Help Desk Technician Asif Ali; and Chief Financial Officer Mark Holloway.

There were approximately 80 guests present.

Mayor Fuller called the meeting to order at 6:02 p.m. after determining a quorum was present.

Invocation was given by Amanda Barry, Cornerstone Ranch. Residents of Cornerstone Ranch led the Pledge of Allegiance.

18-217 National Developmental Disabilities Month Proclamation. Mayor Fuller presented the National Developmental Disabilities Month Proclamation to the residents of Cornerstone Ranch.

18-218 Delta Sigma Theta Sorority, Inc. Collin County Alumnae Chapter Weekend Proclamation. Mayor Fuller presented the Delta Sigma Theta Sorority, Inc. Collin County Alumnae Chapter Weekend Proclamation to members of the Delta Sigma Theta Sorority.

Mayor Fuller called for Citizen Comments.

Mr. Irby Foster, 2811 Bonnywood Lane, Dallas spoke about issues with the City's Facilities Maintenance.

The following individuals spoke about issues with the concrete batch plant noises and pollution that are effecting their neighborhood:

Ms. Donna Pigano, 2812 Dog Leg Trail, McKinney

Ms. Anna Davis, 2905 Dog Leg Trail, McKinney

Ms. Linda Krohn, 2201 South Hwy 5, McKinney

Ms. Ronda Steffy, 2833 Dog Leg Trail, McKinney

Ms. Jill Acantara, 2837 Dog Leg Trail, McKinney

Mr. Al Alcantara, 2837 Dog Leg Trail, McKinney

Ms. Renee Jones, 2813 Dog Leg Trail, McKinney

Mr. Lee Wilson, 704 Ferrule, McKinney

Ms. Nancy McClendon, 2941 Dog Leg Trail, McKinney

Mr. Jack Stevens, 2421 Dog Leg Trail, McKinney

Mr. Juan Pizzaro, 2812 Dog Leg Trail, McKinney

The following individuals did not wish to speak but wanted their opposition to the concrete batch plant entered into the record:

Ms. Caren Berlyn, 2825 Dog Leg Trail, McKinney

Mr. Don McClendon, 2941 Dog Leg Trail, McKinney

Ms. Donna Pizano, 2812 Dog Leg Trail, McKinney

Mr. Ted Wilson, 704 Ferrule Drive, McKinney

Ms. Donna Lumberson, 2829 Dog Leg Trail, McKinney

Mr. Jim Steffey, 2833 Dog Leg Trail, McKinney

Ms. Eva Wang, 2909 Dog Leg Trail, McKinney did not wish to speak but wanted her opposition to the concrete batch plant entered into the record and she requested a traffic light at McDonald and Stewart.

Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Elliott, to approve the following agenda items:

18-219 Minutes of the City Council Work Session of February 19, 2018

18-220 Minutes of the City Council Regular Meeting of February 20, 2018

- 18-221** Minutes of the City Council and McKinney Independent School District Board of Trustees Joint Meeting of February 26, 2018
- 18-143** Minutes of the Building and Standards Commission Meeting of July 10, 2017
- 18-151** Minutes of the Library Advisory Board Meeting of January 18, 2018
- 18-130** Minutes of the Main Street Board Meeting of December 14, 2017
- 18-131** Minutes of the Main Street Board Meeting of January 16, 2018
- 18-201** Minutes of the McKinney Community Development Corporation Meeting of January 25, 2018
- 18-189** Minutes of the McKinney Economic Development Corporation Meeting of January 16, 2018
- 18-150** Minutes of the Planning and Zoning Commission Regular Meeting of January 23, 2018
- 18-214** Minutes of the Planning and Zoning Commission Regular Meeting of February 13, 2018
- 18-155** Minutes of the Reinvestment Zone Number One Meeting of December 5, 2017
- 18-222** Consider/Discuss/Act on an Ordinance Amending Chapter 14 of the Code of Ordinances of the City of McKinney by Adding Late Hours Sales of Alcoholic Beverages. Caption reads as follows:

ORDINANCE NO. 2018-02-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 14, "ALCOHOLIC BEVERAGES," ARTICLE III, "LAWFUL SALE OF ALCOHOLIC BEVERAGES," BY AMENDING SECTION 14-54, ENTITLED "HOURS OF OPERATION," OF THE MCKINNEY CODE OF ORDINANCES TO EXTEND THE HOURS FOR THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION, AND THE SALE OF MIXED BEVERAGES IN A RESTAURANT WITH A FOOD AND BEVERAGE CERTIFICATE, AND BY AMENDING APPENDIX A, "FEE SCHEDULE;" ESTABLISHING VIOLATIONS AND PENALTIES; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 18-223** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2018 - 2022 Capital Improvements Program Budget and Amending the 2018-2022 Capital Improvements Program and to Accept Funds from Oncor Electric Delivery Company LLC, a Delaware Limited Liability Company, as per the Executed Escrow Agreement for the Design and Construction of a Median Opening and Left Turn Lane in the Median of McKinney Ranch Parkway into the Oncor Property. Caption reads as follows:

ORDINANCE NO. 2018-03-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE FISCAL YEAR 2017-2018 ANNUAL BUDGET AND 2018 - 2022 CAPITAL IMPROVEMENT PROGRAM AND TO ACCEPT FUNDS FROM ONCOR ELECTRIC DELIVERY COMPANY LLC FOR THE DESIGN AND CONSTRUCTION OF A MEDIAN OPENING AND LEFT TURN LANE IN THE MEDIAN OF MCKINNEY RANCH PARKWAY INTO THE ONCOR PROPERTY; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF, AND A PENALTY CLAUSE

- 18-225** Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide Miscellaneous Drainage and Floodplain Management Services, Miscellaneous Surveying Services, and Miscellaneous Geotechnical and Materials Testing Services, and Authorizing the City Manager to Execute Agreements for Professional Services. Caption reads as follows:

RESOLUTION NO. 2018-03-029 (R)

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

- 18-226** Consider/Discuss/Act on a Resolution Authorizing the City to Manager to Apply For and Accept, if Awarded, a Grant from the U.S. Institute of Museum and Library Sciences, through the Texas State Library and Archives Commission, to Purchase a Scanner. Caption reads as follows:

RESOLUTION NO. 2018-03-030 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER OF THE CITY OF MCKINNEY, TEXAS, TO APPLY FOR AND ACCEPT, IF AWARDED, A GRANT FROM THE U.S. INSTITUTE OF MUSEUM AND LIBRARY SCIENCES, THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO PURCHASE A SCANNER

17-0013SP Consider/Discuss/Act on a Site Plan for an Auto Repair Facility (Service First), Located Approximately 250 Feet West of North Jordan Road and on the North Side of Virginia Parkway

END OF CONSENT

18-227 Mayor Fuller called for Consideration/Discussion/Action Upon Adoption of a Resolution Determining a Public Necessity to Acquire Certain Properties for Public Use by Eminent Domain for Drainage Easements and Temporary Construction Easements for the Construction, Access and Maintenance of the Trinity Falls Parkway and Trinity Falls Parkway Link Projects and Related Infrastructure Commencing in the Vicinity of its Intersection with Laud Howell Parkway Continuing Northward Along Trinity Falls Parkway for Approximately 2,000 Feet; Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Properties, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions. Director of Engineering Gary Graham stated this is in conjunction with the Trinity Falls development and has two components. The developers of Trinity Falls have to build a length of Trinity Falls Parkway with the City partnering to build the remaining section of Trinity Falls Parkway to Laud Howell Parkway. We have been in negotiations with two property owners for some time. One property owner has not been responsive to our request for drainage and utility easements and the second property owner is sitting firm on their appraisal which is far greater than the City's appraisal. As such, we are requesting the authority for eminent domain. We will continue to negotiate, however, this allows us to begin the

process for eminent domain if they do not negotiate with us. Council unanimously approved the motion by Mayor Fuller, seconded by Mayor Pro Tem Rogers, to approve the adoption of a Resolution as written described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary easements from the owners of the properties depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of the Trinity Falls Parkway and Trinity Falls Parkway Link Projects and related Infrastructure commencing in the vicinity of its intersection with Laud Howell Parkway and continuing northward for approximately 2,000 feet with the following record vote:

Mayor Fuller – Aye

Mayor Pro Tem Rogers – Aye

Council member Philips – Aye

Council member Elliott – Aye

Council member Shemwell – Aye

Council member Branch – Aye

Councilwoman Rath – Aye

Caption reads as follows:

RESOLUTION NO. 2018-03-031 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE BY EMINENT DOMAIN FOR DRAINAGE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION, ACCESS AND MAINTENANCE ASSOCIATED WITH THE TRINITY FALLS PARKWAY AND TRINITY FALLS PARKWAY LINK PROJECTS AND ASSOCIATED INFRASTRUCTURE COMMENCING IN THE VICINITY OF ITS INTERSECTION WITH LAUD HOWELL PARKWAY CONTINUING NORTH FOR APPROXIMATELY 2,000 FEET; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE EASEMENTS ON SAID PROPERTIES, OFFERING TO ACQUIRE THE EASEMENTS VOLUNTARILY FROM THE PROPERTY OWNERS THROUGH THE MAKING OF BONA FIDE OFFERS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS

17-0002Z Mayor Fuller called for 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 Commercial, Office, Warehouse and Agricultural Uses, Located Approximately 750 Feet West of State Highway 5 (McDonald Street) and on the South Side of Eldorado Parkway, and Accompanying Ordinance. Planning Manager Matt Robinson stated that the applicant is proposing to rezone approximately 16.7 acres for a mixture of commercial, office, warehouse and agricultural uses. The property is divided into two tracts. Tract One is designed for a restaurant and brew pub as well as office and warehouse uses. Tract Two is intended exclusively for agricultural uses as it is in floodplain. All uses are permitted except for the caretakers' quarters and horse stalls. Staff has no objection to the rezoning request and recommends approval. Applicant Mr. Don Day, 110 E. Louisiana Street, McKinney, stated this development is for two office buildings and one warehouse. The reason for the rezoning request is to add a 17,000 square foot brew pub and restaurant. The food court will have a brewery and about five different types of food service. We are very excited about this project and request Council's approval. Mayor Fuller called for public comments and there were none. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to close the public hearing. Mayor Fuller stated that this is a great economic driver for this area. Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Pro Rogers, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District to "PD" - Planned Development District, generally to allow for commercial, office, warehouse and agricultural uses, located approximately 750 feet west of State Highway 5 (McDonald Street) and on the south side of Eldorado Parkway. Caption reads as follows:

ORDINANCE NO. 2018-03-016

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 16.7 ACRE PROPERTY, LOCATED APPROXIMATELY 750 FEET WEST OF STATE HIGHWAY 5 (MCDONALD STREET) AND ON THE SOUTH SIDE OF ELDORADO PARKWAY, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL, OFFICE, WAREHOUSE AND AGRICULTURAL USES AND 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

17-275Z Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Allow for Retail, Office, and Multi-family Residential Uses, Located Approximately 200 Feet South of Chisholm Trail and on the East Side of Ridge Road, and Accompanying Ordinance. Planning Manager Samantha Pickett stated staff recommends that the public hearing be closed and the item tabled indefinitely per the applicant's request. Council member Branch stated that this item has been tabled several times. Ms. Pickett stated the applicant has been working through several regulations and at this point would like to explore what would be allowed under the current zoning. Mayor Fuller called for public comments.

The following individuals spoke in opposition to the rezoning request:

Mr. David Geise, 4800 Lasso Lane, McKinney

Ms. Sara Geise, 4800 Lasso Lane, McKinney

Ms. Pickett stated we are currently only considering the zoning. In order to begin construction they would need to go through site planning, platting, building plans and civil plans before construction could begin.

Council unanimously approved the motion by Council member Branch, seconded by Councilwoman Rath, to close the public hearing. Ms. Pickett stated the zoning in place allows an office building, however, that is not what the applicant is proposing. Council approved the motion by Council member Branch, seconded by Council member Philips, to deny the request, by a vote of 5-2, Mayor Pro Tem Rogers and Council member Shemwell voting against.

14-297Z6 Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District, "PD" - Planned Development District, and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District, "SO" - Suburban Office District and "CC" - Corridor Commercial Overlay District, Located on the Southeast Corner of Meadow Ranch Road and U.S. Highway 380 (University Drive), and Accompanying Ordinance. Planning Manager Samantha Pickett stated the applicant is requesting to rezone the property from planned development and agricultural to C-2 along University and suburban office in the back of the property. The suburban office does provide a transition from the commercial to residential with the adjacent residential. Staff recommends approval. Ms. Pickett stated that a request for automotive uses would require a specific use permit be approved by Council. Council member Shemwell stated he is in favor of commercial uses along our major thoroughfares in order to build our commercial tax base and balance our tax base. At the January 24, 2017 Planning & Zoning Commission meeting, the Commission recommended denial of the proposed request. As such, a supermajority vote by the City Council is required in order to approve the rezoning request. Applicant, Mr. Martin Sanchez, 2000 N. McDonald, Suite 100, McKinney, stated that their intent is not an automotive commercial use. He also stated that according to TxDOT, they are going to remove the median opening at US Highway 380 and Meadow Ranch Road and convert it to a hooded left

where you can only drive into Meadow Ranch Road but you cannot go westbound or north to west in that area. Traffic will be limited so the development in Lot 1 and Lot 2 will be low impact by its very nature. There are no imminent plans to develop the site. We have offered to move the screening wall, the monument wall, and add vegetation to help with the transition from office to residential. Mr. Sanchez stated they cannot develop the property until they figure out the sewer issues. Mr. Sanchez stated he is willing to meet with the residents in the area to discuss the development and impact on the neighborhood. The crash gate would be moved from the south location to a north location between the commercial lots and the residential neighborhood. Mayor Fuller called for public comments.

The following individuals spoke in favor of the rezoning request:

Mr. Richard Atchison, 1423 Bucksnot Road, Van Alstyne

Mr. Rick Franklin, 7621 Darron Drive, McKinney

Mr. Bill McCord, 4603 Meadow Ranch Circle, McKinney

The following individuals spoke in opposition to the rezoning request:

Ms. Debbie Martinez, 1920 Meadow Ranch Circle, McKinney

Ms. Katherine Niesman, 7824 Linksvew Drive, McKinney

Mr. Darrell Groves, 1900 Meadow Ranch Road, McKinney

Mr. Mike Gorman, 1910 Meadow Ranch Road, McKinney

Mr. Stephen Martinez, 1920 Meadow Ranch Road, McKinney

The following individuals did not wish to speak but wanted their opposition entered into the record:

Ms. Jan Howard, 1810 Meadow Ranch Road, McKinney

Mr. Chuck Howard, 1810 Meadow Ranch Road, McKinney

Mr. Mark Rutledge, 1830 Meadow Ranch Road, McKinney

Mr. John Hanson, 1800 Meadow Ranch Road, McKinney

Ms. Juliette Buchanan, 1830 Meadow Ranch Road, McKinney

Mr. Joshua Gunn, 1911 Meadow Ranch Road, McKinney

Mr. John Gunn, 1911 Meadow Ranch Road, McKinney

Mr. Vincent Gunn, 1911 Meadow Ranch Road, McKinney

Ms. Jan Gunn, 1911 Meadow Ranch Road, McKinney

Ms. Kari McDaniel, 1841 Meadow Ranch Road, McKinney

Ms. Sandra Hanson, 1800 Meadow Ranch Road, McKinney

Ms. Liz McElhaney, 1811 Meadow Ranch Road, McKinney

Mr. William Smith, 1811 Meadow Ranch Road, McKinney

The following individuals did not wish to speak but wanted their support of the rezoning request entered into the record:

Ms. Debbie Eberhard, 620 High Crest, McKinney

Ms. Melissa Simmons, 4907 Redwood Drive, McKinney

Ms. Christina Ratliff, 5513 Camino Dos Lagos, McKinney

Ms. Dona Bewley, 5521 Bomar Lane, McKinney

Mr. Keith Andre, 4695 W. University, #100, McKinney

Ms. Ann Streeter, 1913 Tampico Drive, McKinney

Ms. Brenda Andre, 4155 Heritage Trail, Celina

Ms. Kay Bertschi, 3191 Medical Center Dr., #42203, McKinney

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to close the public hearing. Council member Elliott stated that there are a number of uncertainties. First, the confusion on the existing zoning is a concern. Second, everyone involved with this project needs to communicate with those affected. The lack of collaboration is troubling. Things that were laid out, moving a gate, the type of screening, talking about uses and saying we are coming back with different zoning in the future, all of those are uncertainties that bother me. I believe there are still some questions about what happened with the zoning in that entire neighborhood that I would love to see resolved. I would like to deny this so that collaboration could occur and our City staff could get this ironed out. Council member Philips stated he does not want to cut off the neighborhood from exiting

onto Highway 380 going westbound, however difficult that will be. I would love to see a workable solution on this one lot for everybody where it might even enhance the value of your properties. Mayor Pro Tem Rogers stated that denying this does not help the process. I would be in favor of postponing the item. Council member Branch stated this item has come up several times and there is still no resolution. Currently they have the zoning to allow them to build what they want to build. A good solution is to work together with the residents. Executive Director of Development Services Michael Quint stated that an office building use with no corresponding definition is currently in our zoning ordinance. We also have an office use in our current ordinances with no definition of what that is or what it was intended to mean. So staff is left to make interpretations. That interpretation is that you cannot have an office use without an office building because a building with an office in it is an office building. Councilwoman Rath stated an office building can go on the lot in question right now. Council can legislate from the dais what the developer and residents have been unable to do and I do not want to do that. I want everyone to understand that an office building can go there right now the way it is. Mayor Fuller stated the schedule of uses is ambiguous in the definition and staff has had to interpret the use and the only thing we can do at this point is be consistent until we re-write that ordinance. Mayor Fuller suggested that looking at this from another perspective is to realize that the entrance to this beautiful neighborhood off of a busy highway versus entrance through a residential thoroughfare. The problem with this is that it is presented with an outcome that the residents do not want. Council approved a motion by Mayor Pro Tem Rogers, seconded by Council member Philips, to table this item indefinitely, by a vote of 4-3, Council members Elliott, Branch, and Councilwoman Rath voting against.

18-228 Mayor Fuller called for Consideration/Discussion/Action on an Ordinance

Amending the McKinney Economic Development Corporation FY18 Budget for Land Acquisition. City Attorney Mark Houser stated that this is a procedural matter. The MEDC recently voted to amend their budgets to fund projects. Their amendment requires Council approval. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Elliott, to approve an Ordinance amending the McKinney Economic Development Corporation FY18 Budget for Land Acquisition. Caption reads as follows:

ORDINANCE NO. 2018-03-017
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET
AMENDMENT PERTAINING TO THE FISCAL YEAR 2017-2018
MCKINNEY ECONOMIC DEVELOPMENT CORPORATION
BUDGET TO PROVIDE FUNDING FOR THE ACQUISITION OF
LAND; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Mayor Fuller called for Council and Manager Comments.

Council member Philips did not have any comments.

Council member Elliott stated he will save his comments until the next meeting since they are about the election and the electioneering Ordinance.

Mayor Pro Tem Rogers did not have any comments.

Council member Shemwell did not have any comments.

Council member Branch did not have any comments.

Councilwoman Rath did not have any comments.

City Manager Grimes stated the next Citizen Fire Academy starts March 22nd. The deadline to register is March 16th. The class is designed for those who want to learn more about the McKinney Fire Department. Find more information at www.mckinneyfire.org. The Towne Lake Trout Derby will take place March 17th. The event will feature over 5,000 rainbow trout stocked into Towne Lake. Adults and children do not need fishing licenses for the event. Visit the website at www.mckinneytexas.org/parks for more details. The Spring/Summer Apex Centre Activity Guides are available online or at McKinney recreation centers, the Apex Centre, City Hall, and the libraries. I would like to recognize our Parks and Recreation Department. They were given two awards by the Texas Recreation and Park Society

(TRAPS) at the 2018 Institute and Trade Conference hosted in Waco. They were recognized for the Apex Centre, which won the State Recreation Facility Design Excellence Award and the Administration and Management Award for the Emergency Action Plan (EAP). Congratulations to our Parks and Recreation Department.

Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to adjourn. Mayor Fuller adjourned the meeting at 8:13 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

18-180



TITLE: Minutes of the Animal Services Facility Committee Meeting of November 15, 2017

SUPPORTING MATERIALS:

[Minutes](#)

ANIMAL SERVICES FACILITY ADVISORY BOARD

NOVEMBER 15, 2017

The Animal Services Facility Advisory Board met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas on November 15, 2017 at 12:00 p.m.

Board members Present: Lori Dees, Misty Brown, Dr. Ewa Cissik, Moka Anderson, Bashar Barghouti and Larry Hocutt.

Absent: James Bias

The meeting was called to order at 12:01 p.m. after determining a quorum was present.

17-1127 Oaths of Office was administered by Sandy Hart, City Secretary.

17-1128 Election of Officers.

Board members unanimously approved the motion by Board member Cissik, seconded by Board member Brown, to elect Moka Anderson as Chairperson and Larry Hocutt as Vice Chairperson.

17-1129 Minutes of the Animal Services Facility Advisory Committee Meeting of May 24, 2017.

Board members unanimously approved the motion by Board member Brown, seconded by Chairperson Anderson, to approve the minutes of the Animal Services Facility Advisory Committee Meeting of May 24, 2017.

17-1130 Discuss Tracking and Percentage of Animal Intake

Board member Brown gave the Board an update on animal intake.

17-1131 Consider/Discuss/Act on Next Meeting Date

Board members unanimously approved a motion by Board member Brown, seconded by Board member Cissik, to hold the next meeting on February 21, 2018.

The meeting was adjourned at 12:30 p.m.

Moka Anderson
Chairperson

18-101



TITLE: Minutes of the Historic Preservation Advisory Board Meeting of January 4, 2018

SUPPORTING MATERIALS:

[Minutes](#)

HISTORIC PRESERVATION ADVISORY BOARD

JANUARY 4, 2018

The Historic Preservation Advisory Board of the City of McKinney, Texas met in regular session in the 2nd Floor Conference Room of the Municipal Building on Thursday, January 4, 2018 at 5:30 p.m.

Board Members Present: Chairperson Jonathan Ball, Shannon Burton, Peter Bailey, Lance Hammond, Terrance Wegner, and Karen Zupanic

Board Member Absent: Vice-Chairperson Amber Douzart

Staff Present: Director of Planning Brian Lockley, Historic Preservation Officer Guy Giersch, GIS Analysis Tonya Fallis, and Administrative Assistant Terri Ramey

Chairperson Ball called the meeting to order at 5:30 p.m. after determining a quorum was present.

The Board unanimously approved the motion by Board Member Bailey, seconded by Board Member Burton, to approve the following consent item, with a vote of 6-0-0:

**18-012 Minutes of the Historic Preservation Advisory Board
Regular Meeting of December 7, 2017**

END OF CONSENT

Chairperson Ball continued the agenda with the Discussion Item.

18-014 Discuss Historic Walking Tour of Downtown McKinney

Ms. Tonya Fallis, GIS Analysis for the City of McKinney, gave a brief presentation on the draft electronic Historic Walking Tour of Downtown McKinney. She mentioned some other features that could possibly be added at a later time. Ms. Fallis requested feedback from the Historic Preservation Advisory Board on the draft electronic Historic Walking Tour of Downtown McKinney.

Chairperson Ball continued the agenda with the Regular Agenda.

**17-014HTM Conduct a Public Hearing to Consider/Discuss/Act on
the Request by Barbara and David Kelly for Approval of
a Historic Marker for the House Located at 201 North
Waddill Street**

Mr. Guy Giersch, Historic Preservation Officer for the City of McKinney, explained that the applicant was not present at the meeting. He asked if the Board wanted to proceed without them or if they wanted to table this item to the next available meeting.

Chairperson Ball opened the public hearing and called for comments. There being none, on a motion by Board Member Bailey, seconded by Board Member Zupanic, the

Board voted unanimously to continue the public hearing and table the proposed request to the February 8, 2018 Historic Preservation Advisor Board meeting as recommended by Staff, with a vote of 6-0-0.

17-014HT Conduct a Public Hearing to Consider/Discuss/Act on the Request by Barbara and David Kelly for Approval of a Level 1 Historic Neighborhood Improvement Zone Tax Exemption for the House Located at 201 North Waddill Street

Mr. Guy Giersch, Historic Preservation Officer for the City of McKinney, explained that the applicant was not present at the meeting. He asked if the Board wanted to proceed without them or if they wanted to table this item to the next available meeting.

Chairperson Ball opened the public hearing and called for comments. There being none, on a motion by Board Member Hammond, seconded by Board Member Wegner, the Board voted unanimously to continue the public hearing and table the proposed request to the February 8, 2018 Historic Preservation Advisor Board meeting as recommended by Staff, with a vote of 6-0-0.

18-013 Consider/Discuss/Act on the Selection of 14 Houses for the 2018-2019 Preserve Historic McKinney Home Recognition Program Calendar

Mr. Guy Giersch, Historic Preservation Officer for the City of McKinney, described the process for selecting houses to be included in the 2018-2019 Historic Home Recognition Program Calendar. Staff distributed a grade sheet with the list of 49 nominated houses. A PowerPoint presentation of all of the nominations was shown for the Board Members to vote on. Votes were tabulated, a run-off was held, and the top 14 houses were announced.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

There being no further business, Chairperson Ball declared the meeting adjourned at 6:36 p.m.

JONATHAN BALL
Chairperson

18-183



TITLE: Minutes of the McKinney Convention & Visitors Bureau Board Meeting of January 23, 2018

SUPPORTING MATERIALS:

[Minutes](#)

MCKINNEY CONVENTION AND VISITORS BUREAU BOARD

REGULAR MEETING

JANUARY 23, 2018

The McKinney Convention and Visitors Bureau Board met in regular session at TPC Craig Ranch, 8000 Collin McKinney Parkway, McKinney, Texas on January 23, 2018 at 8 a.m.

Board members present: Sally Huggins, Jennifer Estes, Jim Bressler, Bryan Perkins, Connie Gibson, and Julia Baublis.

Absent: Hal Harbor

Staff: Executive Director Dee-dee Guerra, Communications Manager Beth Shumate, Sales Manager Vanesa Rhodes, and Staff Assistant Sue Davis.

Guests: City Manager Paul Grimes, Assistant to the City Manager Trevor Minyard, Senior Financial Analyst Eric Corder, MCDC Secretary Hamilton Doak, McKinney Main Street Director Amy Rosenthal, Heard-Craig Center for the Arts, Executive Director Karen Zupanic, Collin County History Museum Executive Director Mary Carole Strother, Kiwanis Club of McKinney representatives Dennis Williams and Brandon Herbison, and Miles Prestemon and David Craig of Craig International.

Board Chair Sally Huggins called the meeting to order at 8:05 a.m. after determining a quorum was present. Ms. Huggins welcomed guests and thanked the TPC staff for allowing the MCVB to hold the January 2018 board meeting at their venue.

Board members unanimously approved the motion by Board member Bressler, seconded by Board member Estes, to approve the following consent items:

- 18-051** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of November 28, 2017.
- 18-052** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of November 27, 2017.
- 18-053** Minutes of the McKinney Convention & Visitors Bureau Marketing & Development Committee Meeting December 13, 2017.
- 18-054** Presentation by David Craig about the Craig Ranch Resort Hotel and Conference Center Project and the McKinney Corporate Center at Craig

Ranch. Mr. Craig also gave a brief history of the Craig Ranch development. He stated the TPC golf course is in partnership with PGA Tours and has some ownership at the TPC. Mr. Craig indicated he was excited to see the development at Craig Ranch coming to fruition and for the events that will come to TPC over the next three to four years. He also advised Board members the new resort hotel would have access to the TPC via a corporate membership or a bulk contract. Mr. Miles Prestemon gave a presentation on the resort hotel scheduled for construction at Craig Ranch. He stated the developers of the resort hotel will present to the Marriott Board on February 8th and expect an approval with an Autograph Flagg. Mr. Prestemon thanked the MCVB Board and Executive Director Guerra for input on the conference room space, indicating the split design for the 10,000 square foot space has been altered to be one ballroom that is divisible. In addition to the conference space, there will be both indoor and outdoor pre-function areas as well as two small boardrooms and six breakout-meeting rooms. Ms. Guerra asked if they would consider bringing the Craig Ranch trolleys back into circulation. Mr. Craig stated that decision would be up to the homeowners association.

18-055 Board & Liaison Reports

City of McKinney- City Manager Paul Grimes informed Board members that City Council would meet on February 2 for the annual strategic workshop. Mr. Grimes also gave an update to the board on the status of the McKinney National Airport, advising that Council is working on wrapping up the master plan for the airport and the plans to move forward with the closing on the purchase of 190 acres for airport use.

MCDC Liaison – MCDC liaison Hamilton Doak informed Board members of the increase in funds for MCDC grants, stating they will now have two \$75,000 grant cycles.

MPAC – Main Street/MPAC Director Amy Rosenthal thanked the MCVB

staff for the support of the MPAC bridal show stating the show was a great success and exceeded their expectations in attendance. Additionally, Ms. Rosenthal advised board members of upcoming events.

Finance Report – Committee chair Jim Bressler recapped the November & December financials, stating the FY 1Q numbers were completed. Bressler advised Board members the HOTTAX for October and November is up year-over-year. Mr. Bressler advised about the two new hotels opening in Spring 2018 - the Hilton Home 2 and Springhill Suites.

Marketing & Development Report – Committee Chair Estes advised board members the committee had met to discuss the promotional and grant applications. Ms. Estes advised that Chestnut Square had withdrawn its application due to changes in the scope of their event. The funds that the committee recommended to award Chestnut Square will be held over to the next grant cycle. Ms. Estes stated the committee was making the following recommendations for the disbursement of the marketing and promotional funds: Heard Craig Center for the Arts, \$5,900; McKinney Kiwanis, \$1,000; and Collin County History Museum, \$1,600. Holy Family School would not be awarded any funds at this time. Board member Bressler asked that the committee require recipients of the funds to include the MCVB logo on all advertising and marketing in which the funds will be used. Additionally, Board Chair Huggins advised the recipients have been asked to provide an ROI to the MCVB board after their event has taken place.

18-056 Executive Director's Report – Executive Director Guerra asked board members if they had any questions regarding the reports she had provided. Guerra reviewed and highlighted the stats from the MCVB Key Performance Indicator's (KPI's). In addition, she told the board members the staff had received high praises from a mother of the groom and thanked the staff for their efforts. Ms. Guerra reviewed the revenue impact from the Texas Downtown Association conference that took place

in November and advised that staff is currently working on four new RFPs and would disclose more information at next month's board meeting. MCVB Communications manager Beth Shumate provided board members with an update on the MCVB website and the corrections recently made. Board member Bressler stated the MCVB board needed to consider a rebrand for the bureau.

18-057 Board Chair Huggins called for Consideration/Discussion/Action on the Advertising and Promotional Grant Application Submitted by Heard Craig Center for the Arts. Board members unanimously approved the motion by Board member Baublis, seconded by Board member Gibson, to approve the recommendation from the MCVB marketing & advertising committee to approve funding of \$5,900 to the Heard Craig Center for the Arts for their Arts Meet Floral Event.

18-058 Board Chair Huggins called for Consideration/Discussion/Action on the Advertising and Promotional Grant Application Submitted by McKinney Kiwanis. Board members unanimously approved the motion by Board member Baublis, seconded by Board member Gibson, to approve the recommendation from the MCVB marketing & advertising committee to approve funding of \$1,000 to the McKinney Kiwanis for the purchase of T-shirts for their triathlon.

18-059 Board Chair Huggins called for Consideration/Discussion/Action on the Advertising and Promotional Grant Application by Collin County History Museum. Board members unanimously approved the motion by Board member Bressler, seconded by Board member Estes, to approve the recommendation from the MCVB marketing & advertising committee to approve funding of \$1,600 to the Collin County History Museum for the purchase of an iPad Caster Studio.

18-060 Board Chair Huggins called for Consideration/Discussion/Action on the Advertising and Promotional Grant Application Submitted by the Holy Family School. Board members unanimously approved the motion by

Board member Bressler, seconded by Board member Gibson, to approve the recommendation from the MCVB marketing & advertising committee to pass on funding as requested on the Advertising and Promotional Grant Application Submitted by the Holy Family School.

- 18-061** Board Chair Huggins called for Consideration/Discussion/Action on the Tourism Partner of the Year Chamber Award Recipient. Board members unanimously approved the motion by Board member Estes, seconded by Board member Bressler, to approve the nomination of PSA McKinney to be the recipient of the MCVB Tourism Partner of the Year Chamber Award.

Board Chair Huggins called for Citizens comments and there were none.

Board Chair Huggins called for Board or Commissioner comments and there were none.

Board Chair Huggins adjourned the meeting at 9:35 a.m.

SALLY HUGGINS
Chair

18-184



TITLE: Minutes of the McKinney Convention and Visitors Bureau Finance Committee Meeting of January 22, 2018

SUPPORTING MATERIALS:

[Minutes](#)

MCKINNEY CONVENTION AND VISITORS BUREAU BOARD

Finance Committee Meeting

January 22, 2018

The McKinney Convention & Visitors Bureau Finance Committee met on January 22, 2018, at 200 W. Virginia Street, McKinney Texas.

In attendance were Board members: Director Jim Bressler & Director Bryan Perkins.

Staff: Executive Director Dee-dee Guerra.

The meeting was called to order at 8:30 am.

The Committee discussed the following items:

1. MCVB November & December 2017 Financials & Occupancy Report: No discussion.
2. Detailed Budget-Director- No discussion
3. The McKinney Shop- No discussion.
4. STR Report- November 2017 & December 2017- Director Bressler had some questions on the Supply that was being recorded. E.D. Guerra stated that she had asked STR to reach out to the existing hotels that were not reporting to come on board. So, technically it's not NEW supply; we are trying to get as much information on all the hotels we support in the City.

The MCVB Finance Committee meeting was adjourned at 9:10 am.

Jim Bressler
MCVB Finance Committee

18-252



TITLE: Minutes of the McKinney Housing Authority Meeting of January 23, 2018

SUPPORTING MATERIALS:

[Minutes](#)

**MINUTES OF THE
BOARD OF COMMISSIONERS MEETING
HOUSING AUTHORITY OF THE CITY OF MCKINNEY**

A regular meeting of the Housing Authority of the City of McKinney was held on January 23, 2018 at 4:00pm.

Chairwoman Brenda Carter called the meeting to order at 4:05pm.

The following Commissioners were present.

Byndom
Beller
Roberts
Carter
Simmons

The following staff was present.

Bethany Shaulis
Elinor Williams
Roslyn Miller

The following members of the public were present.

Councilman Rainey Rogers	Linda Whitehead	Cindy Mason
Chazetta Henderson	Catherine Webb	Elvira Felton
Brenda Jackson	Carol Williams	Domingo Diaz
Gwen Moses	Carol Bailey	Victor Barakat
Edezmira Vera	Jennifer Davis	Melinda Davis
Linda Cregg	Michelle James	Sandra Smith
Edward Pittman	Kay Bellamy	Samuel Brian
Sylvester Conyer	Refugio Garcia	Steven Graham
Dixie Kay Perkins	Danyelle Lanier	
Karen Kiege	Sherry Lynn	

Invocation – Commissioner Ada Simmons

Comments from the public – Edward Pittman is requesting 24hr surveillance. Sherry Lynn has move concerns. Additionally Ms. Lynn has concerns about the bathroom and bedroom storage space at Newsome. Ms. Lynn reported vagrants and dogs running the hall, loud noise, spiders, desire for extended hours to pay rent, maintenance staff and smell from bad soil.

Consider/Discuss/Act on Old Business – Significant Amendment to the Annual Plan (10.24.17.02) – staff reported the efforts made to deconcentrate and expand housing opportunities. Chairwoman Carter called for a motion to approve the item. Commissioner Beller motioned to approve the item and Commissioner Roberts seconded. The vote was taken with the following results.

Ayes: Byndom
Beller
Simmons
Roberts
Carter
Nays: None

Consider/Discuss/Act on Minutes of the following meetings –

November 28, 2017 (01.23.18.01)

Commissioner Simmons motioned to approve the minutes as presented. Commissioner Byndom seconded the motion. A vote was taken with the following results.

Ayes: Byndom
Simmons
Roberts
Carter
Beller
Nays: None

December 16, 2017 (01.23.18.02) – There was no quorum. No action was taken.

Consider/Discuss/Act on MHA Resident Council Minutes/Update – There was no resident council representative present, staff reported on the Commissioners Annual Breakfast held December 16th. Staff acknowledged all of the sponsors and participants.

Consider/Discuss/Act on Development Updates – the UAH staff provided the monthly owner’s update and financial report for Newsome Homes.

Consider/Discuss /Act on Merritt Homes Redevelopment – staff provided an update on actions taken over the last sixty days related to equity fund proposals and relocation consultant.

Consider/Discuss/Act on Letter of Intent for MHA Office Remodel (01.23.18.03) – Commissioner Roberts motioned to approve the item as presented. Commissioner Byndom seconded the motion. A vote was taken with the following results.

- Ayes: Byndom
- Simmons
- Roberts
- Beller
- Carter
- Nays: None

Consider/Discuss/Act on City of McKinney Housing And Community Development Request for Support for 9% Tax Credit Application (01.23.18.04)) – Per discussion with City staff member Janay Tieken, this item was addressed prior to MHA board meeting, therefore no action was required by MHA board. No action was taken.

Consider/Discuss/Act on Financials –

Tenant Account Receivable Write-Offs (01.23.18.05) – Commissioner Simmons motioned to approve. Commissioner Roberts seconded the motion. A vote was taken with the following results.

- Ayes: Beller
- Simmons
- Roberts
- Carter
- Nays: None

October Financials (01.23.18.06) –Commissioner Roberts motioned to approve the item. Commissioner Simmons seconded the motion. A vote was taken with the following results.

November Financials (01.23.18.07)

- Ayes: Beller
- Simmons
- Byndom
- Roberts
- Carter
- Nays: None

Monthly Bank Statements – item reviewed, no concerns.

Consider/Discuss/Act on Overview of PHA Programs – Staff presented the monthly reports for operations.
Adverse Action Review – Clients #12950 and #12401 addressed the board. The board listened and advised a written response would be sent to the client.

Executive Director’s Report – staff presented a brief summary of the following.

Regional Affirmatively Furthering Fair Housing (AFFH) Update

Chairman’s Report – Chairwoman Carter thanked the residents, board and city council representative for their participation in the process.

The Chairwoman called for a motion to adjourn. Commissioner Simmons motioned. Commissioner Roberts seconded it. The meeting ended at 6:02pm.

Chairman

Date

Secretary

18-249



TITLE: Revised Minutes of the Planning and Zoning Commission Meeting of
February 13, 2018

SUPPORTING MATERIALS:

[Minutes](#)

PLANNING AND ZONING COMMISSION

FEBRUARY 13, 2018

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, February 13, 2018 at 6:00 p.m.

City Council Present: Mayor George Fuller and Charlie Philips

Commission Members Present: Chairman Bill Cox, Vice-Chairman Brian Mantzey, Janet Cobbel, Deanna Kuykendall, Cam McCall, and Pamela Smith

Commission Members Absent: Eric Zepp and Mark McReynolds - Alternate

Staff Present: Director of Planning Brian Lockley; Planning Managers Jennifer Arnold, Matt Robinson, and Samantha Pickett; Planner II Aaron Bloxham; Planners Danielle Quintanilla, Melissa Spriegel, and David Soto; and Administrative Assistant Terri Ramey

There were approximately 20 guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

Chairman Cox stated that item # 17-0013SP would be pulled down from the Consent agenda to be considered separately.

The Commission approved the motion by Commission Member Cobbel, seconded by Commission Member McCall, to approve the following three Consent items, with a vote of 5-0-1. Vice-Chairman Mantzey abstained from the vote.

18-150 Minutes of the Planning and Zoning Commission Regular Meeting of January 23, 2018

18-0062PF Consider/Discuss/Act on a Preliminary-Final Plat for Lot 6R, Block A, of Lake Forest Crossing Addition, Located at the Southeast Corner of Highlands Drive and South Lake Forest Drive

17-176PF Consider/Discuss/Act on a Preliminary Final Plat for Lots 1-11, Block A of the 380 Commons at Headington Heights Addition, Located at the Southwest Corner of Hardin Boulevard and U.S. Highway 380 (University Drive)

END OF CONSENT

Chairman Cox continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

Vice-Chairman Mantzey stepped down on the following item # 17-0013SP due to a possible conflict of interest.

17-0013SP Consider/Discuss/Act on a Site Plan for an Auto Repair Facility (Service First), Located Approximately 250 Feet West of North Jordan Road and on the North Side of Virginia Parkway

Mr. David Soto, Planner I for the City of McKinney, briefly explained the proposed site plan request. He stated that the applicant is proposing to construct an 11,348 square foot auto repair facility (Service First) on 1.43 acres site, located approximately 250 feet west of North Jordan Road and on the north side of Virginia Parkway. Mr. Soto stated that the current zoning of the property is “BG” – General Business District, which allows the use for auto repair by right. He stated that site plans could typically be approved by Staff; however, the governing ordinance requires that site plan to be reviewed by the Planning and Zoning Commission and acted upon by City Council. Mr. Soto stated that the applicant had met all of the requirements, such as parking, loading spaces, solid waste, landscaping, screening, and all other requirements within in the Zoning Ordinance. He stated that Staff recommends approval of the proposed site plan as conditioned in the Staff Report and offered to answer questions.

Commission Member Cobbel stated that Ms. Julia Brady with Imagine International Academy of North Texas had sent an email yesterday. She asked Mr. Soto if he received a copy of it. Mr. Soto said no.

Commission Member Cobbel stated that there was traffic issues in the area during school hours. She asked Staff how traffic might be impacted once the auto repair facility was built. Ms. Samantha Pickett, AICP, Planning Manager for the City of McKinney, stated that once a site plan is submitted and the civil plans are reviewed by the City Staff it will be looked at for any traffic impact. She stated that if the traffic counts warrant, then a traffic impact analysis could be completed by the Engineering Department.

Commission Member Cobbel stated that the school was located directly behind the subject property. She asked Staff to discuss what type of screening and landscaping might be proposed at the site. Mr. Soto stated that the applicant has proposed to build a six foot wrought iron fencing with masonry columns and a living screen on the eastern, western, and northern sides of the property. Commission Member Cobbel asked if that was required by the Zoning Ordinance. Mr. Soto said yes.

Commission Member Cobbel asked about the access the subject property would have to the student population during school hours from the proposed gate on the northwest corner. She asked Staff about the purpose of the gate. Mr. Soto stated that he was unsure why they needed a gate. He suggested the applicant might be able to answer that question.

Commission Member Kuykendall stated that she had not seen the letter that Commission Member Cobbel referenced. Ms. Pickett stated that she did not believe that Staff was included on the e-mail. She stated that it appeared that a couple of the Commission Members received a copy of it. Ms. Pickett stated that Staff could make it part of the record before it goes to City Council.

Chairman Cox asked how long the current zoning had been in place. Mr. Soto stated that the current zoning was approved in 1994.

Chairman Cox asked if the auto repair facility was an allowed use at that time. Mr. Soto state that it was allowed by right under the "BG" – General Business District. Ms. Pickett stated that Staff could look to see if there was any significant changes to the allowed uses in this zoning classification. She stated that if anything the allowed uses would have lighted up over time. Ms. Pickett stated that you would likely have seen more intense allowed uses in 1994 compared to today. She believed that this use was allowed during that time.

Chairman Cox asked if the applicant was requesting anything outside the scope of the Zoning Ordinance. Mr. Soto said no and that they were not requesting any variances. He stated that there were some conditions listed in the Staff Report.

Mr. Mac McCloud, Cross Development, 905 Rush Creek Drive, Allen, TX, concurred with the Staff Report and offered to answer questions.

Commission Member Cobbel asked Mr. McCloud if they had spoken with the staff at the school and if he felt their concerns had been addressed. Mr. McCloud stated that he spoke with Ms. Julia Brady and members of her staff this afternoon. He stated that their primary concern was the safety of the children. Mr. McCloud stated that they had come to an agreement that they would have a construction fence around the project and require all of the workers to wear vests to properly identify them. He stated that they were going to meet again on February 23rd. Mr. McCloud stated that the contractor was also

going to attend this meeting. Commission Member Cobbel felt the school staff appreciated Mr. McCloud meeting with them today. Mr. McCloud stated that they were very understanding and accommodating. He stated that he requested that they will limit the delivery of construction materials between 7:00 a.m. – 9:00 a.m. and suspend the delivery of construction materials between 2:00 p.m. to 4:30 p.m. each day to allow the school traffic to get in and out. Mr. McCloud stated that they were going to ask the City for latitude to allow them to pour concrete around 3:00 a.m. or earlier to avoid all of the traffic and make things smoother. Commission Member Cobbel stated that she felt it was great that they were going to limit these things during the school's major ins and outs.

Commission Member Cobbel asked if the construction would be going in and out of the property. Mr. McCloud stated that he did not see them bringing construction traffic off of Jordan Road, since that would take them through a parking lot. He stated that the most desirable route would be on Virginia Parkway. Mr. McCloud stated that they would be willing to put in a sign with an arrow pointing towards Virginia Parkway to help direct traffic exiting the facility. He briefly explained that customers would drop off their vehicles and one of the auto repair facility staff members will drive it to the back area of the property. Mr. McCloud stated that one of the employees will take the vehicle from its service location up to the customer when the vehicle was finished being serviced. He stated that a request was made that the employees parking the vehicles pointing towards the bank to encourage the customers to exit out on Jordan Road. Mr. McCloud stated that they were willing to try it.

Commission Member Cobbel thanked Mr. McCloud for answer questions about the project. She stated that she understood that the site plan was in conformance with the Zoning Ordinance.

Chairman Cox explained that this item was not a public hearing item; therefore, no public comments would be requested at this time. He explained that there should be an opportunity to speak on this item at the City Council meeting being held on Tuesday, March 6, 2018.

On a motion by Commission Member Smith, seconded by Commission Member McCall, the Commission voted to recommend approval of the proposed site plan as recommended by Staff, with a vote of 5-0-1. Vice-Chairman Mantzey abstained.

Vice-Chairman Mantzey returned to the meeting.

17-275Z Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Allow for Retail, Office, and Multi-family Residential Uses, Located Approximately 200 Feet South of Chisholm Trail and on the East Side of Ridge Road

Ms. Melissa Spiegel, Planner I for the City of McKinney, explained the proposed rezoning request. She stated that the applicant is requesting to rezone approximately 5.33 acres to "PD" – Planned Development District, generally for retail, office, restaurant, and multi-family residential uses. Ms. Spiegel stated that the property is currently zoned for office uses; however, the applicant has indicated the desire to rezone the property in order to develop a vertical, mixed-use product, with non-residential uses on the first floor and multi-family residential uses above. She stated that the subject property is surrounded by multi-family residential uses to the south and west, single family residential uses to the east, and a daycare to the north. Ms. Spiegel stated that while the applicant has indicated their intent to create a vertical, mixed-use development, Staff's professional opinion is that a development of this nature would not be viable in this setting. She stated that vertical, mixed-use is intended to be urban in design, creating a walkable, pedestrian-friendly development that relies heavily on visibility and foot traffic to thrive. Ms. Spiegel stated that given the limited size of the property, mid-block location, isolation from similar developments, and lack of urban-style space limits, it is unlikely that this type of development would be able to thrive in this location without similar developments nearby that work in conjunction to create a destination environment. She stated that the scale of the development could potentially overwhelm the adjacent single family development and would increase the multi-family residential land uses in the area. Ms. Spiegel stated that currently there are just under 2,000 multi-family units spread among six existing or proposed developments in the immediate area. She stated that Staff has concerns given the unique and narrow shape of the property and adjacency to existing single family residential uses. Ms. Spiegel stated that the proposed development standards include provisions that may increase the difficulty of developing on the property, including, but not limited to, restrictions on the location of

loading spaces, open space requirements, suburban-style setbacks, and decreased setback of windows from single family residential uses from what the Zoning Ordinance typically requires. She stated that the property's narrow depth and mid-block location is best suited for low-intensity uses that do not require a large amount of parking, such as neighborhood offices. Ms. Spriegel stated that the proposed standards do not provide for a transition between existing uses and the subject property, and could result in a development that is not compatible with the surrounding and adjacent properties. She stated that Staff recommends denial of the proposed rezoning request and offered to answer questions. There were none.

Mr. Glen Kistenmacher, Kistenmacher Engineering, 8350 Meadow Road, Dallas, TX, stated that he did not agree with Staff's recommendation. He gave a short video presentation and then a PowerPoint presentation regarding the proposed development. Mr. Kistenmacher stated that there would be office buildings in the front along Ridge Road and mixed-use building in the back of the subject property. He stated that under the current zoning four-story office buildings with a 55' setback from the existing residential was allowed. Mr. Kistenmacher stated that was a very intense use allowed there by right. Mr. Kistenmacher stated that they intend to build a three story building with the height limited to 35'. He stated that this height was the same height restriction allowed by the adjacent residential development. Mr. Kistenmacher stated that they intend to limit the maximum lot coverage to 50% from the allowed 75% lot coverage under the current zoning. He stated that they propose to increase the rear setback to 80' and 100' to the nearest window. Mr. Kistenmacher stated that they propose a 20' landscape buffer, which is required per the City's ordinance. He stated that, based on the concept plan shown for informational purposes only, they are proposing 29% open space on the property. Mr. Kistenmacher stated that they were proposing non-residential uses on the first floor and would be permitting retail and restaurant uses. He stated that they were trying to provide a transition from the nearby multi-family uses to the single family uses. Mr. Kistenmacher stated that they were not intending this to be a destination-style center. He stated that they were trying to introduce a live/work concept for users such as architects, lawyers, engineers, insurance sales, travel agents, and bakers. Mr. Kistenmacher stated that they were proposing neighborhood commercial

uses, not intense commercial uses. He did not feel that they would generate a lot of traffic. Mr. Kistenmacher stated that it would be to serve the neighborhood. He stated that the proposed rezoning request reduced the building height and maximum lot coverage and increased the setbacks, perimeter landscape buffer, masonry percentage on the facades, and open/green space percentage. Mr. Kistenmacher stated that the adjacent residential property owners were not aware of what was currently allowed under the zoning for the subject property. He offered to answer questions.

Chairman Cox stated that this request had been tabled at the December 12, 2017 and January 9, 2018 Planning and Zoning Commission meetings. He asked the applicant what had changed from that time to today. Mr. Kistenmacher stated that they were working with Staff and fine tuning the wording for the "PD" – Planned Development District standards. He stated that they finally realized that they were never going to be in agreement on the proposed rezoning request.

Chairman Cox asked about the meeting with the applicant and adjacent homeowners. Mr. Kistenmacher stated that it was relatively positive. Mr. Kistenmacher stated that others would like to see the subject property remain undeveloped; however, that was not under the developer's purview. He stated that they were trying to put together something that was attractive, usable, and create a tax base for the City. Mr. Kistenmacher stated that initially they considered developing townhomes on the property. He stated that it was his understanding that City Council did not want to take properties zoned for commercial uses and down zone them to residential uses. Mr. Kistenmacher stated that this was a compromise between the two.

Vice-Chairman Mantzey asked if the residential portion of the proposed project would be for rent. Mr. Kistenmacher stated that the property owner was intending these to be condominium units and not apartments.

Vice-Chairman Mantzey asked if Mr. Kistenmacher had experience with this type of product somewhere else. Mr. Kistenmacher said no; however, he believed that the property owner had some experience with a similar product.

Commission Member Cobbel asked if the development standards would restrict the residential units to be listed for sale only and not for lease. Mr. Kistenmacher stated that should not be an issue. He stated that there were some other things that were

brought up at the neighborhood meeting that they would like to also include, like lighting and hours of operation. Mr. Kistenmacher stated that he approached Staff about them and was told that these were not conditions of zoning.

Chairman Cox opened the public hearing and called for comments.

The following four residents spoke in opposition to the proposed rezoning request.

Mr. Greg DiNovis, 6004 Silverton Avenue, McKinney, TX, stated that he lives in a different homeowners' association than the one the applicant met with to discuss the proposed project, and therefore was not included in their meeting. He stated that he lives about 50' away from the subject property. Mr. DiNovis stated that a two-story development, with a higher elevation, is located to the south of the subject property. He stated that development had an approximately 40' setback and would have a great view into his backyard. Mr. DiNovis felt that the property owners adjacent to the subject property could have the same issue. He asked if there were going to be lease restrictions for the commercial portion of the development. Mr. DiNovis asked if the commercial uses would be paper-pushing businesses and no production businesses. He gave the example of a donut shop going in there and felt it would be a terrible issue. Mr. DiNovis asked where the garbage units were being proposed. He stated that the egress on the east side of the property, as shown on the informational-only Concept Plan, did not go anywhere due to the property next door being undeveloped. Mr. DiNovis stated that Ridge Road had two lanes going both directions and did not have turn lanes. He stated that Collin McKinney Parkway currently did not have a lot of traffic on it; however, it already had turn lanes to anticipate future traffic. Mr. DiNovis asked how we could make this fit into the community.

Mr. David Geise, 4800 Lasso Lane, McKinney, TX, concurred with Mr. DiNovis's comments. He expressed concerns about decrease in property values, impact on privacy, increase in noise levels, excessive lighting, increase in traffic congestion, garbage fumes and collection times, vandalism, plans for a retention pond for the water runoff, safety of the children standing at the bus stop with increased traffic, and the possible turnover of businesses. Mr. Geise stated that the bus stop needs to be moved to another location. He stated that when the daycare center went in there was soil tamping that caused a lot of vibrations; therefore, he had concerns about foundation

damages. Chairman Cox acknowledged Mr. Geise's e-mails that were included in the Staff Report.

Ms. Katherine Calhoun, 4816 Lasso Lane, McKinney, TX, stated that their single-story home backed up to the subject property. She stated that she was an attorney. Ms. Calhoun expressed concerns about their children, increased traffic, property values, and the invasiveness of multi-story buildings that would have a view into their backyard. She stated that when you purchase a home you expect a certain level of privacy. Ms. Calhoun questioned how much it would cost to rent one of the proposed condominium units. She stated that they were probably going to sell these units for more than an average wage worker could afford. Ms. Calhoun questioned whether the proposed live/work scenario would actually occur here. She stated that there are seven apartment complexes that were already built or development had just started in the area. Ms. Calhoun stated that she spoke with a real estate professional and was told that her property value had already decreased \$5,000 in the past 30 days due to the surrounding apartments. She stated that she understands that the subject property was currently zoned for commercial uses. Ms. Calhoun preferred to see a single story office building developed on the property. She stated that she would have issues with a multi-story office space on the subject property due to privacy concerns.

Mr. Luke Calhoun, 4816 Lasso Lane, McKinney, TX, stated that he was also an attorney; however, was here in the capacity as a homeowner. He stated that he concurred with the previous concerns mentioned. Mr. Calhoun stated that he understood that the current zoning on the subject property would allow a multi-story office building; however, there are differences in privacy between an office building and condominium units. He asked the Commission to consider their concerns.

Mr. Bhujang Karakavalasa, EDW Architectonics, LLC, 2770 Main Street, Frisco, TX, spoke in favor of the request. He stated that he was the developer of the proposed project. Mr. Karakavalasa stated that the original 380 acres in this area was zoned "REC" – Regional Employment Center Overlay District and designed for the creation of jobs. He stated that unfortunately some single family homes were built in this area. Mr. Karakavalasa stated that the proposed development would be appropriate in the "REC" – Regional Employment Center Overlay District and according to the Comprehensive

Plan. He stated that they had been working with Staff to try to meet the City's requirements and build the best product. Mr. Karakavalasa stated that they increased the open space over what was required. He stated that he was proposing loft-style residential units. Mr. Karakavalasa stated that they would not be for lease. He stated that he has already lined up 27 customers interested in the proposed development. Mr. Karakavalasa stated that they were excited to see a live/work development that would be a unique product. He stated that he sacrificed many things to make this project viable due to the height restriction. Mr. Karakavalasa stated that the first floor would be commercial or retail uses. He stated that the proposed 27 residential units were approximately 2,500 square feet.

On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Commission Member McCall asked Staff for some examples of what could be built on the property under the current zoning. Ms. Spiegel stated that the current zoning requires that the property develop according to the "O-1" – Neighborhood Office District, which is fairly restricted in uses. She stated that basically only office uses could develop there. Ms. Spiegel stated that the Zoning Ordinance does permit the maximum height to be four stories; however, you have to consider the narrow depth of the lot and the City's parking requirements. She stated that based on the size of the lot and how large of a building is being proposed, they may not be able to get four stories and still be able to meet the parking requirement. Ms. Spiegel stated that there were several different factors to consider as far as looking at the height of an office building that could be on the subject property.

Commission Member McCall asked how many multi-family units were located in the area. Ms. Spiegel stated that there were 1,993 units total among Raleigh House, Millennium, Soho, Aspire, Mansions of McKinney, and Springs of McKinney multi-family developments. Commission Member McCall asked if there was a good percentage of multi-family compared to single family in the area. Ms. Spiegel said yes. She stated that a large majority of the area to the east was single family residential developments.

Commission Member Cobbel wanted to clarify that Mr. Karakavalasa stated that the condominium units would be approximately 2,500 square feet. Chairman Cox stated that was correct.

Commission Member Cobbel asked if there were any other condominium type units in the area. She also asked if the other multi-family developments were all apartments. Ms. Samantha Pickett, AICP, Planning Manager for the City of McKinney, stated if it is more than four units on a single lot then the City considers it multi-family. She stated that the City does not differentiate between whether the units are for rent or sale. Ms. Pickett stated that the multi-family units in this area are typically for rent. She stated that there could be some for sale units in there.

Commission Member Cobbel asked about the size of the first floor retail units. Ms. Spriegel stated that the proposed development regulations limit each individual use to be 5,000 square feet.

Commission Member Cobbel asked if there was a limit on medical type use. Ms. Spriegel said no.

Commission Member Kuykendall asked if the developer was not able to fill the bottom retail units if those units could be transitioned into more multi-family units. Ms. Spriegel stated that the bottom floor units must remain non-residential, except for the leasing office and amenities, based upon the proposed zoning.

Commission Member Kuykendall asked Mr. Kistenmacher what was discussed in the meetings with the adjacent property owners. Mr. Kistenmacher stated that it was an open meeting to discuss just about anything and everything related to the proposed development. He stated that they really did not discuss privacy issues. Mr. Kistenmacher stated that they did not add the multi-story construction to the zoning and that it was already a permitted use. He stated that they created a larger setback, by increasing the rear setback to a minimum of 80'. Mr. Kistenmacher stated that the draft concept plan they prepared has a rear setback of 116'. He stated that the current zoning has a 55' rear setback for a four-story office building. Mr. Kistenmacher stated that they had written in a 100' minimum separation between windows and a 20' landscape setback. He stated that the distance between the windows in the proposed development to the adjacent residential backyards was a greater than the distance between the

houses in the subdivision going across the street. Mr. Kistenmacher stated that he understands the concern about privacy; however, that concern was not something that they created. He stated that the four story office building could have underground parking, so that there would be enough parking available under the earlier example.

Chairman Cox asked Mr. Kistenmacher if they were far enough along in the process to know where a dumpster pad might be located on the subject property. Mr. Kistenmacher stated that they had considered placing it in the southeast portion of the property. He stated that the connection to Silverton was not something that they designed; however, Staff requested it. Mr. Kistenmacher stated that they have no interest in having connection to Silverton.

Vice-Chairman Mantzey stated that he did not believe that a four story office building would be built at this location, even though it was an option. He stated that the proposed rezoning request was skirting two issues that the City does not want to happen, by getting rid of commercial land for residential uses and calling the proposed residential units condominium, instead of multi-family, by stacking them a different way. Vice-Chairman Mantzey stated that he would be in support of Staff's recommendation of denial of this proposed rezoning request.

Commission Member McCall concurred with Vice-Chairman Mantzey's comments. He stated that he would also be in favor of Staff's recommendation of denial for this proposed rezoning request.

Commission Member Smith stated that she also supported Staff's recommendation of denial for this proposed rezoning request. She stated that Staff had done an exceptional job on their assessment and arguments for denial of the request. Commission Member Smith felt Staff's arguments were sound, logical, and relevant. She stated that there is an excess of multi-family in the area, so she could not see rezoning this parcel to multi-family. Commission Member Smith stated that the proposed development could potentially overwhelm the adjacent single family development. She stated that she did not feel that this was an appropriate site for a mixed-use development. Commission Member Smith thanked Staff and stated that this was a very thoroughly thought-out assessment.

Commission Member Cobbel stated that she disagreed. She stated that for the most part this looked like an outstanding place to have a live/work/play area, especially with the retail on the bottom and the other multi-family units and single-family developments in the area. Commission Member Cobbel stated that it was a neat, modern, contemporary design for the area. She stated that it would also be useful, with the area needing retail of this size. Commission Member Cobbel stated the proposed residential units being 2,500 square feet and for sale, was a completely different concept than apartments. She stated that this is an area where you would see professionals having an office downstairs and then living upstairs. Commission Member Cobbel stated that McKinney needs live/work/play development and this fits in.

On a motion by Commission Member Kuykendall, seconded by Commission Member Smith, the Commission voted to recommend denial of the proposed rezoning request as recommended by Staff, with a vote of 5-1-0. Commission Member Cobbel voted against the motion.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 6, 2018.

17-002Z 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 Commercial, Office, Warehouse and Agricultural Uses, Located Approximately 750 Feet West of State Highway 5 (McDonald Street) and on the South Side of Eldorado Parkway

Mr. Matt Robinson, AICP, Planning Manager for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone approximately 16.7 acres of land from "PD" – Planned Development District to "PD" – Planned Development District generally for commercial, office, warehouse, and agricultural uses. Mr. Robinson stated that the proposed development regulations are designed to break the property into two tracts. He stated that Tract 1 was on the northeast corner of the subject property and Tract 2 was the larger portion to the west of Tract 1 as shown on the Zoning Exhibit. Mr. Robinson stated that Tract 1 was proposed to consist of a mix of commercial, office, and warehouse uses and Tract 2 was almost exclusively floodplain and that it was intended to be used for agricultural purposes. He stated that

as part of the proposed regulations for Tract 1 the development includes a warehouse with caretaker's quarters and six horse stalls to be developed. Mr. Robinson stated increased masonry percentages were proposed in the development regulations to have 85% masonry on each elevation, where only 50% is currently required. He stated that development will generally be in accordance with the proposed concept plan with defined building square footage and uses established within the development regulations. Mr. Robinson stated that under the current "PD" – Planned Development District regulations all of the proposed uses are allowed, with the exception for the proposed warehouse with caretaker's quarters and six horse stalls. He stated that given the location of the property and the proximity of commercial, office, and industrial/storage uses to the north, south, and east, Staff was of the opinion that the rezoning request is appropriate for the subject property. Mr. Robinson stated that Staff recommends approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Don Day, 110 E. Louisiana Street, McKinney, TX, concurred with the Staff Report and asked for a recommendation of approval for the proposed rezoning request.

Chairman Cox opened the public hearing and called for comments. There were none.

Commission Member Smith commended Mr. Day for the proposed project. She stated that this was one of the most unique diversity of uses that she had seen during her 17 years of public service. Commission Member Smith stated that she loved that he was willing to utilize the floodplain for orchards and gardens, have a pub would be located on the City's Hike and Bike trail that abuts the subject property, and have horse stalls with caregiver quarters. She stated that it will bring such a unique livelihood to this area and would be a quality development. Commission Member Smith stated that she was looking forward to seeing this developed.

Chairman Cox concurred with Commission Member Smith's comments. He stated that he appreciated what Mr. Day was proposing.

On a motion by Vice-Chairman Mantzey, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing and recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 6, 2018.

18-0084MRP Conduct a Public Hearing to Consider/Discuss/Act on a Minor Replat for Lots 5 and 6, Block E, of Eldorado Park Addition, Located at the Northwest Corner of Bush Drive and Laura Lane

Mr. David Soto, Planner I for the City of McKinney, explained the proposed minor replat. He stated that the applicant was proposing to subdivide one lot into two lots, one lot being approximately 0.43 acres and the other lot being approximately 0.566 acres. Mr. Soto stated that the applicant had indicated that the site will be developed for two medical offices. He stated that the applicant had met all of the requirements of the Subdivision Ordinance. Mr. Soto stated that Staff recommended approval of the proposed minor replat and offered to answer questions. There were none.

Mr. Driss Bouaazzi, BBX Technologies, LLC, 2150 S. Central Expressway, McKinney, TX, briefly explained the proposed minor replat. He stated that the subject property was approximately a one acre tract. Mr. Bouaazzi stated that they were proposing to build two identical 5,000 square foot office buildings. He stated that they intend the office buildings to be used for general office or medical office uses. Mr. Bouaazzi stated that their banker and real estate professional had suggested that they subdivide the property, so that each building is on its own piece of property and could later be sold individually should the need arise.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Kuykendall, seconded by Vice-Chairman Mantzey, the Commission unanimously voted to close the public hearing and approve the proposed minor replat as recommended by Staff, with a vote of 6-0-0.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Chairman Cox continued the meeting with the Discussion Items on the agenda.

18-0002M Update on ONE McKinney 2040 Comprehensive Plan Initiative

Mr. Aaron Bloxham, Planner II for the City of McKinney, gave a presentation on the ONE McKinney 2040 Comprehensive Plan Initiative. He briefly discussed the phases completed, the various outreach events, timeline, general approach, policy direction, and strategy components of the ONE McKinney 2040 Comprehensive Plan Initiative. Mr.

Bloxham stated that during the process there was a regional discussion taking place regarding transportation with the North Central Texas Council of Governments (NCTCOG), Texas Department of Transportation (TxDOT), Collin County, and the City of McKinney. He stated that Texas Department of Transportation (TxDOT) launched the U.S. Highway 380 Feasibility Study last year and that the City has been awaiting progress on that Feasibility Study before finalizing the ONE McKinney 2040 Comprehensive Plan. Mr. Bloxham stated that TxDOT plans to hold outreach meetings in Spring 2018 and that the City of McKinney will re-engage stakeholders on the ONE McKinney 2040 process soon and will begin moving forward with the initiative again following those Spring TxDOT meetings. He offered to answer questions.

Commission Member Smith asked if the re-engagement phase was just to share information about where the plan currently is or is it to gather additional input from stakeholders. Mr. Bloxham stated that it would be a combination of both. Commission Member Cobbel asked what the possibilities were that after all of the feedback there could be some major changes to the plan. Ms. Jennifer Arnold, Planning Manager for the City of McKinney, stated that changes to the plan should only be to incorporate applicable considerations for U.S. Highway 380 based on the progress of the TxDOT study and to account for any major changes in existing development that have occurred over the last year.

Vice-Chairman Mantzey asked what happens if U.S. Highway 380 stays as it is and if traffic is considered in the development of the plan. Ms. Arnold stated that part of the Comprehensive Plan process is considering travel demand modeling, so Staff should be able to project what the traffic flow would look like. She stated that TxDOT was also looking at it as well.

Vice-Chairman Mantzey asked if TxDOT does not propose any changes to U.S. Highway 380 if Staff would look at making change changes to land uses in the area to help with traffic congestion. Ms. Arnold stated that was a possibility and gave some examples.

Commission Member Cobbel asked how Staff foresaw U.S. Highway 380 in the current version of the ONE McKinney 2040 Comprehensive Plan Update. Ms. Arnold stated that the draft plan currently considers U.S. Highway 380 as-is.

Commission Member Smith asked if TxDOT plans to expand U.S. Highway 75 south of McKinney. Ms. Arnold stated that they are planning to expand U.S. Highway 75 between Interstate 635 and State Highway 121; however, she was unsure of the details.

Chairman Cox stated that it was good that the citizens have another opportunity to have input and be involved in the ONE McKinney 2040 Comprehensive Plan Initiative process. Ms. Arnold stated that Staff hopes to get the Comprehensive Plan Update completed by the end of the year. Chairman Cox thanked Staff for the update.

END OF DISCUSSION ITEMS

Vice-Chairman Mantzey congratulated Chairman Cox on receiving the 2017 Stemmons Service Award given by North Texas Commercial Association of Realtors and Real Estate Professionals (NTCAR). He stated that it is given to someone who best exemplifies the highest standards of a commercial broker, along with a demonstrated commitment to professional and community involvement. Vice-Chairman Mantzey stated Chairman Cox was followed in his father's footsteps, who also won the award in 2001. The Commission Members and Staff congratulated Chairman Cox on receiving this huge accomplishment.

There being no further business, Chairman Cox declared the meeting adjourned at 7:40 p.m.

BILL COX
Chairman

18-248



TITLE: Minutes of the Planning and Zoning Commission Regular Meeting of
February 27, 2018

SUPPORTING MATERIALS:

[Minutes](#)

PLANNING AND ZONING COMMISSION

FEBRUARY 27, 2018

The Planning and Zoning Commission of the City of McKinney, Texas met in regular session in the Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, February 27, 2018 at 6:00 p.m.

City Council Present: Chuck Branch

Commission Members Present: Chairman Bill Cox, Janet Cobbel, Cam McCall, Pamela Smith, Eric Zepp, and Mark McReynolds - Alternate

Commission Members Absent: Vice-Chairman Brian Mantzey and Deanna Kuykendall

Staff Present: Director of Planning Brian Lockley; Planning Manager Samantha Pickett; Planners Danielle Quintanilla, Melissa Spriegel, and David Soto; and Administrative Assistant Terri Ramey

There were approximately 20 guests present.

Chairman Cox called the meeting to order at 6:00 p.m. after determining a quorum was present.

The Commission unanimously approved the motion by Commission Member Cobbel, seconded by Commission Member McCall, to approve the following two Consent items, with a vote of 6-0-0.

**18-214 Minutes of the Planning and Zoning Commission
Regular Meeting of February 13, 2018**

**17-0039CVP Consider/Discuss/Act on a Conveyance Plat for Lots 1
and 2, Block A, of SK McKinney 380 Addition, Located
at the Southeast Corner of U.S. Highway 380 (University
Drive) and Forest Ridge Lane**

END OF CONSENT

Chairman Cox continued the meeting with the Regular Agenda Items and Public Hearings on the agenda.

**18-0032Z Conduct a Public Hearing to Consider/ Discuss/Act on
a Request to Rezone the Subject Property from "PD" -
Planned Development District to "C2" - Local
Commercial District, Located at the Southwest Corner
of Community Avenue and Bloomdale Road (REQUEST
TO BE TABLED)**

Mr. David Soto, Planner I for the City of McKinney, explained that Staff recommends that the public hearing closed and the item be tabled indefinitely due to a

noticing error. He stated that Staff will re-notice the item prior to it coming back before the Planning and Zoning Commission. Mr. Soto stated that the applicant is requesting to rezone the subject property from "PD" – Planning Development District, generally for office and single family residential uses, to "C2" – Local Commercial District, generally for commercial uses. He offered to answer questions. There were none.

The applicant was not present to make a presentation or answer questions.

Chairman Cox opened the public hearing and called for comments.

Mr. Steve Rand, 2340 Avalon Creek Way, McKinney, TX, stated that he lived adjacent to the subject property. He asked why the southeast and northwest corners were not being considered, since there is not housing located there. Mr. Rand stated that he did not know what was planned to go in at this location. He stated that he thought the organization developing the property had something to do with entertainment. Mr. Rand stated that there are families with children living in the adjacent neighborhood. He had concerns about possible lighting and noise-level issues. Mr. Rand stated that the Collin County Jail is located nearby. He stated that when people who are released from jail, they sometimes walk down Community Avenue and sometimes through their neighborhood. Mr. Rand questioned if they might go to this new development and cause issues.

Ms. Robin Beheydt, 2200 Avalon Creek Way, McKinney, TX, stated that she lives on the corner of Community Avenue and Avalon Creek Way. She concurred with Mr. Rand's comments. Ms. Beheydt stated that when she was purchasing her house the real estate agent explained that the subject property was zoned "PD" – Planned Development District, generally for office uses. She stated that she expected it to develop with uses that would operate Monday – Friday from 8:00 a.m. – 5:00 p.m. Ms. Beheydt stated that she would be okay with those hours and use. She stated that now the property could potentially be developed for retail uses and that would include extended hours of operation. Ms. Beheydt stated that she has concerns about potential lighting, noise, and increased traffic issues.

Ms. Melody Robinson, 2204 Avalon Creek Way, McKinney, TX, asked about the dotted line surrounding the subject property shown on the notification map. Ms. Samantha Pickett, AICP, Planning Manager for the City of McKinney, stated that this was

the 200-foot notification buffer. She stated that if your property falls within this buffer area, then you would receive a property owner notification card in the mail about the proposed rezoning request. Ms. Robinson asked to clarify that there would be public input at a later meeting due to the item being tabled indefinitely. Chairman Cox stated that there would be another meeting where the applicant would make a presentation of what was proposed for the subject property. He stated that since this public hearing was being closed, another property owner notice would be mailed prior to the next meeting.

Ms. Pamela Harden, 2309 Avalon Creek Way, McKinney, TX, stated that she had been a member of the Arts Commission for five years. She stated that she appreciated the helpfulness of the Planning and Zoning Commission agenda. Ms. Harden stated that she understood that it was difficult to balance land use, green space, and attracting businesses so that we can have tax dollars to help lessen the burden on property owners. She stated that McKinney is rapidly growing. Ms. Harden stated that there were vacant spaces located near the Kroger development located at the southeast corner of U.S. Highway 75 (Central Expressway) and U.S. Highway 380 (University Drive). She stated that some of these spaces had been vacant for at least five years. Ms. Harden stated that they moved from Plano, TX to get away from development; however, they know it is coming to McKinney, TX. She stated that a lot of the adjacent property owners value green space.

On a motion by Alternate Commission Member McReynolds, seconded by Commission Member Zepp, the Commission voted unanimously to close the public hearing and table the proposed rezoning request indefinitely as recommended by Staff, with a vote of 6-0-0.

17-0021Z Conduct a Public Hearing to Consider/ Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, Located Approximately 595 Feet West of Village Park Drive and on the North Side of Collin McKinney Parkway

Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone the subject property to "C1" – Neighborhood Commercial District, for low intensity commercial uses. Mr. Soto stated that the property is currently zoned for single family residential uses in accordance

with the Neighborhood Zone for the Regional Employment Center (REC) Overlay District; however, the adjacent street network and neighborhood layout have rendered the subject property undevelopable for single family residential lots due to the size constraint and access. He stated that the applicant has indicated their intent to develop the property for non-residential uses, specifically under “C1” – Neighborhood Commercial District, in order to be consistent with the property directly to the east. Mr. Soto stated that the property owner owns the adjacent tract of land as well. He stated that the Future Land Use Plan (FLUP) designates the property for low density residential uses; however, this designation on the subject property reflects the existing zoning rather than the potential uses for the location. Mr. Soto stated that the request for the subject property is consistent with several other recent rezoning requests in the immediate area. He stated that the current request will complement the adjacent properties. Mr. Soto stated that the applicant did host a neighborhood meeting with the residents of Village Park on February 16, 2018 to inform them of the upcoming request. He stated that it is Staff’s professional opinion, given the location and access of the property, that the rezoning request will be compatible with the adjacent land uses. Mr. Soto stated that Staff recommend approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Costa Mazidji, PE, 11105 Fernald Avenue, Dallas, TX, explained the proposed rezoning request. He stated that a medical and professional office building is being proposed for the site that would be of use for the adjacent neighborhood. Mr. Mazidji stated that the architectural features would be consistent with the adjacent neighborhood. He offered to answer questions. There were none.

Mr. Srinivas Chaluvadi, Stacy Office Park, LLC, 13359 Grayhawk Boulevard, Frisco, TX, stated that he was the applicant on the proposed rezoning request. He offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments.

Mr. Craig Harlan, 5028 Devon Drive, McKinney, TX, stated that he was in support of the proposed rezoning request. He stated that his property was adjacent to the subject property. Mr. Harlan stated that at the neighborhood meeting the neighbors requested that a fence be built prior to any construction starts to help with debris and safety issues.

Mr. Todd Yamaoka, 5016 Devon Drive, McKinney, TX, stated that he would prefer to see organic fencing for the aesthetics of the community. He stated that there are multiple young families living in their neighborhood. Mr. Yamaoka stated that they chose McKinney because of its atmosphere. He stated that he understood the benefits of commercial development, as it enhances the features of the community. Mr. Yamaoka stated that the neighbors had concerns about light pollution.

Chairman Cox stated that when the site plan for the subject property is submitted to the City of McKinney, it will be made available for viewing on the City's website. He stated that residents could also contact Staff to discuss it in more detail.

On a motion by Commission Member Zepp, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Mr. Chaluvadi stated that he agreed to do whatever the City specified regarding the screening of the property prior to doing any other construction and light control for the property. He stated that he was available to anyone with questions about the proposed development. Chairman Cox thanked Mr. Chaluvadi for his willingness to work with everyone.

On a motion by Commission Member Smith, seconded by Commission Member Zepp, the Commission unanimously voted to recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 20, 2018.

17-186SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan for a Meter and Flow Control Facility (North McKinney Pipeline, Phase III), Located Approximately 1,500 Feet South of Bloomdale Road and on the West Side of Redbud Boulevard

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed specific use permit and site plan request. She stated that the applicant is requesting approval of a specific use permit (SUP) and site plan to allow for a utility substation, a meter and flow control facility, on the subject property. Ms. Quintanilla stated that the proposed meter and flow control facility is approximately 850 square feet. She stated that this facility will work in conjunction with the future City of McKinney

Redbud Pump Station and North McKinney Pipeline Phase III. Ms. Quintanilla stated that the zoning for the subject property is “AG” – Agricultural District and requires that a specific use permit (SUP) be granted in order to allow for a utility substation. She stated that given that the area is industrial in nature, the Future Lane Use Plan (FLUP) calls for this area to be industrial, and the nearby developments are proposed to be industrial uses, the meter and flow control facility will be compatible with the future surrounding land uses. Ms. Quintanilla stated that Staff combined the specific use permit (SUP) and site plan as one request. She stated that approval of the specific use permit (SUP) will constitute approval of the site plan and landscape plan for the development. Ms. Quintanilla stated that Staff recommends approval of the specific use permit (SUP) and site plan request. Ms. Quintanilla offered to answer questions. There were none.

Ms. Colleen Howard, 600 W. 6th Street, Fort Worth, TX, stated that she was one of the engineers on the project and was representing the North Texas Municipal Water District. She stated that this would be a water flow control facility. Ms. Howard stated that it was going to connect the pipeline to the future McKinney Redbud Pump Station and the future North Texas Pump Station. She stated that it was critical to provide enough water to the City of McKinney. Ms. Howard offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to recommend approval of the proposed specific use permit and site plan as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 20, 2018.

17-0006SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for Retail, Restaurant and Pavilion Uses (HUB 121), Located on the Southwest Corner of Henneman Way and Alma Road, and Approximately 415 Feet West of Alma Road and on the North Side of State Highway 121 (Sam Rayburn Tollway)

Ms. Melissa Spiegel, Planner I for the City of McKinney, explained the proposed site plan request. She stated that the applicant proposed to construct six retail/restaurant

buildings and an outdoor music pavilion. Ms. Spriegel stated that typically site plans can be approved by Staff; however, the applicant is requesting variances that must be considered by the Planning and Zoning Commission. She stated that the applicant is requesting a variance to reduce the landscape buffer along Henneman Way from 20 feet to 15 feet. Ms. Spriegel stated that the applicant is also requesting a variance to allow the loading spaces to be located more than 25 feet from the building for Buildings 1, 2, and 3. She stated that per the Zoning Ordinance, a 20-foot landscape buffer is required adjacent to right-of-way of any major thoroughfare. Ms. Spriegel stated that the applicant is requesting to reduce the landscape buffer from 20 feet to 15 feet along Henneman Way, to maintain consistency with the development standards to the west, which call for a 15-foot landscape buffer. She stated that Staff feels that the proposed request to reduce the landscape buffer should not have an adverse impact for the site and the adjacent land uses, and will allow for a consistent street yard along the right-of-way. Ms. Spriegel stated that Staff has no objection to the applicant's request. She stated that the Zoning Ordinance also requires that all loading spaces shall be located within 25 feet of the building. Ms. Spriegel stated that the applicant has proposed that the loading spaces for Buildings 1, 2, and 3 be located approximately 60 - 72 feet from the main buildings. She stated that given the proposed courtyard-type design, intending to create a pedestrian friendly environment with each building accessible through walkways and open space, Staff understands the difficulty of locating the loading spaces within 25 feet of the building. Ms. Spriegel stated that Staff has no objection to the applicant's request and offered to answer questions. There were none.

Mr. Bob Roeder; Abernathy, Roeder, Boyd & Hullett, P.C.; 1700 Redbud Blvd.; McKinney, TX; explained the proposed site plan and variance requests. He stated that this would be McKinney's first venture into a restaurant row. Mr. Roeder stated that there would be a series of restaurant buildings that frame an outdoor pavilion. He stated that City Council likes this plan and had approved a Chapter 380 agreement to help with the pavilion construction. Mr. Roeder stated that he is seeking two variances regarding the setback along Henneman Way and remote loading requirements. He stated that the pedestrian circulation needs to go around the building. Mr. Roeder requested approval of the proposed site plan request and offered to answer questions.

Alternate Commission Member McReynolds asked if this would be similar to the southeast corner of State Highway 121 (Sam Rayburn Tollway) and Dallas North Tollway (Preston Road). Mr. Roeder stated that these buildings were designed to have multiple restaurant tenants. He stated that the proposed buildings are designed to have robust restaurants. Mr. Roeder stated that two of the buildings up near the proposed landscape buffer variance would be a combination of restaurant and retail uses.

Commission Member Smith stated that she likes the synergy that this could bring to the area and the entertainment feature being created. She stated that it would be an entertainment district and that she could see value in it. Commission Member Smith stated that it would be a positive feature for the area.

Chairman Cox asked Mr. Roeder if he was in agreement with Staff's two recommendations listed in the Staff Report. Mr. Roeder stated that he concurred with the Staff Report.

Chairman Cox opened the public hearing and called for comments.

Dr. Baber Younas, 1780 W. McDermott Drive, Allen, TX, stated that he owns the 18 acres located east of the subject property. He stated that he was in support of the proposed site plan. Dr. Younas stated that it was a beautiful project.

On a motion by Alternate Commission Member McReynolds, seconded Commission Member Smith, the Commission unanimously voted to close the public hearing and approve the proposed site plan as conditioned in the Staff Report, with a vote of 6-0-0.

17-0016SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for a Retail Building (Ridge/U.S. 380 Retail), Located Approximately 300 Feet East of Ridge Road and on the South Side of U.S. Highway 380 (University Drive)

Ms. Melissa Spriegel, Planner I for the City of McKinney, explained the proposed site plan request. She stated that the applicant is requesting approval of a site plan for a retail building. Ms. Spriegel stated that typically site plans can be approved by Staff; however, the applicant is requesting variances that must be considered by the Planning and Zoning Commission. She stated that the applicant is requesting a variance to reduce the landscape buffer along U.S. Highway 380 (University Drive) from 20 feet to 19 feet. Ms. Spriegel stated that the applicant is also requesting a variance to allow the loading

spaces to be located more than 25 feet from the building. She stated that the applicant is requesting to reduce the landscape buffer from 20 feet to 19 feet along U.S. Highway 380 (University Drive) to maintain the full width of the 30-foot fire lane and mutual access drive currently existing on the subject property. Ms. Spriegel stated that it would provide a consistent design with the adjacent development to the west by placing parking on the north side of the drive aisle. She stated that Staff feels that the proposed request to reduce the minimum landscape setback from 20 feet to 19 feet should not have an adverse impact for the site and the adjacent land uses. Ms. Spriegel stated that Staff recommends approval of the variance request. She stated that the applicant has also proposed that the loading spaces be located approximately 36 feet from the main building. Ms. Spriegel stated that given the lot size and the existing drive aisle configuration, Staff understands the difficulty of locating the loading space within 25 feet of the building. She stated that Staff has no objection to the applicant's request and offered to answer questions. There were none.

Mr. Casey McBroom, Cross Engineering Consultants, Inc., 131 S. Tennessee Street, McKinney, TX, stated that he is the Civil Engineer on the project. He concurred with the Staff Report and offered to answer questions.

Alternate Commission Member McReynolds asked if a fire lane was proposed to go around the building. Mr. McBroom stated that it was a one-way drive-through. He stated that currently they are looking at having a dry cleaner in the far right side of the building. Mr. McBroom stated that was part of why locating the loading zone was difficult. He stated that the site was pretty small.

Chairman Cox asked Mr. McBroom if he was in agreement with the two conditions listed in the Staff Report. Mr. McBroom said yes.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded Commission Member Cobbel, the Commission unanimously voted to close the public hearing and approve the proposed site plan as conditioned in the Staff Report, with a vote of 6-0-0.

18-0085PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for 25 Single Family Residential Lots, 4 Common Areas, and 1 Non-Residential Lot (The Preserve at Lake Forest), Located

**Approximately 1,122 Feet South of Fieldcrest Street
and on the East Side of Lake Forest Drive**

Ms. Melissa Spiegel, Planner I for the City of McKinney, stated that Staff distributed one letter of opposition and one informational letter to the Commission Members prior to the meeting. She stated that the applicant was proposing to replat one existing lot (7.04 acres) and 25.48 acres of unplatted property into 25 single family residential lots, four common areas, and one non-residential lot. Ms. Spiegel stated that the applicant has indicated that the residential lots will be used to construct a single family subdivision. She stated that the existing church on the non-residential lot will remain. Ms. Spiegel stated that the applicant has met all of the requirements of the Subdivision Ordinance. She stated that Staff recommends approval of the proposed preliminary-final replat and offered to answer questions. There were none.

Mr. Noah Flabiano, Skoburg Company, 8214 Westchester Drive, Dallas, TX, briefly explained the proposed preliminary-final replat. He stated that they have now met all of the City's requirements. Mr. Flabiano stated that they were excited to build this development in McKinney.

Commission Member McCall asked if the subject property was located in a floodplain. Mr. Flabiano stated that about two acres was out of the current floodplain. He stated that about seven acres after reclamation would be located out of the floodplain. Mr. Flabiano stated that they had an approved flood study completed back in March 2016 and have made adjustments to the flood study since, which are now in review. He stated that they would not be able to build houses in the floodplain.

Commission Member Smith wanted to clarify that this property had come before the Commission with previous requests. Mr. Flabiano stated that he thought it had come before the Commission approximately three times.

Commission Member Smith asked if they had scaled the request back to limit the reclamation. Mr. Flabiano said yes. He stated that there would be a nice preserve back there.

Chairman Cox opened the public hearing and called for comments.

Ms. Misty Ventura, 9406 Biscayne Boulevard, Dallas, TX, stated that she represented the adjacent property owner, Carlisle Grace. She stated that they are in

support of the proposed preliminary-final replat. Ms. Ventura requested that a note be added to the plat regarding the dedication for future right-of-way that ties in to Carlisle Grace's property, currently shown in the cross hatched area on the plat. She requested the note to state that the City had the option to relocate the right-of-way dedication to a different area on the property. Ms. Ventura stated that the right-of-way is in the flood plain area. Ms. Ventura stated that if the right-of-way was moved towards the southeast corner of the subject property that it would make the development of the future road easier from an engineering standpoint. She offered to answer questions. Ms. Samantha Pickett, AICP, Planning Manager for the City of McKinney, stated that Staff spoke with the City Attorney about their request for a note to be added to the plat regarding the option to move the right-of-way dedication. She stated that the previous zoning on the property did require a dedication of an access point to the property to the east. Ms. Pickett stated that the current zoning on the property did not have that same requirement. She stated that the applicant has still provided that access; however, the location is to their discretion as long as it meets the City's standards. Ms. Pickett stated that Staff would welcome her to work with the applicant and developer to see if they would like to move it. Ms. Ventura stated that it was her understanding that the applicant was willing to add a note that the City would have an option to choose a different alignment for that right-of-way. She asked Mr. Flabiano to verify if that was not correct. He did not respond. Ms. Pickett stated that the applicant could choose to move the alignment when they submit the record plat; however, it would be at their discretion and would be required to meet all of the City's standards. Ms. Ventura stated that she was not requesting a different alignment be shown on the plat. She stated that she was requesting that the City have the option to choose a different alignment of the right-of-way dedication to another undeveloped portion of the property at a later time if needed. Ms. Pickett reiterated that the City's legal counsel advised Staff that would not be possible. She stated that Staff was willing to research further into their concern. Alternate Commission Member McReynolds asked if the applicant could come back at a later time and request that the alignment be moved as long as it meets the City's standards. Ms. Pickett said yes. Alternate Commission Member McReynolds did not feel that the note needed to be added to the plat. Chairman

Cox stated that it sounded like an issue that could be addressed at a later time and not something that the Commission would be able to fix at tonight's meeting.

Commission Member Zepp asked if the drawing included in the Staff Report showing the possible layout of the proposed development actually meant anything. Ms. Pickett stated yes, that for single family developments you would not see a site plan, just a plat.

Commission Member Smith stated that she was glad to see the applicant come back with a revised request to create a worthwhile project that will hopefully add to the area and community.

On a motion by Commission Member Cobbel, seconded by Commission Member Smith, the Commission voted to close the public hearing and approve the preliminary-final replat as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for this preliminary-final replat.

18-0069PFR Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for Lots 3R, 4, 5, and 6, Block A, McClure Elementary School Addition, Located on the Southwest Corner of U.S. Highway 380 (University Drive) and Ridge Road

Mr. David Soto, Planner I for the City of McKinney, explained the proposed preliminary-final replat. He stated that the applicant was proposing to subdivide one existing lot, 6.71 acres, into four lots for commercial uses. Mr. Soto stated that the applicant has met all of the requirements of the Subdivision Ordinance. He stated that Staff recommends approval of the proposed preliminary-final replat and offered to answer questions. There were none.

Mr. Don Day, 110 E. Louisiana, McKinney, TX, explained the proposed preliminary-final replat. He stated that he had commitments for the two proposed lots in the back of the property. Mr. Day stated that a pre-school was being proposed for the southeast corner lot. He stated that the Masonic Lodge, that has been located in Downtown McKinney for over 100 years, is proposed to move to the other lot. Mr. Day stated that the frontage along U.S. Highway 380 (University Drive) would have commercial uses; however, he did not know what they might be at this time. He requested approval of the proposed preliminary-final replat.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Smith, seconded by Alternate Commission Member McReynolds, the Commission voted to close the public hearing and approve the preliminary-final replat as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the Planning and Zoning Commission was the final approval authority for this preliminary-final replat.

END OF REGULAR AGENDA ITEMS AND PUBLIC HEARINGS

Commission Member Smith stated that the items in tonight's Planning and Zoning Commission meeting might not have been controversial; however, she felt it was a very exciting meeting due to the amount of quality commercial coming to McKinney. She stated that this was a direction that we have wanted to see happen in the City.

Alternate Commission Member McReynolds concurred with Commission Member Smith's comments. He stated that he was happy to finally seeing various growth along U.S. Highway 380 (University Drive).

Chairman Cox also concurred with Commission Member Smith's comments. He thanked Staff for working with the applicants and for being forward thinking. Chairman Cox stated that it was appreciated.

Commission Member Zepp stated that there were trees marked, with white numbering and a nail, in the wooded area where HUB 121 is being proposed. He asked if Staff knew anything about it. Ms. Samantha Pickett, AICP, stated that was a separate property, known as Crossroads. She stated that a park pavilion was planned along Henneman Way at the north side of the property. Ms. Pickett, AICP, stated that Staff could research into it and get back with him.

There being no further business, Chairman Cox declared the meeting adjourned at 6:55 p.m.

BILL COX
Chairman



18-224

TITLE: Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget to Provide Funding for the 2018 Chestnut Commons Parking Garage Mosaic

COUNCIL GOAL: Enhance the Quality of Life in McKinney

MEETING DATE: March 20, 2018

DEPARTMENT: Housing and Community Development

CONTACT: Janay Tieken, Housing and Community Development Manager

RECOMMENDED CITY COUNCIL ACTION:

- Approval of the Ordinance Amending the Fiscal Year 2017-2018 Annual Budget to provide funding for the Chestnut Commons Parking Garage Mosaic.

ITEM SUMMARY:

- Proposals were received from fifteen (15) Artists. The Selection Panel chose three (3) artists to develop a Design Concept for the Chestnut Commons Parking Garage Mosaic at a cost of \$1,500 (\$500 per artist).
- The Selection Panel is composed of five (5) members, including two members of the McKinney Arts Commission.
- The Selection Panel will chose one of the three Design Concepts to be brought for approval to the McKinney Arts Commission.
- If approved by the McKinney Arts Commission, the recommended Design Concept and Contract for the award of the project (\$40,000), will be brought back to City Council for approval.

BACKGROUND INFORMATION:

- Per the Public Art Master Plan approved by City Council, at least 50% of funds for public art projects will come from sources other than the City.
- Sanchez and Associates, LLC have provided the \$750 match for the design concept.
- The amount to be paid to the artist for the mosaic will not exceed \$40,000 and Sanchez and Associates, LLC have pledged \$20,000 for 50% of the cost of the

mosaic.

FINANCIAL SUMMARY:

- Each of the three finalists will be paid \$500, for a total of \$1,500, to develop a Design Concept for the Chestnut Commons Garage Mosaic.
- The artist will be paid an amount, not to exceed \$40,000 to create/install the mosaic.
- This ordinance amends the FY 2017-18 annual budget by appropriating \$41,500 in the Public Art Fund.

BOARD OR COMMISSION RECOMMENDATION:

- At their August 10, 2017 meeting, the McKinney Arts Commission unanimously approved the expenditure of \$20,000 from the Public Art Fund for the project.

SUPPORTING MATERIALS:

[Ordinance](#)

ORDINANCE NO. 2018-03-____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,
TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING
TO THE FISCAL YEAR 2017-2018 BUDGET TO PROVIDE FUNDING
FOR THE CHESTNUT COMMONS PARKING GARAGE MOSAIC; AND
PROVIDING FOR AN EFFECTIVE DATE HEREOF**

WHEREAS, as required by the City Charter, the City Manager has prepared an amendment to certain appropriations and expenditures / expenses in the 2017-2018 Budget and submitted same to the City Council for its approval and a true and correct copy is attached.

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

- Section 1. Pursuant to the City Charter requirements of the City of McKinney, Texas, a Budget Amendment pertaining to Fiscal Year 2017-2018 Annual Budget is hereby authorized and approved.
- Section 2. The budget shall be amended by appropriating \$41,500 in the Public Art Fund to provide funding for the Chestnut Commons Parking Garage Mosaic, of which 50% will be provided by a donation from Sanchez and Associates LLC.
- Section 3. This Ordinance shall become effective from and after its adoption and is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 20th DAY OF MARCH, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

AMENDMENT # 81603					
Chestnut Commons Parking Garage Mosaic					
Account No.	Project Number	Account Description	Current Budget (Project)	Proposed Budget (Project)	Increase/ (Decrease)
Revenues					
058-0000-365-4001		Contributions / Donations	\$ -	\$ 20,750	\$ 20,750
Expenditures					
058-9999-453-8516		Professional Services	\$ -	\$ 41,500	\$ 41,500
Fund Balance					
Fund 058 - Public Art Fund					\$ (20,750)
Net Effect on Fund Balance					\$ (20,750)



TITLE: Consider/Discuss/Act on an Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division Regarding the Company's 2017 Annual Rate Review Mechanism Filing

COUNCIL GOAL: Financially Sound Government

MEETING DATE: March 20, 2018

DEPARTMENT: Financial Services

CONTACT: Trevor Minyard, Assistant to the City Manager

RECOMMENDED CITY COUNCIL ACTION:

- Approve the ordinance.

ITEM SUMMARY:

- The City, along with 171 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Steering Committee of Cities Served by Atmos ("Cities"). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.
- Since 2007, there have been several modifications to the original RRM Tariff. The Ordinance that resolved the Company's application under the RRM Tariff in 2017 also terminated the existing RRM Tariff and required a renegotiation of the terms of that tariff. Negotiations have taken place over the past several months, and have resulted in a revised RRM Tariff that has been agreed to by the Company. The Cities' Executive Committee has recommended acceptance of the revised RRM Tariff, which is attached to the Ordinance.
- Cities strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues and rewarding the Company for increasing capital investment. The GRIP process

does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or recover their rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In the Steering Committee's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

- The RRM Tariff on which the 2017 rates were based allowed a rate of return on equity of 10.50%. The revised RRM Tariff reduces that to 9.8%. The revised RRM Tariff also captures the reduction in federal income tax rates from 35% to 21%, and should result in a rate reduction effective by mid-March, 2018. Prior RRM tariffs allowed Cities only three months to review the Company's filing. The new revised Tariff expands that time period by two months. New applications by the Company should be made on or about April 1 of each year, with new rates effective October 1. A rate order from the Railroad Commission in an Atmos Texas Pipeline rate case adopted the position of Cities with regard to incentive compensation related to Atmos' Shared Services Unit that reduced allowed expenses, and that reduced level of expenses will be applicable under the new RRM Tariff.
- The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance with its attachments approving the negotiated rate settlement resolving the 2017 RRM filing, and implementing the rate change.

BACKGROUND INFORMATION:

- The RRM tariff was originally approved by ACSC Cities as part of the settlement agreement to resolve the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. In early 2013, the City adopted a renewed RRM tariff for an additional five years. Atmos Mid-Tex's March 2017 filing was made pursuant to the renewed RRM tariff.

FINANCIAL SUMMARY:

- Franchise revenue from Atmos Gas is about \$1.2 million per year. There will not be a significant change in the current revenue.

SUPPORTING MATERIALS:

[Ordinance](#)

[Mid-Tex RRM Tariff](#)

[Exhibit A](#)

ORDINANCE NO. 2018-03-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, (“CITY”) APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (“RRM”) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

WHEREAS, the City of McKinney, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City and similarly-situated Mid-Tex municipalities created the Steering Committee of Cities Served by Atmos to efficiently address all rate and service matters associated with delivery of natural gas; and

WHEREAS, the Steering Committee formed an Executive Committee to direct legal counsel and to recommend certain specific actions to all aligned Mid-Tex Cities through resolution or ordinance; and

WHEREAS, pursuant to the terms of a November 2007 agreement between the Steering Committee and Atmos Mid-Tex that settled the Company’s interim rate filing under Section 104.301 of the Texas Utilities Code (a “GRIP” rate case), the Steering Committee and the Company collaboratively developed a Rate Review Mechanism (“RRM”) Tariff, ultimately authorized by the City in 2008, that allows for an expedited rate review process as a substitute for the GRIP process; and

WHEREAS the City has kept some form of a RRM Tariff in place until 2017 when it adopted an ordinance approving a RRM Tariff filing settlement and specifically calling for termination of the existing RRM Tariff and negotiation of a replacement RRM Tariff following the Railroad Commission’s decision in a then-pending Atmos Texas Pipeline case (GUD No. 10580); and

WHEREAS, the Steering Committee’s Executive Committee has recently approved a settlement with the Company on the attached RRM Tariff that contains certain notable improvements, from a consumer perspective, over the prior RRM Tariff, including a reduced rate of return on equity, acceptance of certain expense adjustments made by the Railroad Commission in the Order in GUD No. 10580, and the addition of two months to the time for processing a RRM Tariff application; and

WHEREAS, the RRM Tariff contemplates reimbursement of Cities’ reasonable expenses associated with RRM Tariff applications; and

WHEREAS, the Steering Committee’s Executive Committee recommends that all Steering Committee member cities adopt this ordinance and the attached RRM Tariff; and

WHEREAS, the attached RRM Tariff is just, reasonable and in the public interest,

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

- Section 1. The findings set forth in this Ordinance are hereby in all things approved.
- Section 2. The attached RRM Tariff re-establishing a form of Rate Review Mechanism is just and reasonable and in the public interest, and is hereby adopted.
- Section 3. Atmos Mid-Tex shall reimburse the Cities' reasonable expenses associated with adoption of this Ordinance and the attached RRM Tariff and in processing future RRM Tariff applications filed pursuant to the attached tariff.
- Section 4. To the extent any resolution or ordinance previously adopted by the City is inconsistent with this Ordinance, it is hereby repealed.
- Section 5. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- Section 6. If any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance , and the remaining provisions of this Ordinance shall be interpreted as if the offending section or clause never existed.
- Section 7. This Ordinance shall become effective from and after its passage.
- Section 8. A copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 20th DAY OF MARCH, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 1

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers within the city limits of cities identified in Exhibit A that receive service from the Mid-Tex Division of Atmos Energy Corporation (“Company”). This Rate Review Mechanism (“RRM”) provides for an annual adjustment to the Company’s Rate Schedules R, C, I and T (“Applicable Rate Schedules”). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

“Test Period” is defined as the twelve months ending December 31 of each preceding calendar year.

The “Effective Date” is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is October 1.

Unless otherwise provided in this tariff the term Final Order refers to the final order issued by the Railroad Commission of Texas in GUD No. 10170 and elements of GUD No. 10580 as specified in Section III below.

The term “System-Wide” means all incorporated and unincorporated areas served by the Company.

“Review Period” is defined as the period from the Filing Date until the Effective Date.

The “Filing Date” is as early as practicable, but no later than April 1 of each year.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service (“COS”) that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The Company may request recovery of its total cost of service but will include schedules showing the computation of any adjustments. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 2

consistent with the rate making treatments approved in the Final Order. Incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) related to Atmos' Shared Services Unit will be applied consistent with treatment approved in GUD 10580. Additionally, O&M adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order in GUD 10580.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order. Additionally, if depreciation rates are approved in a subsequent final order, not subject to appeal, issued by the Railroad Commission of Texas for the Mid-Tex division those rates would be applicable for subsequent RRM filings.

RI = return on prudently incurred investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, and as in GUD 10580 as specifically related to capitalized incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) for Atmos' Shared Services Unit. However, no post Test Period adjustments will be permitted. Additionally, adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes that have occurred prior to the filing date) and the return on equity of 9.8%. However, in no event will the percentage of equity exceed 58%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 3

and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order. Atmos Energy shall comprehensively account for, including establishing a regulatory liability to account for, any statutory change in tax expense that is applicable to months during the Test Period in the calculation to ensure recovery of tax expense under new and old income tax rates.

CD = interest on customer deposits.

IV. Annual Rate Adjustment

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 50% of the increase may be recovered in the customer charge. However, the increase to the Residential customer charge shall not exceed \$0.60 per month in the initial filing and \$0.70 per month in any subsequent year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within twenty (20) calendar days after the Filing Date.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 4

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non- recurring items included in the filing.

VI. Evaluation Procedures

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 5

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on October 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by September 30, the rates proposed in the Company's filing shall be deemed approved effective October 1. Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by September 30, the rates finally approved by the regulatory authority shall be deemed effective as of October 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than December 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before December 31 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 6

VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment can be obtained.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 7

Exhibit A

ACSC Cities

Abilene	Cleburne	Frost	Lincoln Park
Addison	Clyde	Gainesville	Little Elm
Albany	College Station	Garland	Lorena
Allen	Colleyville	Garrett	Madisonville
Alvarado	Colorado City	Grand Prairie	Malakoff
Angus	Comanche	Grapevine	Mansfield
Anna	Commerce	Groesbeck	Mckinney
Argyle	Coolidge	Gunter	Melissa
Arlington	Coppell	Haltom City	Mesquite
Aubrey	Copperas Cove	Harker Heights	Midlothian
Azle	Corinth	Haskell	Murphy
Bedford	Crandall	Haslet	Newark
Bellmead	Crowley	Hewitt	Nocona
Benbrook	Dalworthington Gardens	Highland Park	North Richland Hills
Beverly Hills	Denison	Highland Village	Northlake
Blossom	Denton	Honey Grove	Oak Leaf
Blue Ridge	Desoto	Hurst	Ovilla
Bowie	Draper	Hutto	Palestine
Boyd	Duncanville	Iowa Park	Pantego
Bridgeport	Eastland	Irving	Paris
Brownwood	Edgecliff Village	Justin	Parker
Buffalo	Emory	Kaufman	Pecan Hill
Burkburnett	Ennis	Keene	Petrolia
Burleson	Eules	Keller	Plano
Caddo Mills	Everman	Kemp	Ponder
Canton	Fairview	Kennedale	Pottsboro
Carrollton	Farmers Branch	Kerens	Prosper
Cedar Hill	Farmersville	Kerrville	Quitman
Celeste	Fate	Killeen	Red Oak
Celina	Flower Mound	Krum	Reno (Parker County)
Centerville	Forest Hill	Lake Worth	Rhome
Cisco	Forney	Lakeside	Richardson
Clarksville	Fort Worth	Lancaster	Richland
	Frisco	Lewisville	Richland Hills

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 8

River Oaks	Temple
Roanoke	Terrell
Robinson	The Colony
Rockwall	Trophy Club
Roscoe	Tyler
Rowlett	University Park
Royse City	Venus
Sachse	Vernon
Saginaw	Waco
Sansom Park	Watauga
Seagoville	Waxahachie
Sherman	Westlake
Snyder	Westover Hills
Southlake	Westworth Village
Springtown	White Settlement
Stamford	Whitesboro
Stephenville	Wichita Falls
Sulphur Springs	Woodway
Sweetwater	Wylie



17-0021Z

TITLE: Conduct a Public Hearing to Consider/ Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, Located Approximately 595 Feet West of Village Park Drive and on the North Side of Collin McKinney Parkway, and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic and Economic Growth

MEETING DATE: March 20, 2018

DEPARTMENT: Planning

CONTACT: Samantha Pickett, AICP, Planning Manager
Brian Lockley, AICP, CPM, Director of Planning
David Soto, Planner I

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed rezoning request.

APPLICATION SUBMITTAL DATE: December 27, 2017 (Original Application)
January 22, 2018 (Revised Submittal)
January 30, 2018 (Revised Submittal)
February 2, 2018 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 0.95 acres of land from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, generally for single family residential uses, to "C1" - Neighborhood Commercial District, generally for commercial uses.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
----------	---------------------------------------	-------------------

Subject Property	"PD" - Planned Development District Ordinance No. 2013-03-028 and "REC" - Regional Employment Center Overlay District (Single Family Residential Uses)	Undeveloped Land
North	"PD" - Planned Development District Ordinance No. 2002-05-038 and "REC" - Regional Employment Center Overlay District (Single Family Residential Uses)	Village Park Subdivision
South	"PD" - Planned Development District Ordinance No. 2015-05-042, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District (Single Family Residential Uses)	Vineyards Subdivision
East	"C1" - Neighborhood Commercial District (Commercial Uses)	Undeveloped Land
West	"PD" - Planned Development District Ordinance No. 2013-03-028 (Single Family Residential Uses) and "REC" - Regional Employment Center Overlay District	Village at Stacy Subdivision

PROPOSED ZONING: The applicant is requesting to rezone the subject property to "C1" - Neighborhood Commercial District, generally for low intensity commercial uses. The property is currently zoned for single family residential uses in accordance with the Neighborhood Zone of the REC Overlay District; however, the adjacent street network and neighborhood layout have rendered the subject property undevelopable as a single family residential lot(s). As such, the applicant has indicated their intent to develop the property for non-residential uses, specifically under "C1" - Neighborhood Commercial District in order to be consistent with the property directly to the east.

Currently, the Future Land Use Plan (FLUP) designates the property for low density residential uses; however, this designation on the subject property reflects the existing zoning rather than the potential uses for the location. The request for the subject property is consistent with several other recent rezoning requests in the immediate area, and the current request will complement the adjacent properties. It is Staff's professional opinion, given the location and access of the property, that the rezoning request will be compatible with the adjacent land uses and as such, Staff recommends approval of the proposed rezoning request.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Future Land Use Plan (FLUP) designates the subject property for low density residential uses. The FLUP modules diagram designates the subject property as Urban Mix within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- Comprehensive Plan Goals and Objectives: The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Land Use Compatibility and Mix” by providing “land use patterns that optimize and balance the tax base of the City”.
- Impact on Infrastructure: The proposed rezoning request may have an impact on the existing and planned water, sewer and thoroughfare plans in the area.
- Impact on Public Facilities/Services: The proposed rezoning request may have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The property to the east is zoned for similar commercial uses, and the proposed request should be compatible and complement the surrounding properties.
- Land Use and Tax Base Summary: Module 13 is currently comprised of approximately 53.9% residential uses and 46.1% non-residential uses (including institutional and agricultural uses). The proposed rezoning request will have an impact on the anticipated land uses in this module, as the property will be changing from residential to non-residential uses. Estimated tax revenues in Module 13 are comprised of approximately 80.5% from residential uses and 19.5% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 13 are comprised of approximately 87.6% ad valorem taxes and 12.4% sales and use taxes.
- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial land uses in the area.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments or phone calls in support of or opposition to this request; however, the applicant did host a neighborhood meeting with the residents of Village Park on February 16, 2018 to inform them of the upcoming request.

BOARD OR COMMISSION RECOMMENDATION: On February 27, 2018, the Planning and Zoning Commission voted 6-0-0 to recommend approval of the proposed rezoning request.

SUPPORTING MATERIALS:

[P&Z Minutes](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Comprehensive Plan Maps](#)
[Land Use and Tax Base Summary](#)
[Land Use Comparison Table](#)
[Ex. PD Ord. No. 2013-03-028](#)
[Proposed Ordinance](#)
[Proposed Exhibits A-C](#)
[PowerPoint Presentation](#)

Planning and Zoning Commission Meeting Minutes of February 27, 2018:

**17-0021Z Conduct a Public Hearing to Consider/ Discuss/Act on
a Request to Rezone the Subject Property from "PD" -
Planned Development District and "REC" - Regional
Employment Center Overlay District to "C1" -
Neighborhood Commercial District, Located
Approximately 595 Feet West of Village Park Drive and
on the North Side of Collin McKinney Parkway**

Mr. David Soto, Planner I for the City of McKinney, explained the proposed rezoning request. He stated that the applicant is requesting to rezone the subject property to "C1" – Neighborhood Commercial District, for low intensity commercial uses. Mr. Soto stated that the property is currently zoned for single family residential uses in accordance with the Neighborhood Zone for the Regional Employment Center (REC) Overlay District; however, the adjacent street network and neighborhood layout have rendered the subject property undevelopable for single family residential lots due to the size constraint and access. He stated that the applicant has indicated their intent to develop the property for non-residential uses, specifically under "C1" – Neighborhood Commercial District, in order to be consistent with the property directly to the east. Mr. Soto stated that the property owner owns the adjacent tract of land as well. He stated that the Future Land Use Plan (FLUP) designates the property for low density residential uses; however, this designation on the subject property reflects the existing zoning rather than the potential uses for the location. Mr. Soto stated that the request for the subject property is consistent with several other recent rezoning requests in the immediate area. He stated that the current request will complement the adjacent properties. Mr. Soto stated that the applicant did host a neighborhood meeting with the residents of Village Park on February 16, 2018 to

inform them of the upcoming request. He stated that it is Staff's professional opinion, given the location and access of the property, that the rezoning request will be compatible with the adjacent land uses. Mr. Soto stated that Staff recommend approval of the proposed rezoning request and offered to answer questions. There were none.

Mr. Costa Mazidji, PE, 11105 Fernald Avenue, Dallas, TX, explained the proposed rezoning request. He stated that a medical and professional office building is being proposed for the site that would be of use for the adjacent neighborhood. Mr. Mazidji stated that the architectural features would be consistent with the adjacent neighborhood. He offered to answer questions. There were none.

Mr. Srinivas Chaluvadi, Stacy Office Park, LLC, 13359 Grayhawk Boulevard, Frisco, TX, stated that he was the applicant on the proposed rezoning request. He offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments.

Mr. Craig Harlan, 5028 Devon Drive, McKinney, TX, stated that he was in support of the proposed rezoning request. He stated that his property was adjacent to the subject property. Mr. Harlan stated that at the neighborhood meeting the neighbors requested that a fence be built prior to any construction starts to help with debris and safety issues.

Mr. Todd Yamaoka, 5016 Devon Drive, McKinney, TX, stated that he would prefer to see organic fencing for the aesthetics of the community. He stated that there are multiple young families living in their neighborhood. Mr. Yamaoka stated that they chose McKinney because of its atmosphere. He stated that he understood the benefits of commercial development, as it enhances the features of the community. Mr. Yamaoka stated that the neighbors had concerns about light pollution.

Chairman Cox stated that when the site plan for the subject property is submitted to the City of McKinney, it will be made available for viewing on the City's website. He stated that residents could also contact Staff to discuss it in more detail.

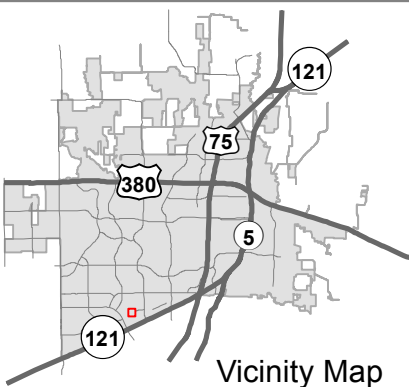
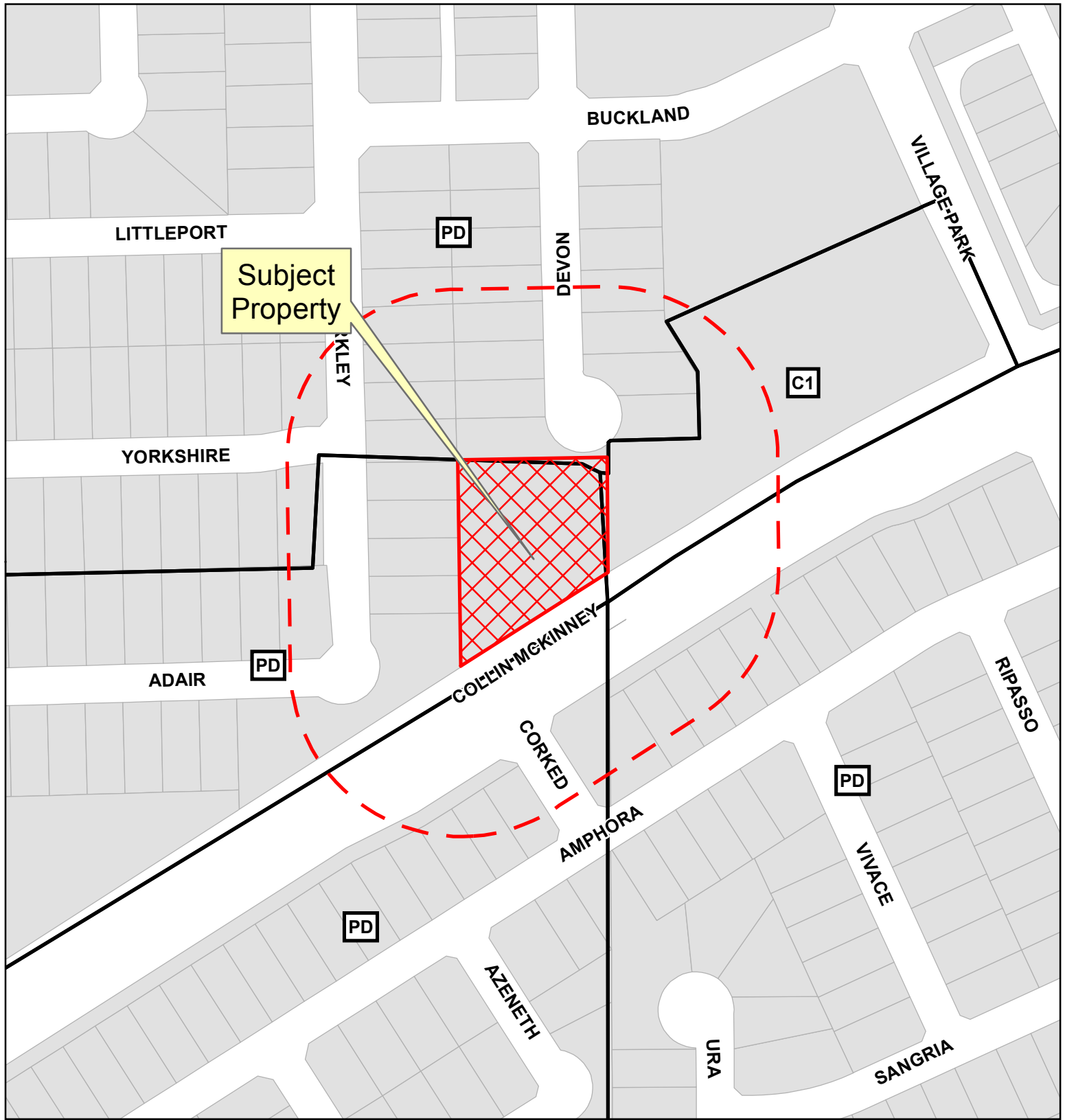
On a motion by Commission Member Zepp, seconded by Commission Member McCall, the Commission unanimously voted to close the public hearing, with a vote of 6-0-0.

Mr. Chaluvadi stated that he agreed to do whatever the City specified regarding the screening of the property prior to doing any other construction and light control for the property. He stated that he was available to anyone with questions about the proposed development. Chairman Cox thanked Mr. Chaluvadi for his willingness to work with everyone.

On a motion by Commission Member Smith, seconded by Commission Member Zepp, the Commission unanimously voted to recommend approval of the proposed rezoning request as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 20, 2018.

Document Path: S:\MCKGIS\NotificationDev_Services_Notification_Map.mxd



Notification Map

17-0021Z

--- 200' Buffer

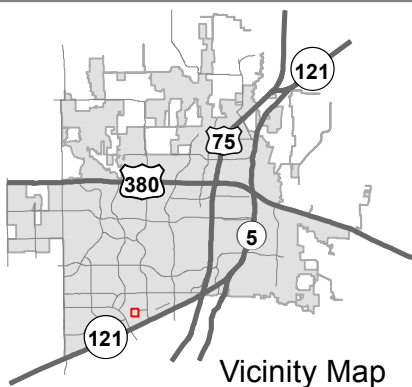


0 80 160
Feet
1 in = 174 ft

Source: City of McKinney GIS
Date: 2/22/2018

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.





Notification Map

17-0021Z

--- 200' Buffer



0 80 160
Feet
1 in = 174 ft

Source: City of McKinney GIS
Date: 2/22/2018

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



January 19, 2018

City Planner
City of McKinney
221 N. Tennessee St.
McKinney, TX 75069

RE: Letter of Intent – Rezoning Application
Stacy Office Park, 0.951 Acre Tract
500 Ft West of Collin McKinney Pkwy and Village Park Dr. Intersection.
McKinney, Collin County, TX
Project No. MG274

Dear Mr. Sir/Madam:

Mazidji Group Engineering, on behalf of our client Stacy Office Park, LLC, is submitting the present Letter of Intent to develop the above-referenced property. The intent is to develop the subject property into a medical and professional office space.

The Stacy Office Park tract has an area of 0.951 acres. It is located on the Northside of Collin McKinney Parkway, approximately 500 feet west of the intersection of Collin McKinney Parkway and Village Park Drive. The subject lot is currently zoned “PD” – Planned Development Ordinance Number 2013-03-028 and “REC” – Regional Employment Center Overlay district, with a base zoning of Residential. Our application is to rezone it to “C1” - Local Commercial District.

The reason for requesting the zoning change is in order to allow for the commercial use of the tract since it is fronting the Collin McKinney Parkway and due to the lower minimum rear setback requirements under the “C1” – Local Commercial District zoning code. This zoning code would also allow us to have parking stalls and a drive in front of the building, thus connecting to the adjacent tract the East (zoned “C1”- Local Commercial District).

We thank you for considering our application to rezone the Stacy Office Park Tract. Please feel free to contact me at 214-663-1068 if you have any questions or if you need clarifications regarding the present communication.

Sincerely,
Mazidji Group

Costa Mazidji

Costa Mazidji, PhD, PE
Principal

Enclosure
Attachment

CC: Mr. Srinivas Chaluvadi
File

CITY OF MCKINNEY

COMPREHENSIVE PLAN

FUTURE LAND USE PLAN

* Original Adoption 03-22-2004
(Ordinance No. 2004-03-035)

* Amendment #1 04-04-2006
(Ordinance No. 2006-04-042)
Revised to reflect alignment of
Future Collin County
Multimodal Transportation
Corridor as well as changes to
the Master Thoroughfare Plan.

* Amendment #2 01-05-2010
(Ordinance No. 2010-01-001)
Revised to reflect the Trinity
Falls Municipal Utility District,
the Airport Master Plan,
boundary changes between
McKinney, Fairview, and
Princeton as well as changes to
the Master Thoroughfare Plan.

* Amendment #3 07-16-2013
(Ordinance No. 2013-07-070)
Revised to reflect the changes to
the Master Thoroughfare
Plan.

* Amendment #4 05-05-2015
(Ordinance No. 2015-05-039)
Revised to reflect changes to
anticipated land uses/zoning for
the area formerly known as the
REC Module and create new
modules: Tollway Commercial
Module and Urban Mix Module.

* Amendment #5 06-02-2015
(Ordinance No. 2015-06-048)
Revised to reflect amendments to
the Master Thoroughfare
Plan, floodplain changes, and
boundary changes between
McKinney and Fairview.

The Future Land Use Plan serves as a guide for future development and represents policy and generalized land uses proposed for the City of McKinney. This Future Land Use Plan is composed of Land Use Modules. The Modules are groupings of several different land use categories combined with recommended percentages, working to achieve a holistic goal for a specific area of the community. THIS IS NOT A ZONING MAP.

Legend

Existing and Future Thoroughfares
Extraterritorial Jurisdiction (ETJ)
Rail Line

FUTURE LAND USE MODULES

Estate Mix
Suburban Mix
Urban Mix
Town Center
Transit Village (1/4 mile radius)
Community Village
Regional Commercial
Tollway Commercial
Regional Employment
Office Park
Industrial
Airport Industrial
Potential Commercial within the
Residential Module
(Based on Locational Criteria)

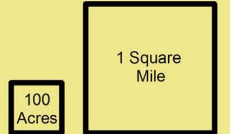
ANTICIPATED LAND USES / ZONING

Floodplain
Golf Course
Parks/Open Space
Government/Schools
Airport
Heavy Manufacturing
Light Manufacturing
Commercial Historic
Commercial
Neighborhood Business
Mixed Use
Office
Residential/Low Density
Residential/Medium Density
Residential/High Density
Residential/Urban High Density

Source: City of McKinney Planning Department Data

02 June 2015
FIGURE 7.4

0 1 2 Miles



CITY OF MCKINNEY COMPREHENSIVE PLAN

FUTURE LAND USE PLAN MODULE DIAGRAM

Legend

- Rail Line
- Existing and Future Thoroughfares
- Floodplain
- Extraterritorial Jurisdiction (ETJ)

FUTURE LAND USE MODULES

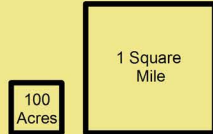
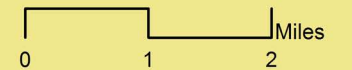
- EM Estate Mix
- SM Suburban Mix
- UM Urban Mix
- TC Town Center
- TV Transit Village
- CV Community Village
- RC Regional Commercial
- TWY Tollway Commercial
- RE Regional Employment
- OP Office Park
- I Industrial
- AI Airport Industrial

MODULE TYPE

- Existing Modules
- Future Modules

Source: City of McKinney Planning Department Data

02 June 2015
FIGURE 7.5



* Original Adoption 03-22-2004
(Ordinance No. 2004-03-035)

* Amendment #1 04-04-2006
(Ordinance No. 2006-04-042)
Revised to reflect alignment of
Future Collin County
Multimodal Transportation
Corridor as well as changes to
the Master Thoroughfare Plan.

* Amendment #2 01-05-2010
(Ordinance No. 2010-01-001)
Revised to reflect the Trinity
Falls Municipal Utility District,
the Airport Master Plan,
boundary changes between
McKinney, Fairview, and
Princeton as well as changes to
the Master Thoroughfare Plan.

* Amendment #3 07-16-2013
(Ordinance No. 2013-07-070)
Revised to reflect the changes
to the Master Thoroughfare
Plan.

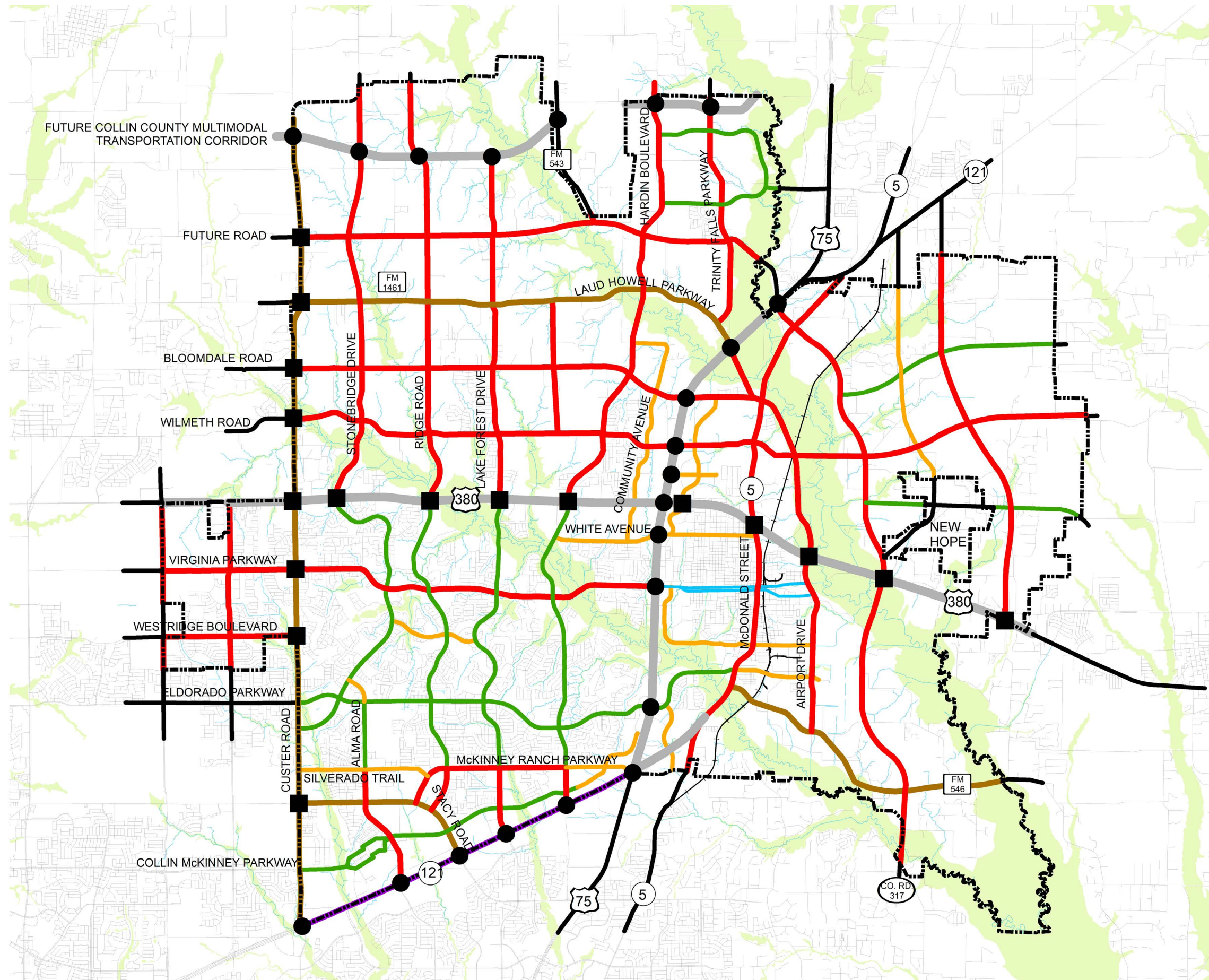
* Amendment #4 05-05-2015
(Ordinance No. 2015-05-039)
Revised to remove the REC
Module and create new
modules: Tollway Commercial
Module and Urban Mix Module.

* Amendment #5 06-02-2015
(Ordinance No. 2015-06-048)
Revised to reflect amendments
to the Master Thoroughfare
Plan, floodplain changes, and
boundary changes between
McKinney and Fairview.

CITY OF MCKINNEY

COMPREHENSIVE PLAN

MASTER THOROUGHFARE PLAN



- High Capacity at Grade Intersections
 - Grade Separated Intersections
 - ▭ Extraterritorial Jurisdiction (ETJ)
 - Rail Line
 - Floodplain
- Roadway Classifications**
- Major Regional Highway / Multi-Modal
 - Tollway
 - Principal Arterial: (P6D - 130'-150' ROW, 6 lanes)
 - Major Arterial: (M6D - 120' ROW, 6 lanes)
 - Minor Arterial: (M4D, M5U, M4U, M3U)
 - Greenway Arterial: (G4D - 120' ROW, 4 lanes)
 - Town Thoroughfare
 - Road By Others
- * Original Adoption (Ordinance No. 2004-03-035)
 * Amendment #1 (Ordinance No. 2005-10-133) Revised to reflect changes to Ridge Road and Stonebridge Drive north of Bloomdale Road.
 * Amendment #2 (Ordinance No. 2010-01-001) Revised to reflect actual alignments of recently built roads, the Future Collin County Multimodal Transportation Corridor alignment, the Trinity Falls Municipal Utility District, assorted roadway classification changes, and boundary changes between McKinney, Fairview and Princeton.
 * Amendment #3 (Ordinance No. 2012-11-160) Revised to reflect new Custer Rd. /Wilmeth Rd. Alignment.
 * Amendment #4 (Ordinance No. 2013-07-070) Revised to reflect actual alignments of recently built roads, the Future Collin County Multimodal Transportation Corridor alignment, the Trinity Falls Municipal Utility District, Custer Rd. north of U.S. 380, Stonebridge Dr. north of U.S. 380, Hardin Blvd. north of U.S. 380, FM 546, and assorted roadway classification changes.
 * Amendment #5 (Ordinance No. 2015-06-048) Revised to reflect actual alignment of recently built roads, changes to the Ridge Rd., Lake Forest Dr. and Laud Howell Pkwy. alignments, assorted roadway classification changes, boundary changes between McKinney and Fairview, and floodplain changes.

Source: City of McKinney GIS Department Data

2 June 2015
FIGURE 8.3

0 1 2 Miles

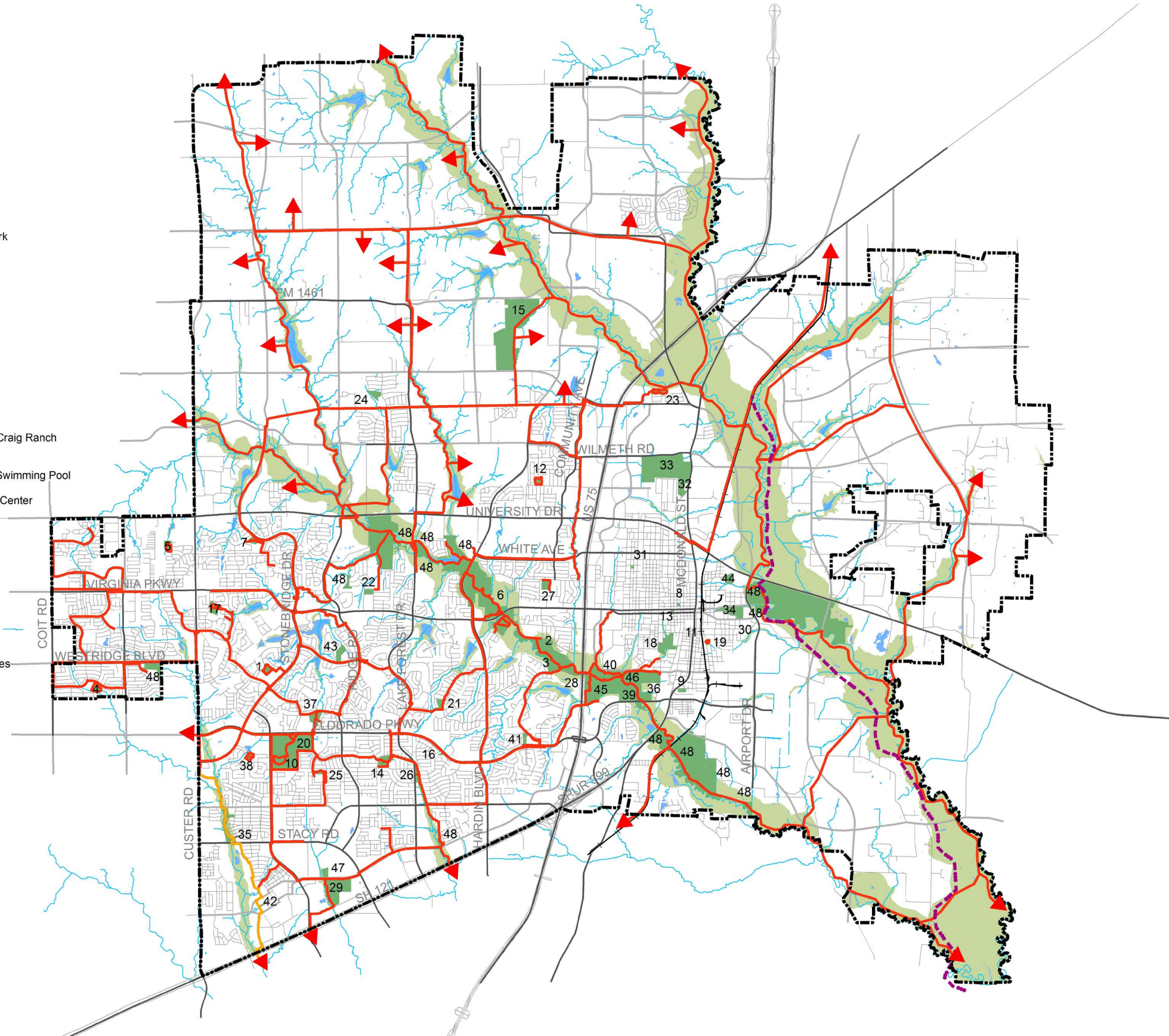


100 Acres

1 Square Mile

PARKS AND FACILITIES

1. A. Hardy Eubanks, Jr. Park
2. Al Ruschhaupt Soccer Complex
3. Alex Clark Disc Golf Course
4. Ash Woods Park
5. Aviator Park
6. Bonnie Wenk Park
7. Carey Cox Memorial Park
8. Central Park
9. Cottonwood Park
10. The Courts at Gabe Nesbitt
11. Day Labor Plaza
12. Dr. Charles B. McKissick Park
13. Dr. Glenn Mitchell Memorial Park
14. E.A. Randles Park
15. Erwin Park
16. Ezra Lee (Tinker) Taylor Park
17. Falcon Creek Park
18. Finch Park
19. Fitzhugh Park
20. Gabe Nesbitt Community Park
21. Hill Top Park
22. Horizon Park
23. Inspiration Park
24. Jim Ledbetter Park
25. John M. Whisenant Park
26. Katherine B. Winniford Park
27. Mary Will Craig Park
28. McKinney Community Center
29. McKinney Soccer Complex @ Craig Ranch
30. Mouzon Ball Fields
31. Murphy Park
32. North Park & Juanita Maxfield Swimming Pool
33. Oak Hollow Golf Course
34. Old Settlers Park & Recreation Center
35. Rowlett Creek Park
36. Senior Recreation Center
37. Serenity Park
38. Tom Allen Jr. Park
39. Towne Lake Disc Golf
40. Towne Lake Park
41. Valley Creek Park
42. Veterans Memorial Park
43. W.B. Finney Park
44. Wattle Park
45. Wilson Creek Nature Trail
46. Wilson Creek Softball Complex
47. World Collection of Crape Myrtles
48. Undeveloped/Open Space



CITY OF MCKINNEY COMPREHENSIVE PLAN HIKE AND BIKE TRAILS MASTER PLAN

- Extraterritorial Jurisdiction (ETJ)
- Hike and Bike Trail
- Six City Trail
- Equestrian Trail
- Roads
- Proposed Thoroughfares
- Rail Line
- Creeks
- Lakes
- Park Property
- Flood Plain

The arrows represent potential connections to future school sites with the intent of connecting all school sites with the main trails along major creeks.

Original Adoption 03-22-04 (Ordinance No. 2004-03-035)

*Amendment #1: 10-18-05 (Ordinance No.05-10-133) Revised sections of Ridge Road and Stonebridge Drive north of Bloomdale Road.

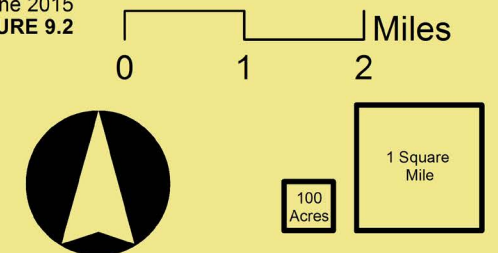
*Amendment #2: 04-04-06 (Ordinance No. 2006-04-042) Realigned the trail in the vicinity of the intersection of the Irving Water Distribution Line Easement and the East Fork of the Trinity River

*Amendment #3: 06-03-08 (Ordinance No. 2008-06-055) Adding, relocating, and eliminating various hike and bike sections.

*Amendment #4: 06-02-15 (Ordinance No. 2015-06-048) Adding, relocating and eliminating various hike and bike sections, updating floodplain changes, removing Bridge/Grade crossings designations, boundary changes between McKinney and Fairview, and updating the Master Thoroughfare Plan.

Source: City of McKinney Planning Department Data

2 June 2015
FIGURE 9.2



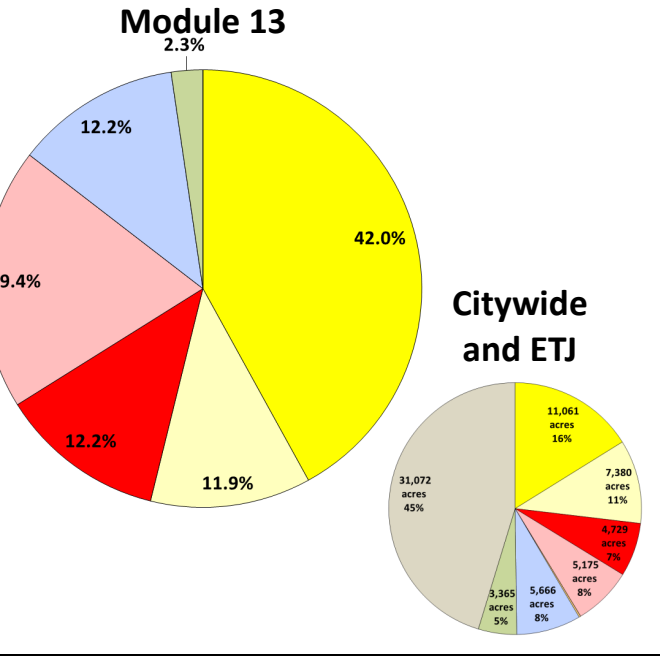
Land Use and Tax Base Summary for Module 13

17-0021Z Rezoning Request

Land Use Summary

Below is a summary of existing and anticipated land uses for this module as of January 2016 based on information obtained from the Collin Central Appraisal District's certified tax roll in conjunction with approved zoning requests (for parcels

	Acres
Residential	913.1
Vacant Residential	258.0
Total Residential	1,171.1 (53.8%)
Non-Residential	266.3
Vacant Non-Residential	420.9
Total Non-Residential	687.2 (31.5%)
Mixed-Use	0.0
Vacant Mixed-Use	0.0
Total Mixed-Use ¹	0 (0%)
Institutional (non-taxable)	265.7
Total Institutional (non-taxable)	265.7 (12.2%)
Agricultural/Undetermined	50.7
Total Agricultural/Undetermined ²	50.6 (2.3%)
Total Acres (city limits only)	2,174.7 (100%)
Extraterritorial Jurisdiction (ETJ)	0.0
Total Extraterritorial Jurisdiction ³	0.0 (0%)
Total Acres	2,174.7



1. Mixed-Use land uses reflect those parcels for which zoning allows for residential and/or non-residential horizontal or vertically-integrated uses .

2. Agricultural/Undetermined land uses reflect those parcels with agricultural zoning for which no future use is currently defined.

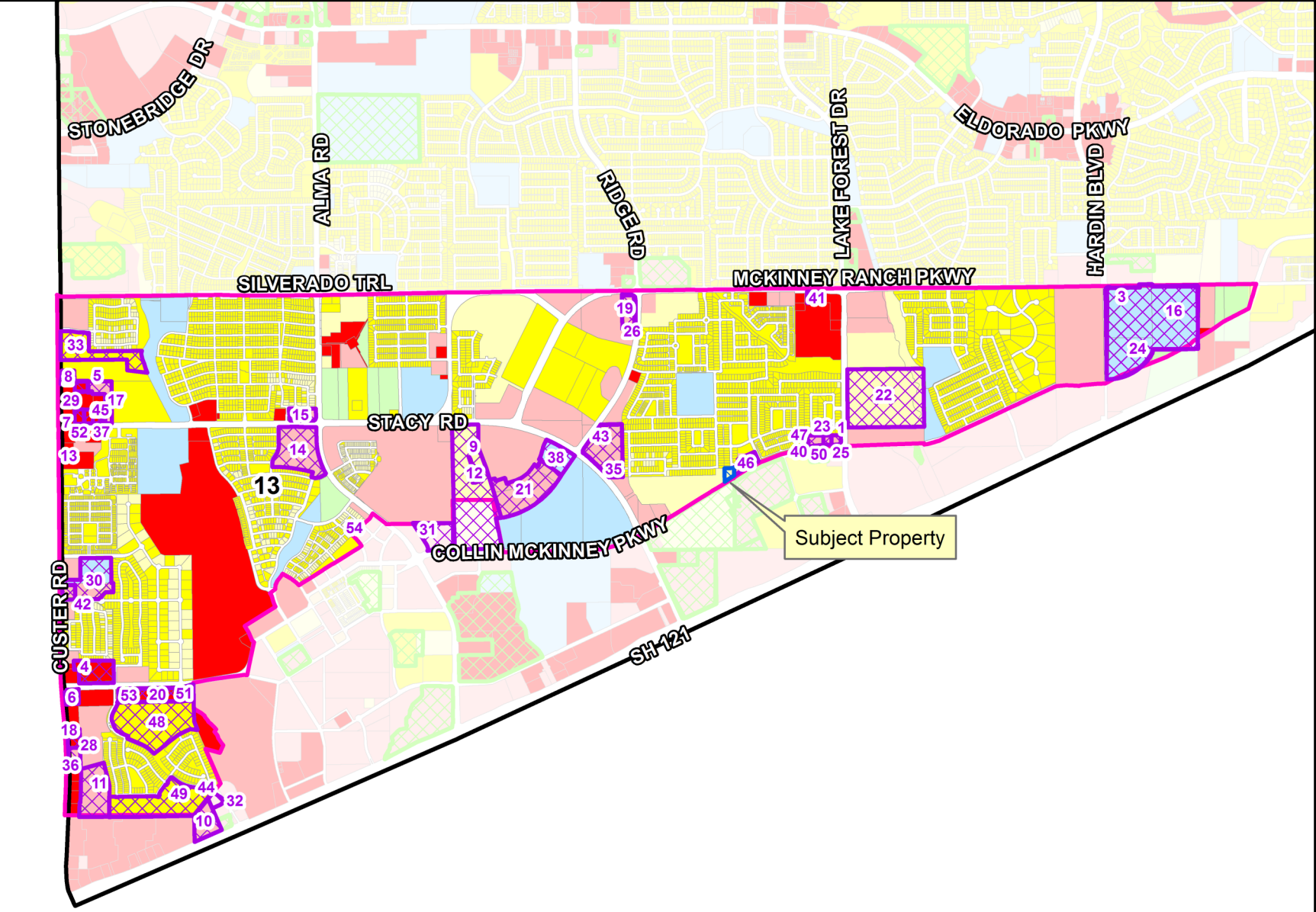
3. Properties located in the ETJ are not included in the Land Use Summary and the Tax Base Summary because they fall outside of the city's land use and taxing jurisdiction.

4. Zoning, site plan and record plat cases approved after the certified tax roll of January 1, 2016 and change land use and/or vacancy status. These cases are not included in the Land Use Summary or the Tax Base Summary.

5. Institutional (non-taxable) properties are not included in the Tax Base Summary because these properties do not generate taxes. Estimated tax revenues do not include any property exemptions, delinquencies, etc. and; therefore, may not reflect actual collection amounts.

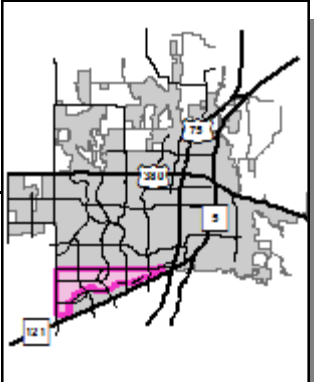
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors or variances which may exist.

Module 13



Approved Projects Impacting Land Use or Tax Base (2016, 2017)⁴

Map ID	Case Number	Project	Project Description	Acres	Map ID	Case Number	Project	Project Description	Acres
1	16-0042	Victory at Lake Forest	Rezone the subject property to "C1" and "REC"	0.82	26	17-2285P	Restaurant and Retail at Custer	Site plan for a restaurant and retail development	1.35
2	16-0075P	Encore McKinney Addition	Site plan for retail buildings	2.85	29	16-0948P	Encore McKinney Addition	Record plat for Lot A, Block A	1.34
3	16-0182	MISD Property	Rezone the subject property from PD, C & AG to GC	64.51	30	16-2028P	The Tour at Craig Ranch	Record plat for 71 single family residential lots; 1 commercial lot	13.35
4	16-0228P	Tour Drive South	Record plat for Lot 7N, Block A	7.86	31	16-2492	Spicewood East	Rezone the subject property from PD & REC to PD and REC	8.24
5	16-0355P	McKinney Self Storage	Site plan for a mini warehouse facility	4.53	32	17-0315P	First Choice Loan	Site plan for an office building	1.48
6	16-0428P	Bank of the Ozarks	Record plat for Lot 1, Block A	1.94	33	17-0438P	Luca at Craig Ranch	Record plat for Lot 2, Block A	13.93
7	16-0535P	Kwik Car	Site plan for tube and tune auto repair	1.34	34	17-0695P	Brookhaven Church	Site plan for a covered sports court, splash pad, playground and daycare	6.55
8	16-0648P	Encore McKinney Addition	Record plat for Lots 6 & 8, Block A	2.97	35	17-0845P	Springs of McKinney	Site plan for a multi-family development	14.41
9	16-0698P	Watters Branch Addition	Record plat for 145 Single Family Lots	43.92	36	17-0825P	Custer Ridge Retail	Site plan for a retail building	2.20
10	16-0715P	MoverHouse Retail	Site plan for a retail development	6.75	37	17-0715P	Express Car Wash	Site plan for a carwash	1.12
11	16-0728P	Craig Ranch II Addition	Record plat for Lot 1, Block A	13.72	38	17-1138P	Brookhaven Church Addition	Record plat for Lot 1, Block A	6.55
12	16-0935P	Watters Branch Amenity Center	Site plan for an amenity center	0.86	39	17-1332	Cooper Living Center Townhouse	Rezone the subject property from "PD" & "REC" to "PD" & "REC"	0.49
13	16-1145P	CVS Stacy Center Lot 2N	Site plan for retail/restaurant/medical office space	1.27	40	17-1425P	Lake Forest Plaza Office	Site plan for an office and retail development	1.50
14	16-1485P	Westminster @ Craig Ranch	Record plat for 57 single family lots, 2 commercial lots, 1 common area	17.47	41	17-1655P	Dollar Tree Store & Restaurant	Site plan for a Retail Development and Restaurant	1.22
15	16-1105P	Craig Ranch North Ph. 12 Retail	Site plan for retail/shopping center	3.05	42	17-1475P	Office and Medical Offices	Site plan for medical office and office	1.72
16	16-1355P	MISD District Stadium	Site plan for a Stadium and Event Center	64.51	43	17-1538P	Continental 388 Fund Addition	Record plat for Lot 1, Block A and Lot 1, Block B	14.53
17	16-1488P	Encore McKinney Addition	Lot 9, Block A	4.48	44	17-1488P	Southern Hills at Craig Ranch Commercial	Record plat for Lot 2B1, Block A	1.48
18	16-1765P	Prestige Credit Union	Site plan for a credit union	0.89	45	17-1585P	Freddy's Frozen Custard	Site plan for a restaurant with drive-through window	1.12
19	16-2405P	Ridge Commons	Site plan for retail and office	4.01	46	17-2032	Village Park Square	Rezone the subject property from "PD" and "REC" to "C1" - Local Commercial	2.37
20	16-2402	Collin McKinney Parkway	Rezone the subject property from PD & REC to SO - Suburban Office District	9.89	47	17-2032	Collin McKinney Office	Rezone the subject property from "D1 BM" and "REC" to "C1" - Local Commercial	0.72
21	16-2518P	The Grove at CR Ph 2	Record plat for 114 single family residential lots and 2 common areas	19.72	48	17-2218P	Southern Hills at Craig Ranch Phase 2	Record plat for 118 single family residential lots and 4 common areas	29.46
22	16-3048P	Lake Forest Ph 1	Record plat for 43 SF Res Attached Lots, 201 SF Res Detached Lots, 8 CA's	42.33	49	17-2228P	Southern Hills at Craig Ranch Phase 3	Record plat for 116 single family residential lots and 5 common areas	23.20
23	16-3202	Village Park	Rezone the subject property from "PD" & "REC" to "C1" - Neighborhood Commercial	1.50	50	17-2345P	Lake Forest Office Plaza	Site plan for general office and medical office buildings	0.73
24	16-3648P	MISD District Stadium	Record plat for Lots 1 and 2, Block A and Lot 1, Block B	64.39	51	17-2385P	Southern Hills Office Park Ph II	Site plan for general and medical offices	9.87
25	16-3948P	Victory at Lake Forest	Record plat for Lot 19, Block A	0.82	52	17-2578P	Encore McKinney Addition	Record plat for Lot 5, Block A	1.12
26	17-0288P	Ridge Commons Addition	Record plat for Lots 1, 2 and 3, Block A	4.48	53	17-2717P	Collin McKinney Commercial Addition	Preliminary final plan for Lot 2 B1, Block A	8.04
27	17-2278P	Encore McKinney Addition	Record Plat for Lot 10, Block A	1.12	54	17-00198P	Trails at Craig Ranch 1R 5B, 6-9	Record Plat for Lots 1R 5B and 6-9, Block W, of The Trails at Craig Ranch, Phase 4	0.49

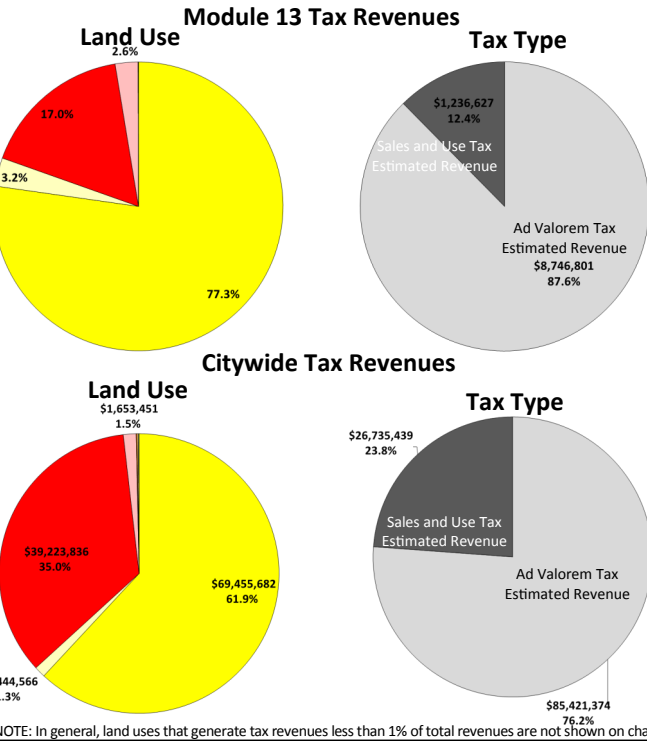


Tax Base Summary⁵

Based on the existing land uses in this module, below is a summary of the estimated tax revenues as of January 2016. These revenues are aggregated from Collin Central Appraisal District (for Ad Valorem taxes) and from the Texas Comptroller

Land Use	Ad Valorem	Sales Tax	Total
Residential	\$ 7,712,672	\$ -	\$ 7,712,672
Non-Residential	\$ 457,399	\$ 1,236,627	\$ 1,694,027
Mixed-Use	\$ -	\$ -	\$ -
Tax Revenue from Developed Land	\$ 8,170,072	\$ 1,236,627	\$ 9,406,699
Vacant Residential	\$ 317,409	\$ -	\$ 317,409
Vacant Non-Residential	\$ 255,591	\$ -	\$ 255,591
Vacant Mixed-Use	\$ -	\$ -	\$ -
Agricultural/Undetermined	\$ 3,730	\$ -	\$ 3,730
Tax Revenue from Undeveloped Land	\$ 576,729	\$ -	\$ 576,729

Grand Total (city limits only)	\$ 8,746,801	\$ 1,236,627	\$ 9,983,428
--------------------------------	--------------	--------------	--------------



LAND USE COMPARISON TABLE
17-021 Stacy Office Park Rezone

Type Use	(Existing) PD	(Proposed) C1
<i>Residential Uses</i>		
Bed and breakfast (subject to Ch. 138, Art. IV)	S	
Boardinghouse or roominghouse (17)	P	
Dormitories	P	
Independent Living Facility (retirement community) (56)		S
Mobile home dwelling (68)		
Mobile home park (subject to Ch 138, Art. III) (69)		
Multiple family dwelling (apartment) (71)	P	
Multiple family dwelling, senior (senior apartment) (72)		
Single family dwelling (attached) (104)	P	
Single family dwelling (detached) (105)	P	
Two-family dwelling (duplex) (119)	P	
Live/work	P	
Watchman or caretaker quarters	P	
<i>Educational and Institutional Uses</i>		
Assisted living facility, nursing home, or rest home (10)	P	P
Cemetery	P	
Church or rectory, including church-operated day-care facilities and pre-schools (25)	P	P
Clinic (28)		P
College or university	P	
Day-care (34)	P	S
Day- Care – Secondary use	P	
Fraternal organization, lodge, civic club (47)		S
Halfway house	S	
Hospital (53)		S
Museum, library, art gallery (public) (73)	P	P
School, business or trade (99)		S
School, public, private or parochial (100)	P	P
Swimming Pool, Private	P	
<i>Accessory, Utility and Incidental Uses</i>		
Accessory building or use (1)	P	P
Electrical generating plant		
Home occupation (See 146-133) (52)	P	
Local utility line or utility distribution lines; Telephone exchange (no garage or shop)	P	P
Public building (shop or yard) (90)		

LAND USE COMPARISON TABLE
17-021 Stacy Office Park Rezone

Type Use	(Existing) PD	(Proposed) C1
Servant's quarters (102)		
Sewage treatment plant		
Utility business office		
Utility shop or yard		
Utility substation or regulating station	P	P
Water storage tank	P	P
Water treatment plant		
Recreational & Entertainment Uses		
Amusement, commercial (indoor) (4)		S
Amusement, commercial (outdoor) (5)		
Carnival or circus (temporary)	T	
Country club (31)	P	S
Fitness club, gymnasium, exercise area or similar use		P
Golf course (public)	P	S
Golf course (private)		S
Golf course, Par Three (commercial)	P	
Park or playground (public) (81)	P	P
Playfield or stadium (public) (88)	S	P
Private club (subject to Ch. 138, Art. II, Sec. 146-41) (89)		S
Recreation area (private) (91)	S	P
Recreation center (public) (92)	P	P
Sexually oriented business (subject to Ch. 138, Art. V)		
Swim or tennis club (112)	S	P
Swimming pool (public)	P	P
Swimming pool (private) (113)	P	P
Theater (indoor)		
Theater (outdoor)	T	
Transportation, Automobile, and Related Uses		
Airport or landing field, and aircraft hangar		
Auto painting or body shop		
Auto parts sales (indoor)		S
Automobile, trailer, light truck, tool rental		
Automobile, motorcycle, boat (sales, repair, or storage)		
Bus station		
Car Wash (See Sec 146-41(11a)) (23)		S
Garage, auto repair (50)		S
Garage or lot, parking (private)	S	P

LAND USE COMPARISON TABLE
17-021 Stacy Office Park Rezone

Type Use	(Existing) PD	(Proposed) C1
Garage or lot, parking (commercial)		P
Heliport or helistop		
Motor freight terminal		
Parking, incidental to main use	P	P
Parking lot (truck) (83)		
Private street development (See Ch. 142, Art. VII)		
Railroad freight station		
Railroad team truck		
Railroad track or right-of-way	P	P
Recreational vehicle sales		
Service station or motor vehicle fuel sales (subject to section 146-84 (103)		
Taxi or shuttle service		
Tire recapping		
Truck Fueling Station (117)		
Truck sales, storage, or repair		
Transit Station (Public)	P	
Truck Stop (118)		
Commercial Type, Retail, and Service Uses		
Bait shop		
Bakery or confectionery (retail)		P
Bakeries (wholesale)		P
Banks and financial institutions		S
Barber or beauty shops		P
Building materials sales or monument sales		
Corner Store(Less than 2000 square feet gross fl. Area)	P	
Carpentry or sign shop		
Construction Building (temporary)		
Cleaning Plant (laundry)	P	
Cleaning and pressing (small shop and pickup) (27)		S
Department or discount store		S
Drug-store or pharmacy		S
Exterminator		
Farmers market (40)		S
Florist or garden shop		P
Field office (43) or real estate sales office	T	T
Food stores, groceries		S
Frozen food lockers		

LAND USE COMPARISON TABLE
17-021 Stacy Office Park Rezone

Type Use	(Existing) PD	(Proposed) C1
Funeral homes and mortuaries		
Furniture sales		
Greenhouse or plant nursery		
Hardware store (paint, plumbing, and related sales)		S
Heavy machinery sales and storage		
Hotel or motel (54)		S
Household appliance sales (55)		
Laboratories (medical, dental, science)		
Mimeograph or letter shop		
Mobile home display and sales		
Office building		P
Offices with showrooms		
Office use		P
Office supplies		P
Paint and related sales		
Pawnshops		
Personal service (86)		P
Pet store, kennel, animal boarding (no outside runs)		P
Pet store, kennel, animal boarding (outside runs)		P
Psychic/paranormal readings		
Radio or TV broadcast studio		S
Retail store (indoor)		P
Restaurant or cafeteria (carry-out only) (95)		P
Restaurant or cafeteria (indoor service) (96)		P
Restaurant or cafeteria (including drive-through window) (97a)		S
Restaurant or cafeteria (drive-in service) (97b)		
Studios, photo, music, art, health, etc.		P
Tattoo Parlor		
Travel agent		P
Upholstery shop		
Veterinarian (no outside runs)		P
Veterinarian (with outside runs)		
Wholesale establishments		
Industrial and Manufacturing Uses		
Concrete or asphalt batch plant		
Contractor's yard		
Dirt or topsoil extraction; sand and gravel mining or storage		

LAND USE COMPARISON TABLE
17-021 Stacy Office Park Rezone

Type Use	(Existing) PD	(Proposed) C1
Fat rendering, animal reduction		
Food processing		
Forestry, mining and oil/gas drilling uses		
Forge plant		
Indoor Gun Range (57)		
Industrial and manufacturing plants (apparel, drugs and pharmaceuticals, electronic, plastic, or similar products manufacture)		
Industrial and manufacturing plants (acid, cement, chemicals, fertilizer, gypsum, lime, paper or pulp, or similar products manufacture)		
Junk or salvage yard (58)		
Machine shop or welding		
Metal fabrication		
Mini-warehouse (See Sec. 146-41)		
Open storage (79)		
Paper or pulp manufacture		
Printing plant		
Refining or storage (petroleum products, gas, butane, propane)		
Sanitary landfill		
Smelting of ores or metals		
Soft drink bottling plant		
Warehousing		
Agricultural and Related Uses		
Agricultural and ranching uses		P
Community Garden (29)	P	P
Creamery (dairy products)		
Fairgrounds or rodeo		
Farm implement sales and service		
Farm, orchard or truck garden (40)	P	P
Hatchery (poultry), egg farm, feed lot		
Livestock auction (62)		
Stable, commercial (106)		
Stable, private		
Stockyards or slaughterhouse		

LAND USE COMPARISON TABLE
17-021 Stacy Office Park Rezone

The following is the legend for interpreting Schedule of Uses (Appendix F, Sec. F-4):

P	Use is permitted by right
	Use is prohibited
S	Use is permitted with a Specific Use Permit under Sec. 146-41
T	Use is permitted with a Temporary Use Permit

ORDINANCE NO. 2013-03-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 33.55 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF STACY ROAD AND FUTURE COLLIN MCKINNEY PARKWAY, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT, "PD" – PLANNED DEVELOPMENT DISTRICT, AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, TO ALLOW FOR SINGLE FAMILY RESIDENTIAL AND COMMERCIAL USES; 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 City of McKinney has considered the rezoning of an approximately 33.55 acre property, located on the northeast corner of Stacy Road and future Collin McKinney Parkway, which is more fully depicted on Exhibit "A", attached hereto, from "AG" – Agricultural District, "PD" – Planned Development District, and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District, to allow for single family residential and commercial uses; 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 the change in zoning district should be made.

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

Section 1. Ordinance No. 1270 is hereby amended in order to rezone an approximately 33.55 acre property, located on the northeast corner of Stacy Road and future Collin McKinney Parkway, from "AG" – Agricultural District, "PD" – Planned Development District, and "REC" – Regional Employment Center Overlay District to "PD" – Planned Development District and "REC" – Regional Employment Center Overlay District.

Section 2. Use and development of the subject property shall conform to the regulations of Section 146-94 "PD" - Planned Development District, and Section 146-99 "REC" – Regional Employment Center Overlay District, and as amended, except as follows:

(a) Tract 1 (approximately 23.50 acres) – The use of this area shall conform to the REC Residential District and develop in accordance with the single family detached, standard lot requirements of the Neighborhood Zone as specified in the "REC" - Regional Employment Center Overlay District, and as amended, except as follows:

i. Attached garages accessed by driveways from the front of the house shall be set back at least 10 feet from the front façade of the house.

(b) Tract 2 (approximately 10.00 acres) - The use of this area shall conform to the REC Neighborhood Center District and develop in accordance with the requirements of the Collin-McKinney Parkway

Corridor Zone as specified in the "REC" - Regional Employment Center Overlay District, and as amended.

(c) The subject property shall generally develop according to the attached site layout (Exhibit "B").

(d) Landscaping, as generally depicted on the attached site layout (Exhibit "B"), shall be provided in addition to the minimum requirements of the "REC" - Regional Employment Center Overlay District, and as amended.

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.

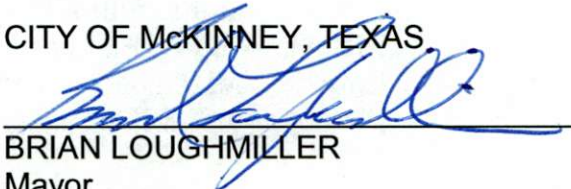
Section 4. It shall be unlawful for any person, firm or corporation to develop this property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$2,000.00, and each day that such violation shall continue 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 19th DAY OF MARCH, 2013.

CITY OF MCKINNEY, TEXAS

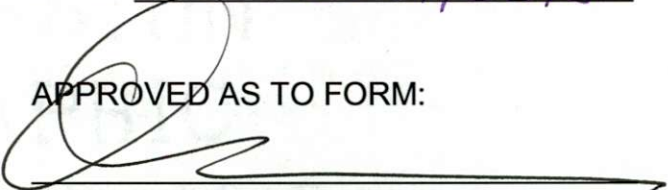

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:


SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: March 19, 2013

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney

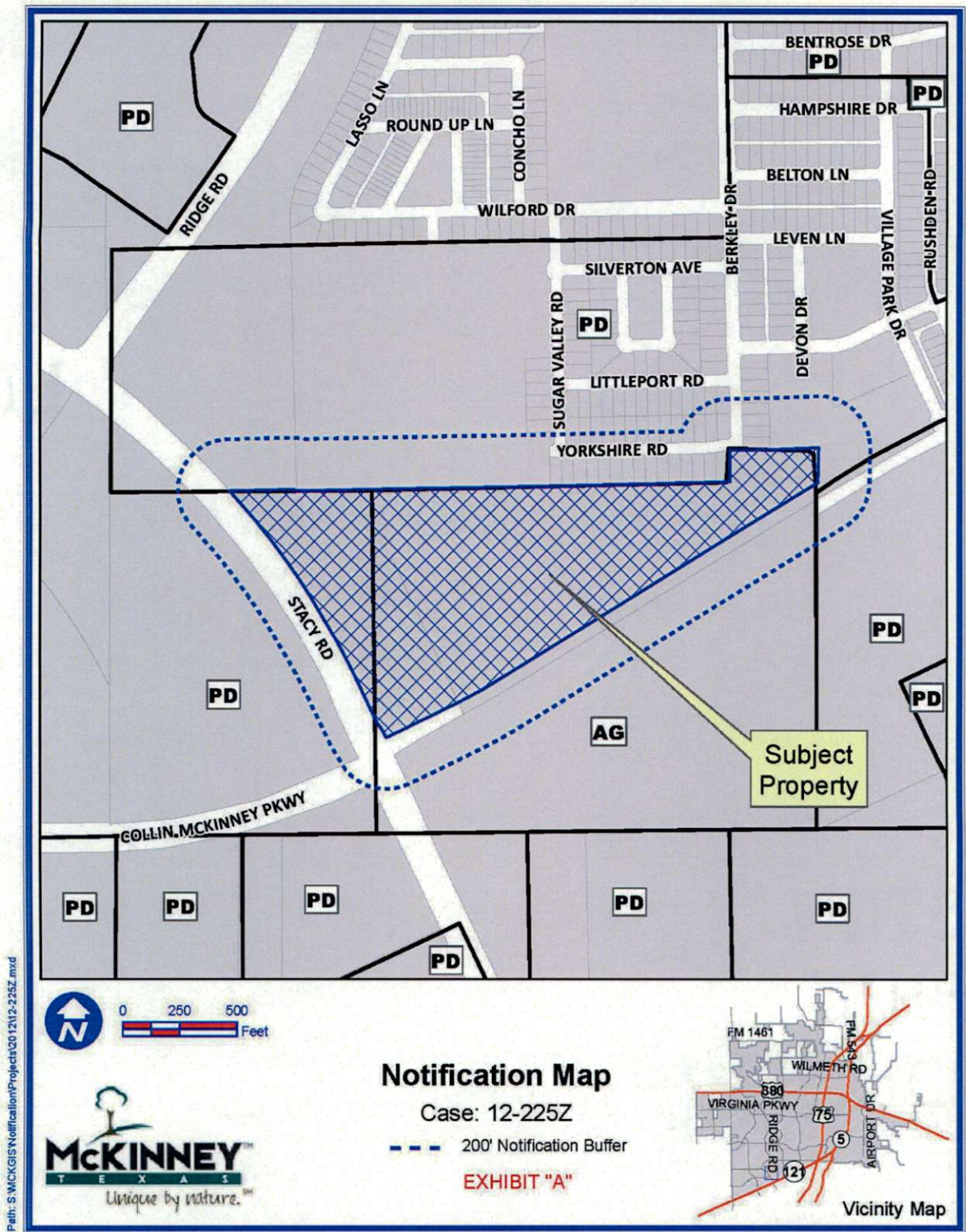
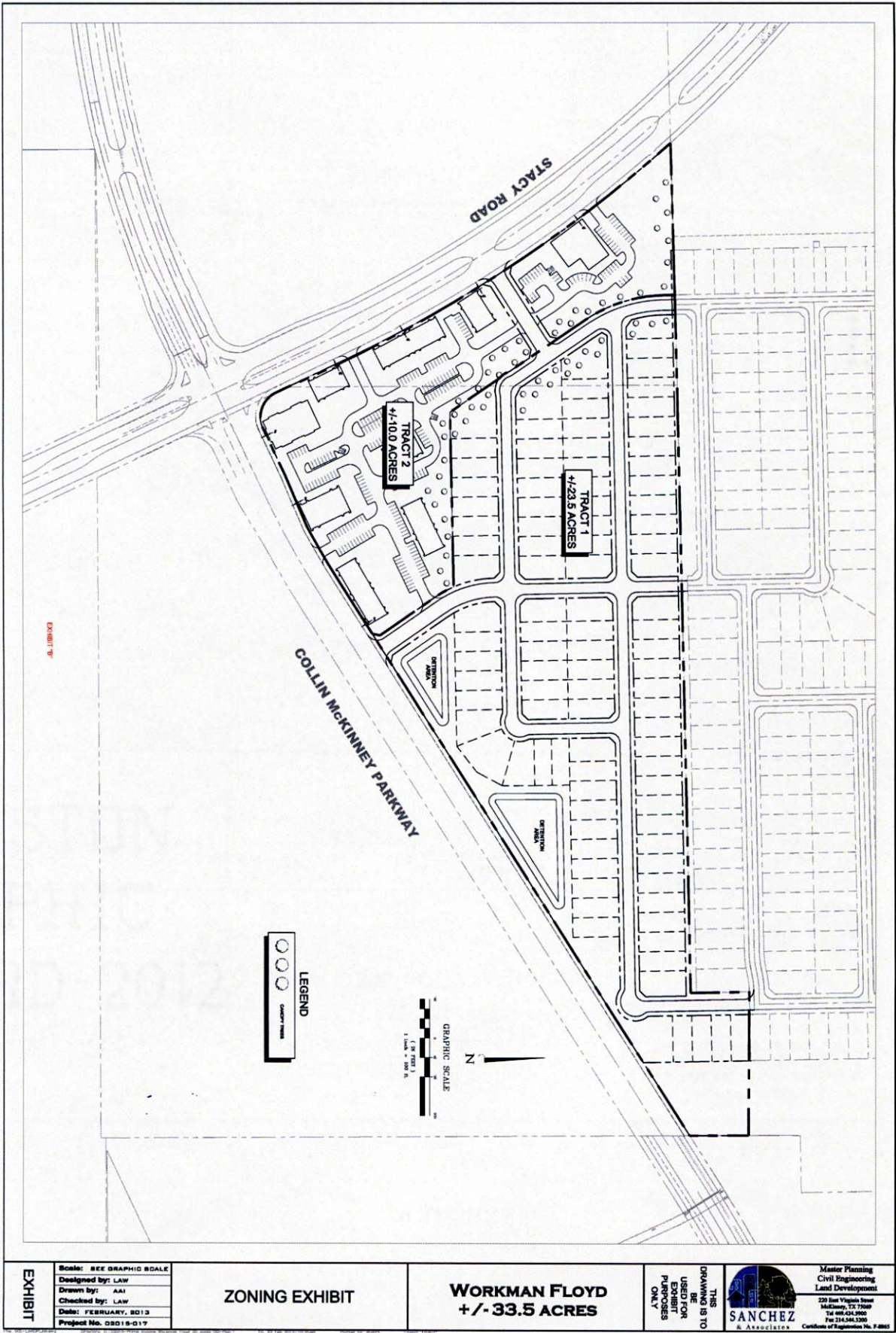


EXHIBIT A



ORDINANCE NO. 2018-03-XXX

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 0.95 ACRE PROPERTY, LOCATED APPROXIMATELY 595 FEET WEST OF VILLAGE PARK DRIVE AND ON THE NORTH SIDE OF COLLIN MCKINNEY PARKWAY, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT AND “REC” – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO “C1” – NEIGHBORHOOD COMMERCIAL DISTRICT; 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 City of McKinney has considered the rezoning of an approximately 0.95 acre property, located approximately 595 feet west of Village Park Drive and on the north side of Collin McKinney Parkway, which is more fully depicted on Exhibits “A”, “B” and “C” attached hereto, from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District To “C1” – Neighborhood Commercial District; 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 the change in zoning district should be made.

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

- Section 1. The zoning map is hereby amended so that an approximately 0.95 acre property, located approximately 595 feet west of Village Park Drive and on the north side of Collin McKinney Parkway, which is more fully depicted on Exhibits “A”, “B” and “C”, attached hereto, is rezoned from “PD” – Planned Development District and “REC” – Regional Employment Center Overlay District To “C1” – Neighborhood Commercial District.
- Section 2. The subject property shall develop in accordance with Section 146-111 (“C1” – Neighborhood Commercial District) of the Zoning Ordinance, and as amended.
- 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 20th DAY OF MARCH, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

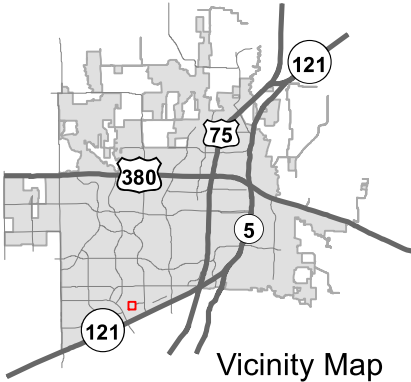
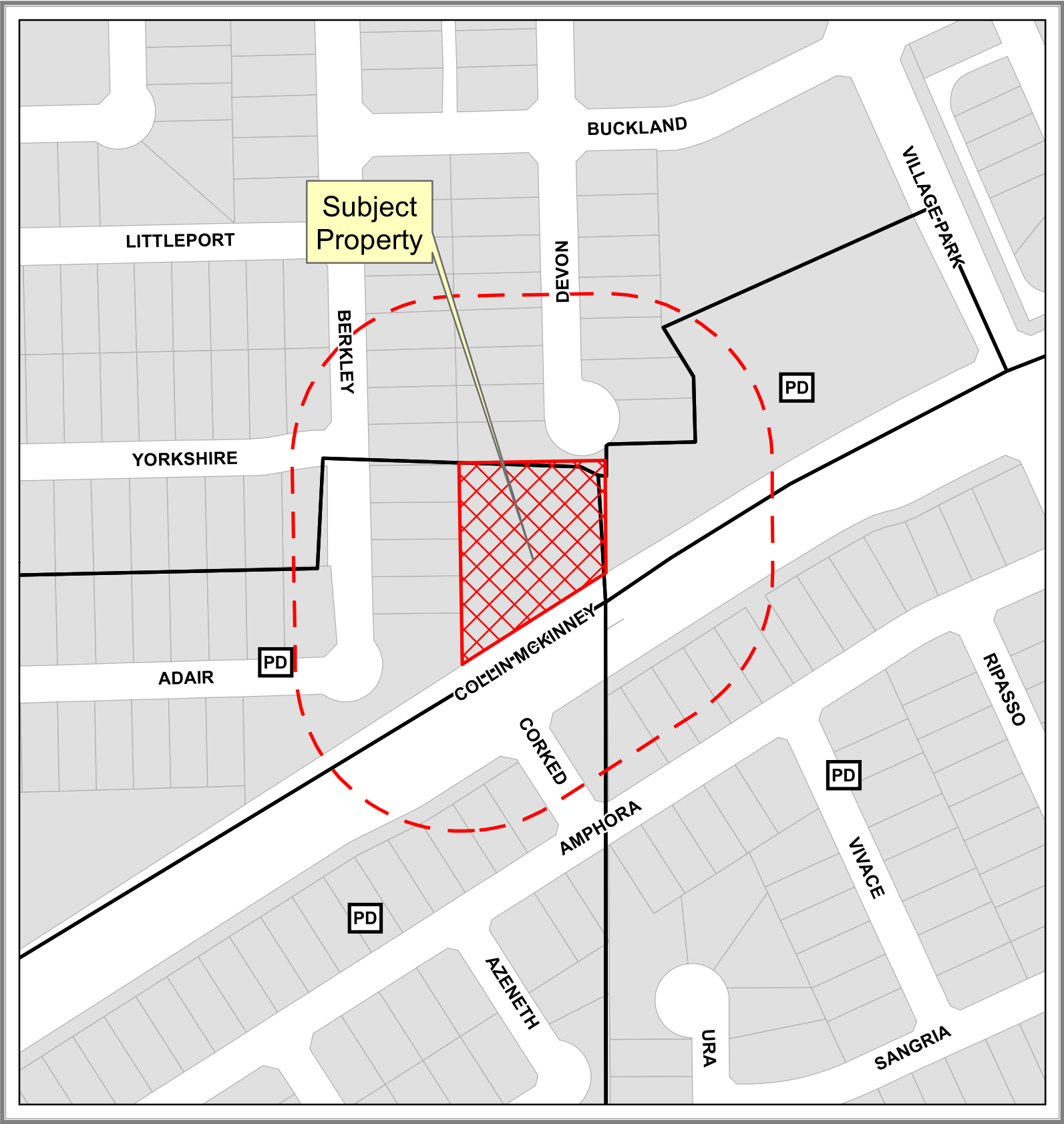
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Exhibit A



Notification Map

17-0021Z

200' Buffer

Source: City of McKinney GIS
Date: 1/30/2018



0 80 160
Feet
1 in = 173 ft

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



Exhibit B

METES AND BOUNDS DESCRIPTION

BEING all of that tract of land located in the Oliver Hedgecoxe Survey, Abstract Number 392 in the City of McKinney, Collin County, Texas and being all of a tract of land to Centurion Acquisitions, LP as recorded in Instrument Number 20130703000933370 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the southwest corner of said Centurion Acquisitions tract, same being the southeast corner of Lot CA-D-2, Block D of The Villas at Stacy Addition, an addition to the City of McKinney as recorded in Instrument Number 20161219010005460 of the Official Public Records of Collin County, Texas and lying on the northwest line of Collin McKinney Parkway, (a variable width R.O.W.);

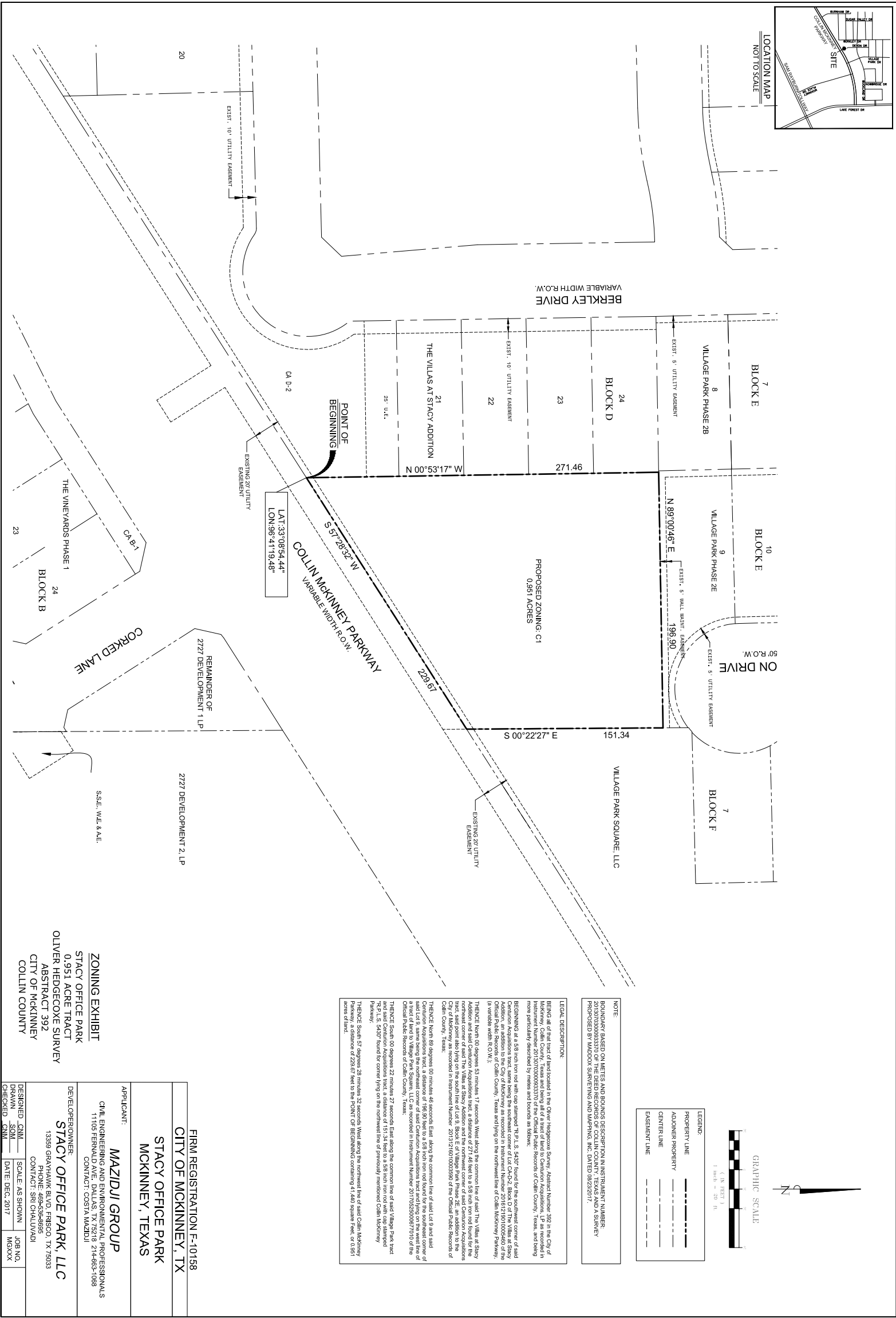
THENCE North 00 degrees 53 minutes 17 seconds West along the common line of said The Villas at Stacy Addition and said Centurion Acquisitions tract, a distance of 271.46 feet to a 5/8 inch iron rod found for the northeast corner of said The Villas at Stacy Addition and the northwest corner of said Centurion Acquisitions tract, said point also lying on the south line of Lot 9, Block E of Village Park Phase 2E, an addition to the City of McKinney as recorded in Instrument Number 20131216010003590 of the Official Public Records of Collin County, Texas;

THENCE North 89 degrees 00 minutes 46 seconds East along the common line of said Lot 9 and said Centurion Acquisitions tract, a distance of 196.90 feet to a 5/8 inch iron rod found for the southeast corner of said Lot 9, same being the northeast corner of said Centurion Acquisitions tract and lying on the west line of a tract of land to Village Park Square, LLC as recorded in Instrument Number 20170525000677010 of the Official Public Records of Collin County, Texas;

THENCE South 00 degrees 22 minutes 27 seconds East along the common line of said Village Park tract and said Centurion Acquisitions tract, a distance of 151.34 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner lying on the northwest line of previously mentioned Collin McKinney Parkway;

THENCE South 57 degrees 28 minutes 32 seconds West along the northwest line of said Collin McKinney Parkway, a distance of 229.67 feet to the POINT OF BEGINNING containing 41,440 square Feet, or 0.951 acres of land.

Exhibit C

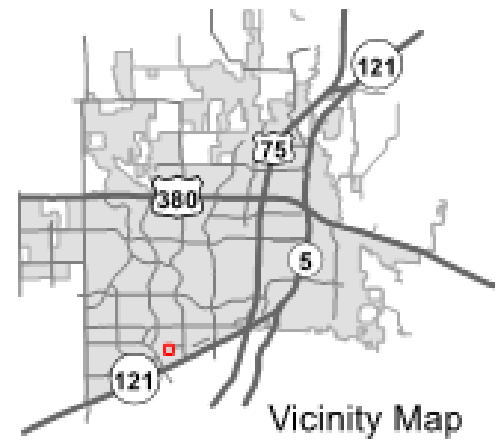
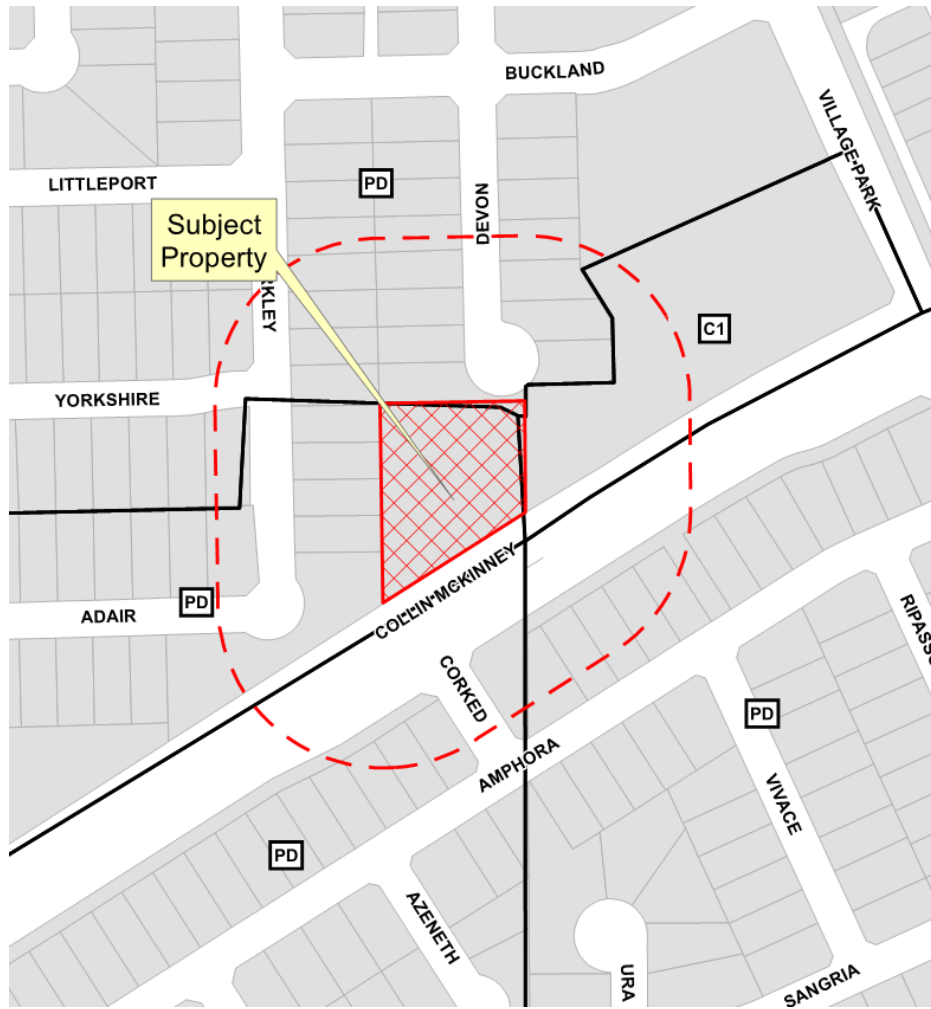


Stacy Office Park Rezoning

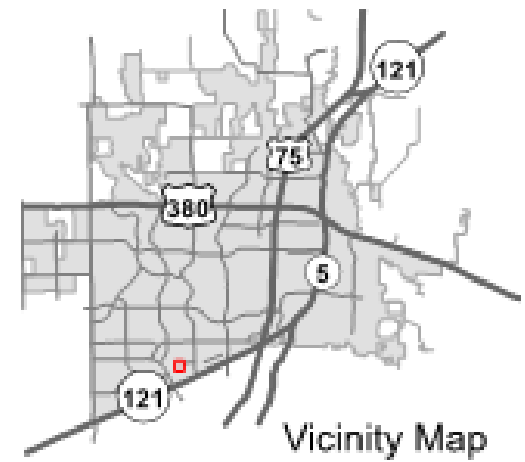
17-0021Z



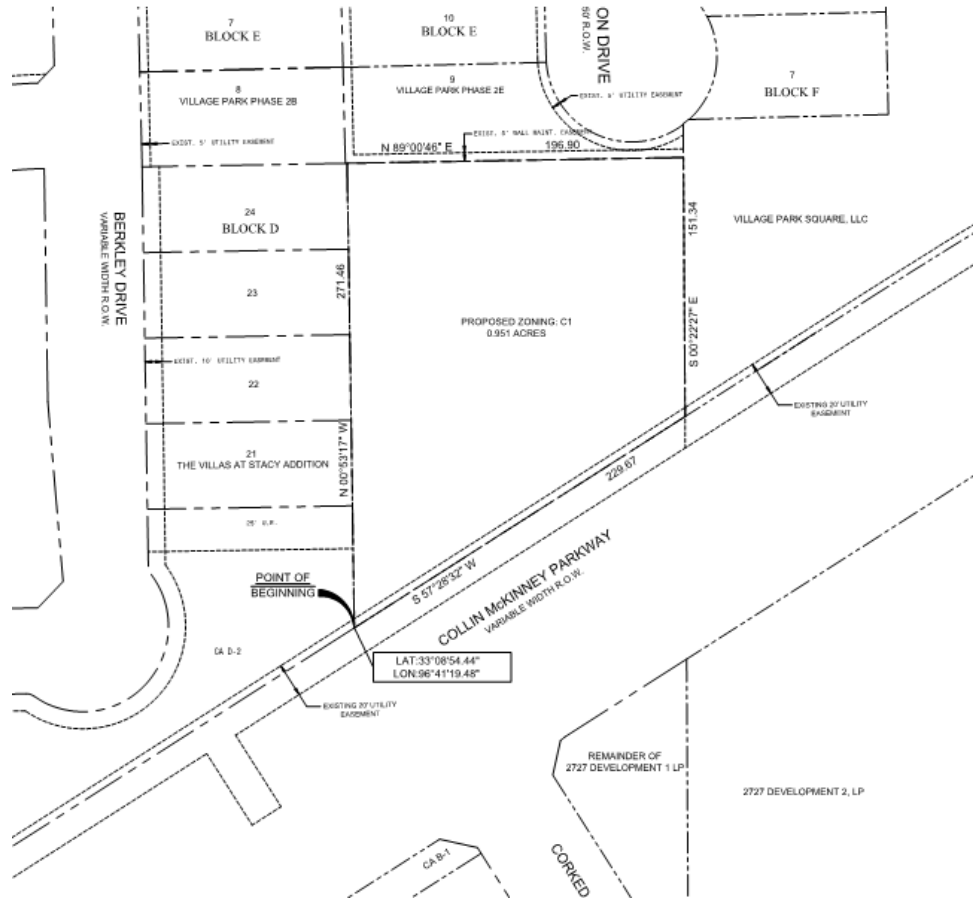
Location Map



Aerial Exhibit



Proposed Zoning Exhibit







17-0001ROW

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of College Street, Located on the West Side of College Street and North of Inwood Drive, and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic Growth

MEETING DATE: March 20, 2018

DEPARTMENT: Engineering

CONTACT: Matt Richardson, P.E., Development Engineering Manager
Gary Graham, P.E., Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval of the proposed right-of-way abandonment.

ITEM SUMMARY:

- Staff received a request to abandon a portion of College Street located on the west side of College Street and north of Inwood Drive.
- The right-of-way consists of a 25 foot right-of-way containing approximately 0.04 acres. The right-of-way currently contains an underground drainage pipe.
- A private driveway and carport currently exists within this right-of-way. The applicant intends to incorporate the right-of-way into their property.

BACKGROUND INFORMATION:

- Mr. Charles Douglas, a previous owner of the property, appeared before City Council on March 23, 1970, to request abandonment of this right-of-way. No record of abandonment or deed of ownership can be found.
- Mr. Douglas and other subsequent owners of the property constructed improvements including a fence and a carport within the right-of-way. A recent title survey identified that the right-of-way was not owned by the property owner.
- An application and supporting documentation for the requested abandonment were submitted by the current property owner on December 21, 2017.
- An underground drainage pipe and an overhead electric line exist within the right-of-way and a fifteen foot (15') Drainage and Utility Easement is proposed to be

retained on the requested abandonment.

- All owners adjacent to the right-of-way have signed a petition supporting the requested abandonment.
- Public hearing notices were sent to all property owners within 200 feet of the requested abandonment. As of March 7, 2018, staff has received no comments in support of or opposition to this request.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Proposed Ordinance](#)

[City Council Minutes March 23, 1970](#)

[Petition](#)

[Exhibit A \(Location Map\)](#)

[Exhibits B & C](#)

ORDINANCE NO. 2018-03-____

AN ORDINANCE VACATING A PORTION OF COLLEGE STREET, APPROXIMATELY 0.04 ACRES, LOCATED ON THE WEST SIDE OF COLLEGE STREET AND NORTH OF INWOOD DRIVE, PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the owners of the properties immediately adjacent to a portion of College Street, approximately 0.04 acres, located on the west side of College Street and north of Inwood Drive, in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to vacate said right-of-way; and

WHEREAS, after due notice was sent to all persons owning properties adjacent to such right-of-way and all persons affected thereby; and

WHEREAS, after due notice and hearing held before the City Council of the City of McKinney, the City Council has determined and finds that the right-of-way is not needed for travel by the general public, and that the same should be vacated.

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

Section 1. A portion of College Street, approximately 0.04 acres, located on the west side of College Street and north of Inwood Drive, in the City of McKinney, which is more fully depicted in Exhibit A and more fully described in Exhibits B and C, attached hereto, is hereby closed and vacated.

Section 2. A fifteen foot (15') Drainage and Utility Easement is retained by the City of McKinney and is located adjacent to the east boundary line of the vacated right-of-way.

Section 3. This ordinance shall become effective immediately upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 20TH DAY OF MARCH, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

REGULAR CITY COUNCIL MEETING, MARCH 23, 1970

The City Council, City of McKinney, Texas, met in regular session at 7:30 p.m., March 23rd, 1970, in the Council Chambers of the Municipal Building.

Those present were Mayor W. B. Finney, and Councilmen W. J. White, J. M. Whisenant, Roy G. Roberts, Tom Allen, Jr., and R. S. Clark. Councilman Bennie W. Dugger was not present.

Also present were City Manager Lee Vickers, City Secretary David A. Griffin, Public Works Director Cecil Wilkins, and the following guests: Luther Truett, Wofford Thompson, Jr., Tom Emerson, Jim Rose, Jimmie Belden, Everett Hamm, T. J. Lowrey, Glenn Tilley, Joe Bates, R. B. Ring, Winn Jackson, J. M. Nelson, Jim Honea, Raymond E. Pate, Charles Douglas, Orlan Ritter, Tom Crump, Mrs. C. E. Winniford, Foy Mitchell, Sue Lance, Bill Mayse, V. E. Doty, Sr., Willie Wilson, Johnny E. Urbano, G. Morino, Frank Garcia, Carmel Garcia, Manuela Garcia, Jose Gonzales, Jr., Mary Garcia, Olivia Gonzales, Emilio Garcia, Rev. R. W. Samuelson, M. S. Jackson, Paul Lawson, Bill Dungan, Luther Lance, Mr. and Mrs. Isidro Ponse, Leonard Gonzales, Dan Shipman, Martin O. Bicarro, Duane McDonald, Sister Mary Evelyne, Sister Joan Michael, W. Sepulbeda, George Castillo, Lesla Box, Joe Cavazos, W. E. Talkington, Jenava Singleterry, Raul Singleterry, Mr. and Mrs. Perry May, T. L. Poller, David Barch, Fred Hunter, J. R. Bradford, Clarence Fort, Kenneth J. Stephen, Wilson V. Smith, Bob Biar, C. B. Colling.

Mayor Finney presided, and Councilman White gave the invocation.

On a motion by Councilman Allen, seconded by Councilman Clark, Council unanimously approved the minutes of the Council meeting of March 9, 1970.

Councilman Roberts moved that Ordinance No. 748 be adopted on first reading:

ORDINANCE NO. 748

"AN ORDINANCE ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY, TEXAS, PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND AN EFFECTIVE DATE THEREOF:"

Councilman White seconded, and the motion passed unanimously.

REGULAR CITY COUNCIL MEETING, MARCH 23, 1970 (cont.)

Council discussed the proposed ordinance requiring payment of a permit fee by mobile home owners. Mr. R. B. Ring and Mr. Duane McDonald appeared before the Council and entered the discussion.

Councilman White moved that Ordinance No. 747 be adopted:

ORDINANCE NO. 747

"AN ORDINANCE PROVIDING FOR AMENDMENT OF SECTION 4 OF ORDINANCE NO. 731 (MOBILE HOME PARK ORDINANCE), REQUIRING PAYMENT OF MONTHLY INSPECTION FEES, PROVIDING THE MANNER BY WHICH MONTHLY INSPECTION FEES WILL BE PAID, PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF:"

Councilman Clark seconded, and the motion passed unanimously.

City Manager Lee Vickers presented to the Council the report of the Temporary Committee appointed to study the advisability of converting the City Tax Roll to Electronic Data Processing. The Committee recommended that conversion be made for the 1970 Tax roll and that Governmental Data Services, Incorporated be retained to provide the service.

Councilman Whisenant moved that the City Manager be authorized to proceed with the conversion, contingent upon certain staff adjustments. Councilman Clark seconded, and the motion passed unanimously.

Mayor Finney called for the City Manager's recommendation on the awarding of the fire hydrant bids which were received at the last regular City Council meeting. Mr. Vickers recommended purchase from the low bidder, Trans-Tex Supply Company. Councilman Clark moved that the Council accept Mr. Vicker's recommendation. Councilman White seconded, and the motion passed unanimously.

On a motion by Councilman Roberts, seconded by Councilman White, it was voted unanimously to accept the proposal of S. D. Vaugh, C.P.A. to perform the annual audit of the city accounts.

On a motion by Councilman Roberts, seconded by Councilman Whisenant, Council voted unanimously to make the minutes of the Planning and Zoning Commission meeting of March 17, 1970, a part of the Council record. (see Exhibit I.)

On a motion by Councilman White, seconded by Councilman Clark, Council voted unanimously to make the minutes of the Library Board meeting of March 3, 1970, a part of the Council record. (see Exhibit II.)

On a motion by Councilman Allen, seconded by Councilman Clark, Council voted unanimously to make the minutes of the Parks Board meeting of March 11, 1970 a part of the Council record. (see Exhibit III.)

REGULAR CITY COUNCIL MEETING, MARCH 23, 1970

On a motion by Councilman Allen, seconded by Councilman Clark, Council voted 5-ayes, 0-nays, 1-abstaining, with Councilman Whisenant abstaining, to accept the recommendation of the Planning and Zoning Commission that Winn Jackson be permitted a variance from the Zoning Ordinance and be allowed to use metal in the upper portion (gable) on the front of his proposed building located on Highway 5 east of the Coca-Cola Plant.

Mrs. Becky Winniford, Chairman of the Park Board, appeared before the Council and discussed recommendations contained in the Park Board minutes of March 11, 1970.

On a motion by Councilman Roberts, seconded by Councilman Clark, Council voted unanimously to accept the recommendation of the Park Board regarding rental fees on the Community Center and approved said fees as follows:

Weekdays:	Entire Building	-	\$25.00
	Front Room	-	\$15.00
	Back Room	-	\$15.00
Weekends:	Entire Building	-	\$35.00
	Front Room	-	\$20.00
	Back Room	-	\$20.00

City Manager Lee Vickers presented an explanation of Article 999b, V.T.C.S. and recommended that the City Council of McKinney adopt a resolution which would permit the City Manager the authority to dispatch and request ~~peace~~ officers from neighboring cities during emergency situations, under the provisions of the Act.

Councilman Whisenant moved that the City Manager be authorized to enter into contractual agreements with our sister cities under the provisions of Article 999b, V.T.C.S. and that the following resolution be adopted: (see Exhibit IV.)

Councilman Allen seconded, and the motion passed unanimously.

Councilman Allen moved that the following Tax Roll Corrections be approved: (see Exhibit V.)

Councilman Roberts seconded, and the motion passed, 5-ayes, 0-nays, 1-abstaining, with Councilman Clark abstaining.

Council instructed the City Manager to have the Johnson property, adjacent to the Service Center, appraised by a competent real estate appraiser.

City Manager Lee Vickers reported to the Council and to the assembly the background on the need for a water rate increase by the City of McKinney.

REGULAR CITY COUNCIL MEETING, MARCH 23, 1970 (cont.)

Mr. Vickers pointed out that the cost of water to the City of McKinney will increase over 45% between December 31, 1969, and January 1, 1971. Mayor Finney called a special meeting for March 30th, at 4:00 p.m. to discuss the water rates proposed by the Water Rate Study Committee.

Councilman White moved that the following persons be appointed to the Citizens Advisory Committee, pursuant to the provisions of Ordinance No. 739:

CITIZENS ADVISORY COMMITTEE

Leroy Richardson	Wilbur Thompson	Cecil Farley
Audie Turrentine	Odie Adams	Joe Bob Young
Raymond Neal	Allie C. Johnson	Jack Faubion
T. J. Lowery	Reuben Johnson	Paul Hardin
Worley Smith	Bobby Binion	Al Ruschhaupt
Joe Cavazos	Dick Horn	Garnett Morrow
Hugh McCarley	Mrs. Ray Bewley	Sid Hoffman
Paul Young	Mrs. Wilmerine Wattley	Daniel Sanchez
Dr. Larry J. Hines	Leonard Maxwell	Clyde Geer
Edward Wright	Rather Robert Samuelson	Miss Fletcher Anderson
Willie Wattley	Dr. Billy Don Mitchell	Mrs. Virginia Benningfield
Leon Duncan	Grover C. Russell	Mrs. Julia Walters
Lesla Box	Ted Brady	Rev. Sam Riccobene
Thomas Long	Boyd Williams	Phil McMullen
Laud Howell	Ralph Cox	Wofford Thompson, Jr.
Bob Winders		

Councilman Clark seconded, and the motion passed unanimously.

Mayor Finney asked Frank Garcia whether or not the Dallas Morning News article of March 20, 1970, was correct when it quoted Mr. Garcia as saying a bribe had been attempted to keep him from being a candidate for the City Council. Mayor Finney asked that an investigation by a competent authority be conducted if Mr. Garcia's remarks were, in fact, true. Mr. Garcia stated that he had been misquoted by the newspaper, and that he had not, in fact, been offered a bribe to stay out of the Council race.

Duane McDonald appeared before the Council with information regarding modular homes and presented the information to the Council for its consideration.

Charles Douglas appeared before the Council and presented the Council with a survey of his property located on Inwood Drive at College Street. Mr. Douglas requested that certain public or unclaimed land adjacent to his property be deeded to him by the City. The Council advised Mr. Douglas that it had no authority to do this and requested that he contact an attorney and the city attorney in an effort to resolve ownership of the disputed land.

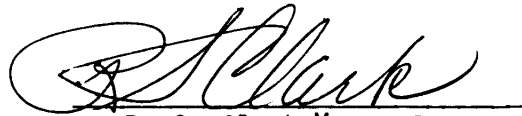
REGULAR CITY COUNCIL MEETING, MARCH 23, 1970 (cont.)

Leonard Gonzales appeared before the Council to request that the street in front of 1202 Anthony be repaired.

V. E. Doty appeared before the Council regarding a drainage problem at 903 Throckmorton.

Council adjourned on a motion by Councilman Allen, seconded by Councilman Clark.

APPROVED:

A handwritten signature in cursive script, appearing to read "R. S. Clark", written over a horizontal line.

R. S. Clark Mayor Pro-Tempore

ATTEST:


A handwritten signature in cursive script, appearing to read "David A. Griffin", written over a horizontal line.
David A. Griffin, City Secretary

ALLEY/STREET CLOSING PETITION

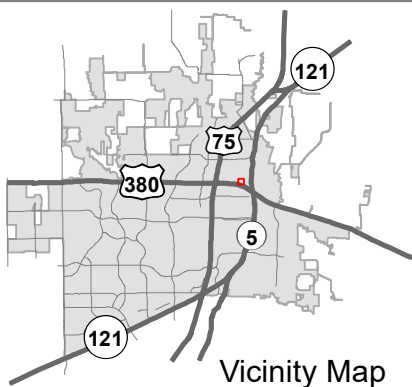
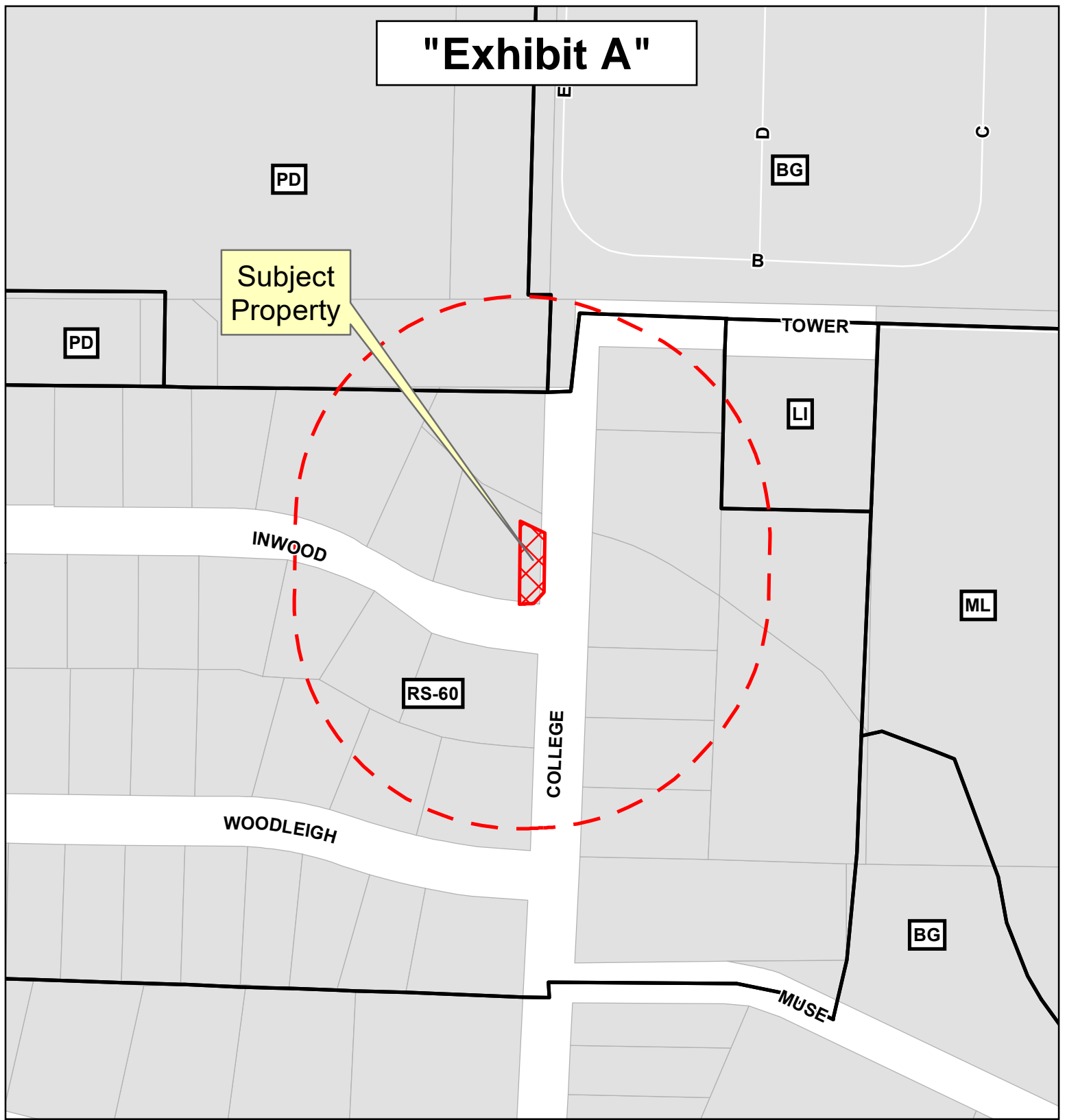
WE, THE UNDERSIGNED PROPERTY OWNERS AS INDICATED, ARE REQUESTING THE CLOSING OF AN ALLEY AT _____

FOR THE FOLLOWING REASONS: _____

ADJACENT PROPERTY OWNERS

SIGNATURE	PRINTED NAME	STREET ADDRESS	LOT NUMBER	BLOCK	ADDITION NAME
	KAYLA PARKER	802 INWOOD DR. MCKINNEY, TX 75069	30	1	BLACK & SMITH ADDITION

Document Path: S:\MCKGIS\NotificationDev_Services_Notification_Map.mxd



Notification Map

17-0001ROW

--- 200' Buffer



0 60 120
Feet
1 in = 132 ft

Source: City of McKinney GIS
Date: 2/19/2018

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



Exhibit B

B.F. STAPP SURVEY,
ABSTRACT NO. 837

CALLLED 0.9482 OF AN ACRE
DAVID L. FLORCIK AND SPOUSE,
ERICA E. FLORCIK
INSTRUMENT NO. 2001-0045126
(VOLUME 4904, PAGE 1621)
O.P.R.C.C.T.

LEGEND

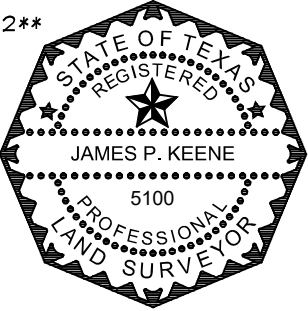
- (CM) = CONTROLLING MONUMENT
- = MONUMENT FOUND (AS DESCRIBED)
- ⊙ = MONUMENT SET (AS DESCRIBED)
- ⊙ = POINT FOR CORNER
- ⊙ = WATER METER
- ⊙ = AIR CONDITIONER
- ⊙ = ELECTRIC METER
- ⊙ = WOOD FENCE
- ⊙ = OVERHEAD ELECTRIC
- ⊙ = POWER POLE
- ⊙ = GUY WIRE
- ⊙ = SANITARY SEWER MANHOLE

TO: David P. Longbine and Linda S. Longbine
City of McKinney, Texas

I, James P. Keene, Registered Professional Land Surveyor No. 5100, do hereby state that the survey map hereon, depicts and describes the results of an actual on the ground survey made on the 10th day of November, 2017 under my direction and supervision. This survey substantially conforms to the Minimum Standards of Practice as approved by the Texas Board of Professional Land Surveyors. This statement is not a representation of warranty of title or guarantee of ownership. This survey was performed EXCLUSIVELY for the benefit of the above noted parties. ANY USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREOF.

For metes and bounds description, see page 2 of 2

James P. Keene, R.P.L.S.
Texas Registration No. 5100
Date: December 5, 2017
BISON CREEK LAND SERVICES, LLC.
24443 IH 20
Wills Point, Texas 75169
Phone (903) 873-3600



BISON CREEK
LAND SERVICES, LLC

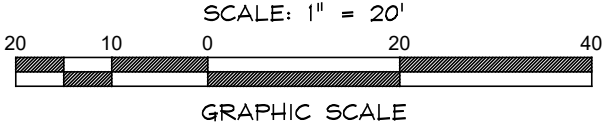
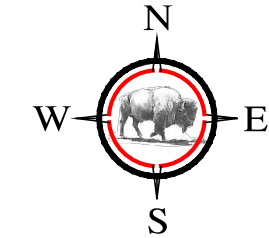
WWW.BISON-CREEK.COM COPYRIGHT 2017

FIRM LICENSE NO. 10193880

BISON CREEK LAND SERVICES, LLC 24443 INTERSTATE 20, WILLS POINT, TEXAS 75169 PHONE: (903) 873-3600

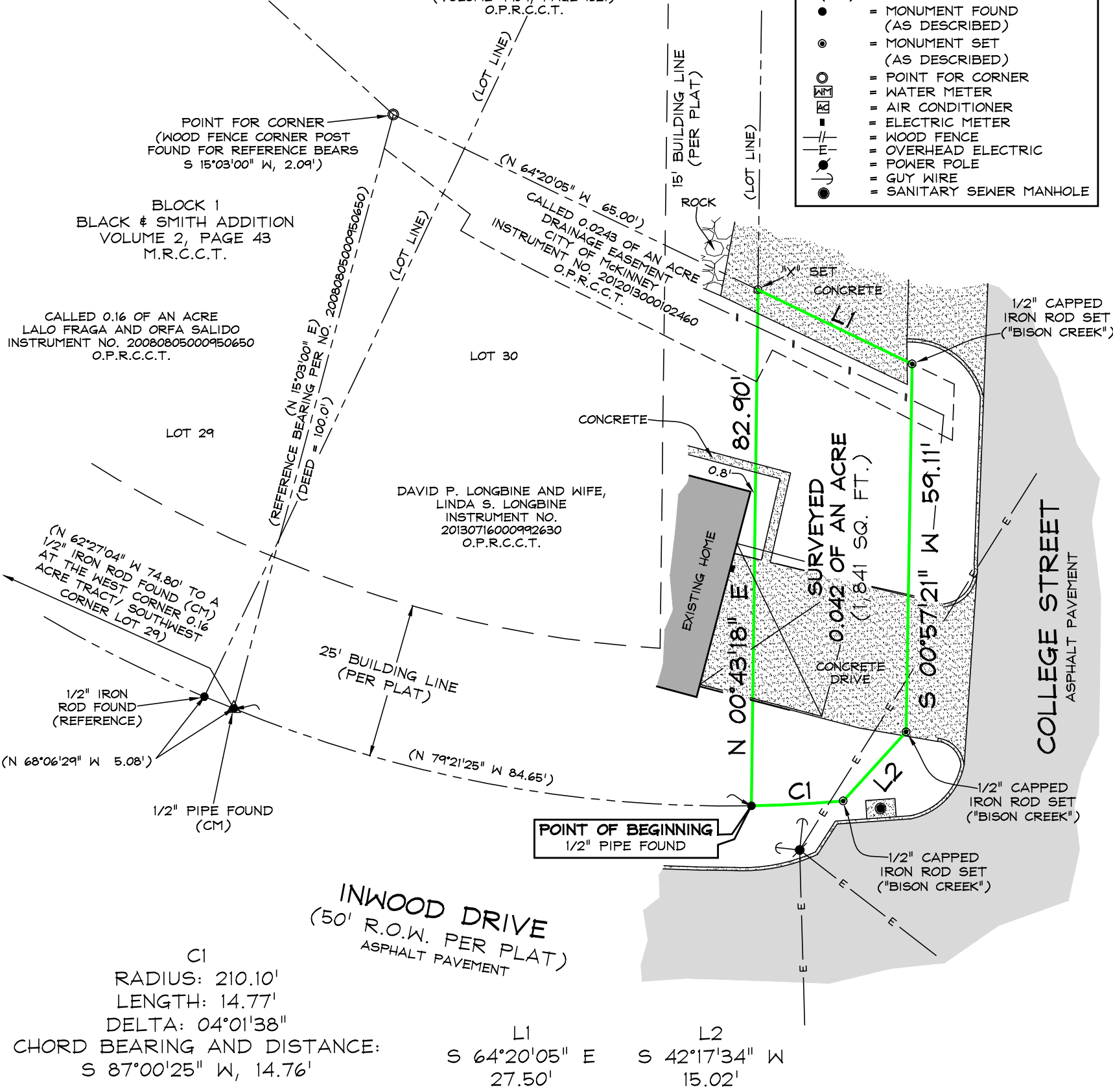
SURVEY

BEING 0.042 OF AN ACRE OF LAND
SITUATED IN THE B.F. STAPP SURVEY,
ABSTRACT NO. 837
COLLIN COUNTY, TEXAS



SURVEY NOTES:

- 1) Except as shown there are no visible protrusions.
- 2) Basis of bearing is the called 0.16 acre tract of land described in a deed to Lalo Fraga and Orfa Salido, recorded in Instrument No. 20080805000950650, O.P.R.C.C.T. and the Reference Bearing is the East line thereof.
- 3) This Survey was prepared without the benefit of a current Commitment for Title Insurance. There may be additional easements, restrictions and/or other matters of record affecting the subject property that a current Commitment for Title Insurance might disclose. Neither this surveyor, nor the company in which he is employed, shall be held liable for any matters of record affecting the subject property in which the surveyor has no personal knowledge of, or was not provided unto him prior to the date in which the survey was completed.



INWOOD DRIVE
(50' R.O.W. PER PLAT)
ASPHALT PAVEMENT

C1
RADIUS: 210.10'
LENGTH: 14.77'
DELTA: 04°01'38"
CHORD BEARING AND DISTANCE:
S 87°00'25" W, 14.76'

L1
S 64°20'05" E
27.50'

L2
S 42°17'34" W
15.02'

"Exhibit C"

METES AND BOUNDS
STATE OF TEXAS
COUNTY OF COLLIN

All that certain 0.042 acre lot, tract, or parcel of land situated in the B.F. Stapp Survey, Abstract No. 837, Collin County, Texas. Being within the limits of the Right of Way of College Street and being more particularly described as follows:

BEGINNING at a 1/2" pipe found for the Southwest corner of the hereon described tract, same being the Southeast corner of a tract of land described in a deed to David P. Longbine and wife, Linda S. Longbine, recorded in Instrument No. 20130716000992630, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), being the Southeast corner of Lot 30, Block 1, Black & Smith Addition, an addition to the City of McKinney, Collin County, Texas according to the plat thereof recorded in Volume 2, Page 43, Map Records, Collin County, Texas (M.R.C.C.T.), being at the intersection of the North line of Inwood Drive (a 50 foot Right of Way per plat-Volume 2, Page 43) and the platted West line of College Street, from which a 1/2" pipe found for the Southwest corner of the said Longbine tract bears North 79° 21' 25" West, a distance of 84.65 feet, from which a 1/2" iron rod found for the Southwest corner of said Lot 30 bears North 68° 06' 29" West, a distance of 5.08 feet;

THENCE: North 00° 43' 18" East, along the East line of the said Longbine tract, the East line of the said Lot 30, and the platted West line of said College Street, a distance of 82.90 feet to an "X" set for the Northwest corner of the hereon described tract, same being the Northeast corner of the said Longbine tract, being in the East line of said Lot 30, being in the platted West line of said College Street, and being the most Southerly Southeast corner of a called 0.9482 acre tract of land described in a deed to David L. Florcik and spouse, Erica E. Florcik, recorded in Instrument No. 2001-0045126 (Volume 4904, Page 1621), O.P.R.C.C.T., from which the calculated Northwest corner of the said Longbine tract, same being an angle point in the South line of the said 0.9482 acre Florcik tract, bears North 64° 20' 05" West, a distance of 65.00 feet, from which a wood fence corner post found for reference bears South 15° 03' 00" West, a distance of 2.09 feet;


THENCE: South 64° 20' 05" East, within the limits of the platted Right of Way of said College Street, a distance of 27.50 feet to a 1/2" capped iron rod (stamped "BISON CREEK") set for the Northeast corner of the hereon described tract, same being 25 feet perpendicular to the existing centerline of said College Street;

THENCE: South 00° 57' 21" West, continuing within the limits of the platted Right of Way of said College Street and remaining 25 feet West of and parallel to the existing centerline thereof, a distance of 59.11 feet to a 1/2" capped iron rod (stamped "BISON CREEK") set for the most Easterly Southeast corner of the hereon described tract;

THENCE: South 42° 17' 34" West, continuing within the limits of the platted Right of Way of said College Street, a distance of 15.02 feet to a 1/2" capped iron rod (stamped "BISON CREEK") set for the most Southerly Southeast corner of the hereon described tract, same being the point of curvature of a non-tangent curve to the right having a radius of 210.10 feet, a central angle of 04° 01' 38", and a long chord bearing and distance of South 87° 00' 25" West, a distance of 14.76 feet;

THENCE: Southwesterly, along the arc of said non-tangent curve to the right, an arc distance of 14.77 feet to the POINT OF BEGINNING and containing 1,841 square feet or 0.042 of an acre of land.

For survey map, see page 1 of 2


James P. Keene
Registered Professional Land Surveyor
State of Texas No. 5100
December 05, 2017
Project No. 17-3786





18-0003ROW

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of an Unnamed Alley, Located East of Graves Street and North of University Drive, and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic Growth

MEETING DATE: March 20, 2018

DEPARTMENT: Engineering

CONTACT: Matt Richardson, P.E., Development Engineering Manager
Gary Graham, P.E., Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval of the proposed right-of-way abandonment.

ITEM SUMMARY:

- Staff received a request to abandon a portion of an unnamed alley located on the east side of Graves Street and north of University Drive (US 380).
- The right-of-way consists of a 20 foot right-of-way containing approximately 0.06 acres. The right-of-way contains no public infrastructure or utilities.
- A private driveway and parking area currently exists within this right-of-way. The applicant has submitted a site plan for a medical office building on the site and intends to incorporate the unimproved right-of-way into their property.

BACKGROUND INFORMATION:

- An application and supporting documentation for the requested abandonment were submitted on January 18, 2018.
- No public utilities operate within the right-of-way and no easements are proposed to be retained on the requested abandonment.
- All owners adjacent to the right-of-way have signed a petition supporting the requested abandonment.
- Public hearing notices were sent to all property owners within 200 feet of the requested abandonment. As of March 7, 2018, staff has received no comments in support of or opposition to this request.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Proposed Ordinance](#)

[Petition](#)

[Exhibit A \(Location Map\)](#)

[Exhibits B & C](#)

ORDINANCE NO. 2018-03-____

AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY, APPROXIMATELY 0.06 ACRES, LOCATED EAST OF GRAVES STREET AND NORTH OF UNIVERSITY DRIVE, PROVIDING FOR AN EFFECTIVE DATE HEREOF

WHEREAS, the owners of the properties immediately adjacent to a portion of an unnamed alley, approximately 0.06 acres, located east of Graves Street and north of University Drive, in the City of McKinney, Collin County, Texas, have petitioned the City of McKinney to vacate said right-of-way; and

WHEREAS, after due notice was sent to all persons owning properties adjacent to such right-of-way and all persons affected thereby; and

WHEREAS, after due notice and hearing held before the City Council of the City of McKinney, the City Council has determined and finds that the right-of-way is not needed for travel by the general public, and that the same should be vacated.

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

Section 1. A portion of an unnamed alley, approximately 0.06 acres, located east of Graves Street and north of University Drive, in the City of McKinney, which is more fully depicted in Exhibit A and more fully described in Exhibits B and C, attached hereto, is hereby closed and vacated.

Section 2. This ordinance shall become effective immediately upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 20TH DAY OF MARCH, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

ALLEY/STREET CLOSING PETITION

WE, THE UNDERSIGNED PROPERTY OWNERS AS INDICATED, ARE REQUESTING THE CLOSING OF AN ALLEY AT _____

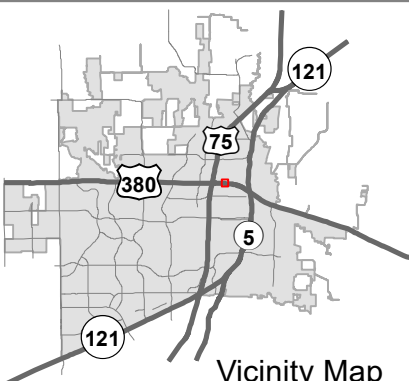
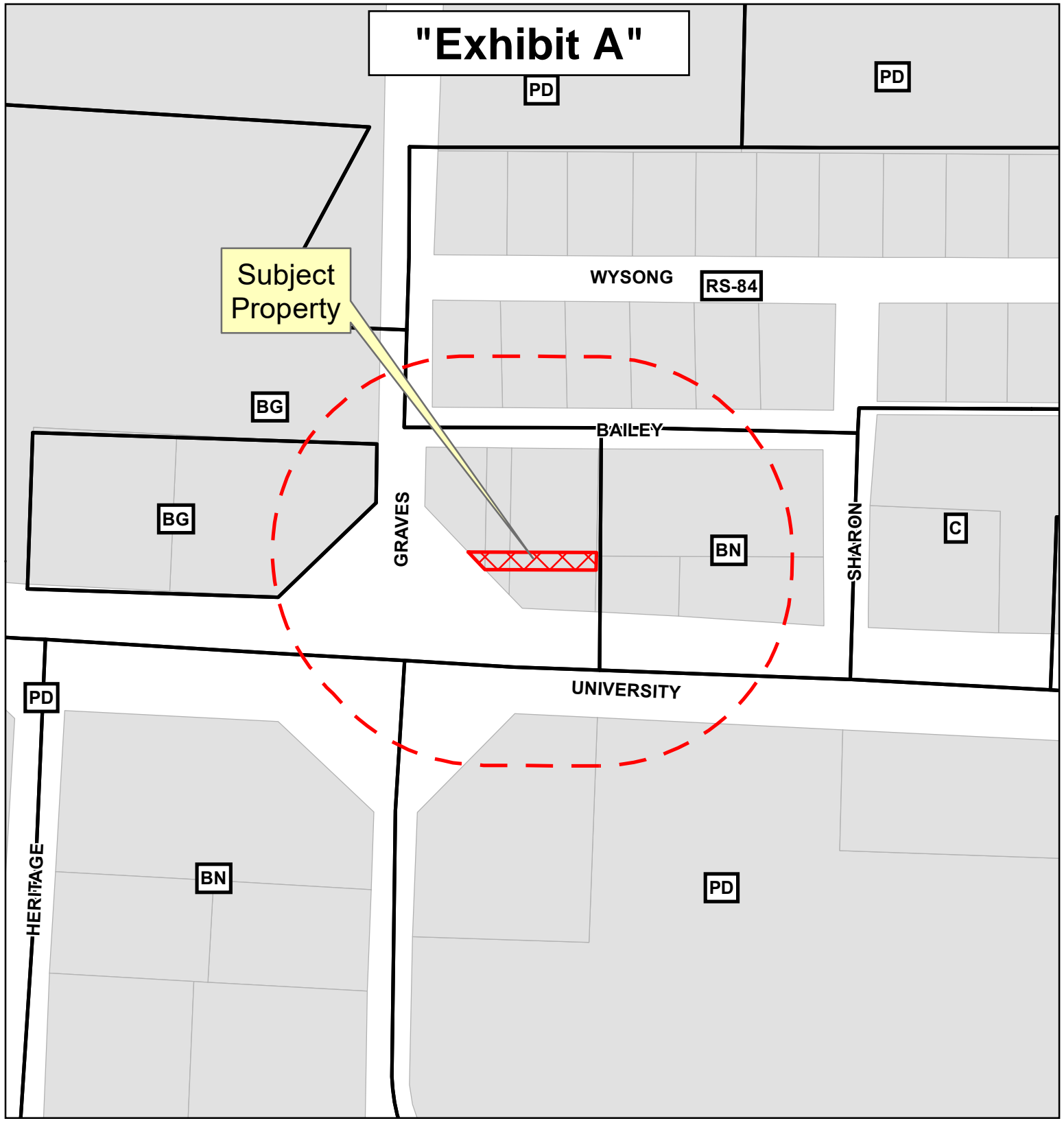
1516 W UNIVERSITY DR, MCKINNEY, TX 75069

FOR THE FOLLOWING REASONS: TO BUILD PROPOSED MEDICAL/PROFESSIONAL BUILDING

ADJACENT PROPERTY OWNERS

[illegible]

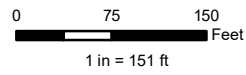
Document Path: S:\MCKGIS\NotificationDev_Services_Notification_Map.mxd



Notification Map

18-0003ROW

--- 200' Buffer



Source: City of McKinney GIS
Date: 2/19/2018

DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



ALLEY ABANDONMENT**"Exhibit B"**

Being all that certain lot, tract, or parcel of land, and being an alley right-of-way, of Free Methodist College Addition, an Addition to the City of McKinney, Collin County, Texas, according to the map thereof recorded in Volume 1, Page 116, Map Records, Collin County, Texas, and being part of the same tract of land described in deed to Health Plaza LLC, recorded in Instrument No. 20170303000284680, Official Public Records, Collin County, Texas, and being more particularly described as follows:

Commencing at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the intersection of the East line of N. Graves Street, a variable width right-of-way, and the South line of Bailey Street, a 50' right-of-way, and being the Northwest corner of Lot 1, Block 5, of said Free Methodist College Addition;

Thence South 01°40'30" West, along the said East line, a distance of 67.90' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

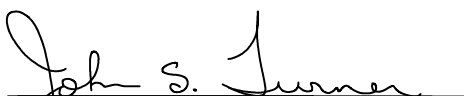
Thence South 43°39'42" East, a distance of 72.49' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner and being the PLACE OF BEGINNING of the tract of land described herein;

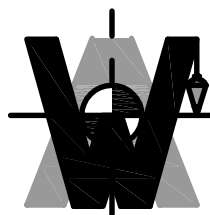
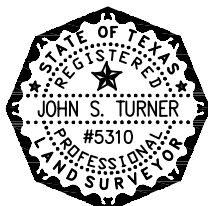
Thence South 89°44'43" East, a distance of 147.30' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the West line of Block 5, of Northwest Addition, an Addition to the City of McKinney, Collin County, Texas, according to the map thereof recorded in Volume 3, Page 95, Map Records, Collin County, Texas, and being at the Southeast corner of Lot 4, Block 5, of said Free Methodist College Addition;

Thence South 01°27'09" West, along said West line, a distance of 20.30' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set at the Northeast corner of Lot 15, Block 5 of said Free Methodist College Addition;

Thence North 89°37'43" West, a distance of 127.58' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence North 43°39'41" West, a distance of 27.82' to the PLACE OF BEGINNING and containing 2,771 square feet or 0.064 of an acre of land.


John S. Turner, R.P.L.S. #5310

**A&W SURVEYORS, INC.**

Professional Land Surveyors

TEXAS REGISTRATION NO. 100174-00

P.O. BOX 870029, MESQUITE, TX. 75187

PHONE: (972) 681-4975 FAX: (972) 681-4954

WWW.AWSURVEY.COM

Job Number: 18-0045

Date: 01-09-2018

Drafter: 517

"A professional company operating in your best interest"

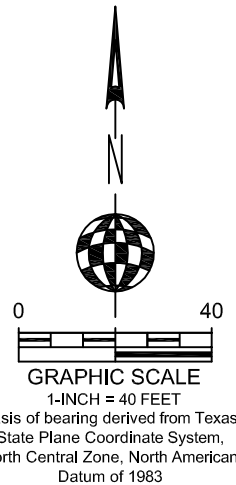
ALLEY ABANDONMENT**"Exhibit C"**

LINE TABLE		
LINE	LENGTH	BEARING
L1	147.30'	S89°44'43"E
L2	20.30'	S01°27'09"W
L3	127.58'	N89°37'43"W
L4	27.82'	N43°39'41"W

PLACE OF
COMMENCING

**N. GRAVES
STREET**
(VARIABLE WIDTH
RIGHT-OF-WAY)
S 01°40'30" W
67.90' MEAS.

BAILEY STREET
(50' RIGHT-OF-WAY)



1/2" IRS

5/8" IRF
(C.M.)

HEALTH PLAZA LLC,
INST. NO. 20170303000284680,
O.P.R.C.C.T.

LOT 1

LOT 2

LOT 3

LOT 4

BLOCK 5
NORTHWEST ADDITION,
VOL. 3, PG. 95,
M.R.C.C.T.

BLOCK 5
FREE METHODIST
COLLEGE ADDITION,
VOL. 1, PG. 116,
M.R.C.C.T.

1/2" IRS

S 43°39'42" E
72.49' MEAS.

PLACE OF
BEGINNING

2,771 SQ. FT. OR
0.064 OF AN ACRE

LEGEND

O.P.R.C.C.T. OFFICIAL PUBLIC
RECORDS,
COLLIN COUNTY,
TEXAS
D.R.C.C.T. DEED RECORDS,
COLLIN COUNTY,
TEXAS
VOL. VOLUME
PG. PAGE
1/2"IRS 1/2 INCH IRON ROD
SET
M.R.C.C.T. MAP RECORDS,
COLLIN COUNTY,
TEXAS
INST. NO. INSTRUMENT
NUMBER
C.M. CONTROLLING
MONUMENT
1/2" IRF 1/2 INCH IRON ROD
FOUND

1/2" IRS

1/2" IRS

LOT 17

L3

LOT 16

LOT 15

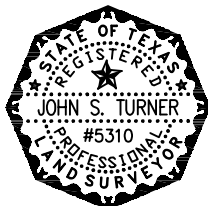
47.51'

1/2" IRF
(C.M.)

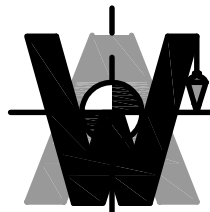
(U.S. HIGHWAY 380)

W. UNIVERSITY DRIVE

(120' RIGHT-OF-WAY)



John S. Turner
John S. Turner, R.P.L.S. #5310

**A&W SURVEYORS, INC.**

Professional Land Surveyors

TEXAS REGISTRATION NO. 100174-00

P.O. BOX 870029, MESQUITE, TX. 75187

PHONE: (972) 681-4975 FAX: (972) 681-4954

WWW.AWSURVEY.COM

Job Number: 18-0045

Date: 01-09-2018

Drafter: 517

"A professional company operating in your best interest"



17-186SUP

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan for a Meter and Flow Control Facility (North McKinney Pipeline, Phase III), Located Approximately 1,500 Feet South of Bloomdale Road and on the West Side of Redbud Boulevard, and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic and Economic Growth

MEETING DATE: March 20, 2018

DEPARTMENT: Planning

CONTACT: Brian Lockley, Director of Planning, AICP, CPM
Samantha Pickett, Planning Manager, AICP
Danielle Quintanilla, Planner I

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the specific use permit and site plan to allow a meter and flow control facility (North McKinney Pipeline, Phase III), with the following condition:

Prior to the issuance of a building permit:

1. The applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, attached.

APPLICATION SUBMITTAL DATE: June 27, 2017 (Original Application)
August 8, 2017 (Revised Submittal)
October 25, 2017 (Revised Submittal)
November 20, 2017 (Revised Submittal)
February 6, 2018 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting approval of a specific use permit (SUP) and site plan to allow for a utility substation (meter and flow control facility) on the subject property. The proposed meter and flow control facility is approximately 850 square feet and is located on a 0.47 acre tract of land. This facility will work in conjunction with the future City of McKinney Redbud Pump Station and North McKinney

Pipeline Phase III.

The City of McKinney's Engineering Department received approval of a specific use permit and site plan for the Redbud Pump Station (Case No. 17-125SUP) from City Council on December 5, 2017.

The zoning for the subject property ("AG" - Agricultural District) requires that a specific use permit be granted in order to allow for a utility substation on the subject property. As part of the specific use permit request, the applicant has submitted a site layout exhibit detailing the proposed layout of the meter and flow control facility.

PLATTING STATUS: The subject property is currently unplatted. A record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a certificate of occupancy.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"AG" - Agricultural District (Agricultural Uses)	Undeveloped Land
North	"AG" - Agricultural District (Agricultural Uses)	Undeveloped Land
South	"LI" - Light Industrial District (Industrial Uses)	Undeveloped Land
East	"LI" - Light Industrial District (Industrial Uses)	Undeveloped Land
West	"AG" - Agricultural District (Agricultural Uses) and "CC" - Corridor Commercial Overlay District	Undeveloped Land

SPECIFIC USE PERMITS: When acting on a request for a specific use permit, the following factors should be considered:

- Compatibility with adjacent and neighboring land uses in the immediate area
- Adaptability of building structures to the proposed use
- Infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage
- Elements such as screening, open space, building heights, and compatibility of existing buildings to the proposed use

Staff has evaluated the request based on the above mentioned parameters and is of the professional opinion that the site is appropriate for a utility substation (meter and

flow control facility). Given that the area is industrial in nature, the Future Land Use Plan (FLUP) calls for this area to be industrial, and that the nearby developments are proposed to be industrial uses, the meter and flow control facility will be compatible with the future surrounding land uses.

SITE LAYOUT: The attached exhibit provides a general layout of the meter and flow control facility. The site circulation, screening, parking, sanitation, and landscaping requirements are in general conformance with the Zoning Ordinance. Approval of the specific use permit shall also constitute approval of the site plan and landscape plan for the proposed development.

IMPACT ON EXISTING DEVELOPMENT: Staff does not anticipate that the specific use permit request would have a negative impact on adjacent developments.

CONFORMANCE TO THE FUTURE LAND USE PLAN (FLUP): The Future Land Use Plan (FLUP) designates this area for Industrial. A utility substation is an allowed use in an agricultural district, with approval of an SUP. The proposed specific use permit request is not in conflict with the FLUP.

ACCESS/CIRCULATION:

Adjacent Streets: Redbud Boulevard, 100' Right-of-Way, Minor Arterial

PARKING: The applicant has satisfied the minimum parking requirements as specified within Section 146-130 (Vehicle Parking) of the Zoning Ordinance.

LOADING SPACES: The applicant has satisfied the minimum loading space requirements as specified within Section 146-131 (Off-Street Loading) of the Zoning Ordinance. No loading spaces are required for this development.

SOLID WASTE CONTAINERS: The sanitation container screening walls will be brick, stone masonry or other architectural masonry finish, including a metal gate, primed and painted, and the sanitation container screening walls, gate, and pad site will be constructed in accordance with the City of McKinney Design Specifications. The applicant has provided the required notation on the proposed site plan. Per the City of McKinney's Sanitation Department, sanitation containers are not required at this location.

LANDSCAPING REQUIREMENTS: The applicant has satisfied all landscaping requirements as specified in Section 146-135 (Landscape Requirements) of the Zoning Ordinance.

SCREENING REQUIREMENTS: The applicant has provided the required notation stating that all mechanical, heating, and air conditioning equipment shall be screened from the public right-of-way and from adjacent residential properties. The applicant has satisfied the minimum requirements as specified in Section 146-132 (Fences, Walls,

and Screening Requirements) of the Zoning Ordinance.

LIGHTING AND GLARE REGULATIONS: The applicant will be responsible for complying with Chapter 58 (Lighting and Glare Regulations) of the City of McKinney Code of Ordinances. The applicant has provided the required notation stating that the lighting will be in conformance to the requirements of the City of McKinney Code of Ordinances on the site plan.

ARCHITECTURAL STANDARDS: The applicant will be responsible for meeting the requirements of Section 146-139 (Architectural and Site Standards) of the City of McKinney Zoning Ordinance. Architectural building elevations are subject to review and approval by the Chief Building Official, prior to issuance of a building permit.

TREE PRESERVATION ORDINANCE: The applicant will be responsible for complying with the Tree Preservation Ordinance. The applicant is required to submit a signed affidavit that there are no protected trees on the subject property or a tree survey, subject to review and approval of the City's Landscape Architect during the Civil review process.

PUBLIC IMPROVEMENTS:

Sidewalks: Required along Redbud Boulevard

Hike and Bike Trails: Not Required

Road Improvements: All road improvements necessary for this development, and as determined by the City Engineer

Utilities: All utilities necessary for this development, and as determined by the City Engineer

Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the accompanying plat, unless otherwise specified in an approved facilities agreement.

DRAINAGE: The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance, which may require on-site detention. Grading and drainage plans are subject to review and approval by the City Engineer, prior to issuance of a building permit.

FEES:

Roadway Impact Fees: Applicable (Ordinance No. 2013-11-108)

Utility Impact Fees: Applicable (Ordinance No. 2017-02-021)

Median Landscape Fees: Not Applicable

Park Land Dedication Fees: Not Applicable

Pro-Rata: As determined by the City Engineer

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments in support of or opposition to this request.

BOARD OR COMMISSION RECOMMENDATION: On February 27, 2018, the Planning and Zoning Commission voted 6-0-0 to recommend approval of the proposed specific use permit and site plan.

SUPPORTING MATERIALS:

[PZ Minutes 02.27.pdf](#)

[Standard Conditions Checklist](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Proposed Ordinance](#)

[Proposed Exhibits A-C](#)

[PowerPoint Presentation](#)

Planning and Zoning Commission Meeting Minutes of February 27, 2018:

17-186SUP Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan for a Meter and Flow Control Facility (North McKinney Pipeline, Phase III), Located Approximately 1,500 Feet South of Bloomdale Road and on the West Side of Redbud Boulevard

Ms. Danielle Quintanilla, Planner I for the City of McKinney, explained the proposed specific use permit and site plan request. She stated that the applicant is requesting approval of a specific use permit (SUP) and site plan to allow for a utility substation, a meter and flow control facility, on the subject property. Ms. Quintanilla stated that the proposed meter and flow control facility is approximately 850 square feet. She stated that this facility will work in conjunction with the future City of McKinney Redbud Pump Station and North McKinney Pipeline Phase III. Ms. Quintanilla stated that the zoning for the subject property is "AG" – Agricultural District and requires that a specific use permit (SUP) be granted in order to allow for a utility substation. She stated that given that the area is industrial in nature, the Future Lane Use Plan (FLUP) calls for this area to be industrial, and the nearby developments are proposed to be industrial uses, the meter and flow control facility will be compatible with the future surrounding land uses. Ms. Quintanilla stated that Staff combined the specific use permit (SUP) and site plan as one request. She stated that approval of the specific use permit (SUP) will constitute approval of the site plan and landscape plan for the development. Ms. Quintanilla stated that Staff recommends approval of the specific use permit (SUP) and site plan request. Ms. Quintanilla offered to answer questions. There were none.

Ms. Colleen Howard, 600 W. 6th Street, Fort Worth, TX, stated that she was one of the engineers on the project and was representing the North Texas Municipal Water District. She stated that this would be a water flow control facility. Ms. Howard stated that it was going to connect the pipeline to the future McKinney Redbud Pump Station and the future North Texas Pump Station. She stated that it was critical to provide enough water to the City of McKinney. Ms. Howard offered to answer questions. There were none.

Chairman Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member McCall, seconded by Alternate Commission Member McReynolds, the Commission unanimously voted to recommend approval of the proposed specific use permit and site plan as recommended by Staff, with a vote of 6-0-0.

Chairman Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council meeting on March 20, 2018.

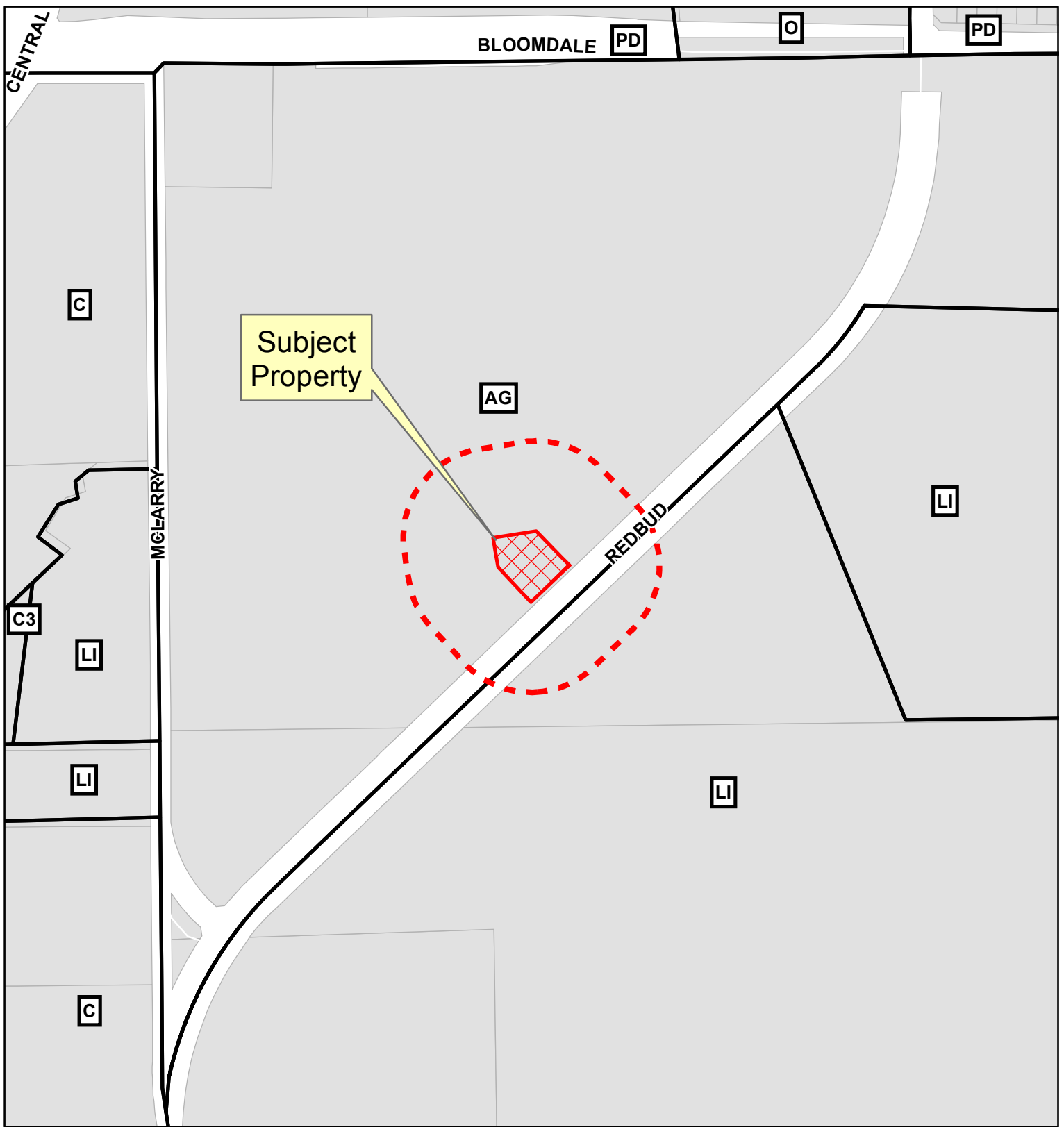
Standard Conditions for Site Plan Approval Checklist

The conditions listed below marked with a “☒” need to be satisfied by the applicant, prior to issuance of a building permit.

- ☒ Approval of building permit plans by the Chief Building Official.
- ☒ Approval of architectural building elevations, in accordance with Section 146-139 of the Zoning Ordinance.
- ☒ Approval of grading and drainage plans by the City Engineer.
- ☒ Approval of public improvement construction plans by the City Engineer.
- ☒ Approval of utility construction plans by the City Engineer.
- ☒ Approval of an associated record plat or minor plat if the property is currently unplatted.
- ☒ Final location of fire hydrants be subject to review and approval by the Fire Marshal.
- ☒ The applicant comply with the requirements of the Tree Preservation Ordinance and obtain any necessary tree permits within the time frames specified within the Ordinance, subject to review and approval by the City Arborist.
- ☒ Payment of impact fees in accordance with Ordinances 2017-02-021 (utilities) and 2013-11-108 (roadway), or as specified within an approved facilities agreement or development agreement.
- ☐ The applicant satisfy park land dedication obligations, in accordance with Article VI of the Subdivision Ordinance, subject to review and approval by the Director of Parks and Recreation.
- ☒ All signage is to comply with the current Sign Ordinance of the City of McKinney, and as amended. Final location of all signage, as well as the dimension and construction specifications, be subject to review and approval by the Chief Building Official, under separate permit.

Prior to the issuance of a Certificate of Occupancy (C.O.):

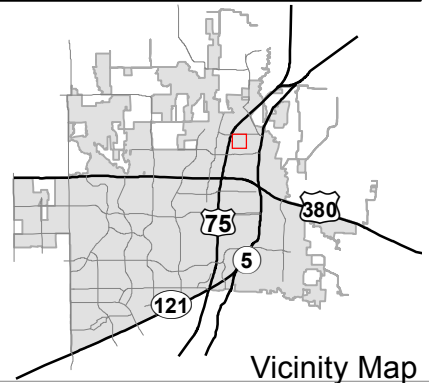
- ☒ The applicant provide any additional easements as determined necessary by the City Engineer.
- ☒ The associated plat for the subject property be filed for record with the County Clerk.



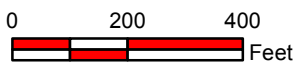
Notification Map

Case: 17-186SUP

--- 200' Buffer



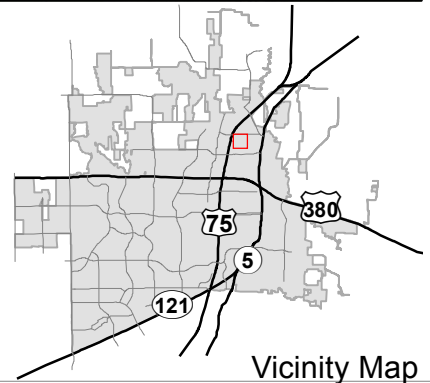
DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



Notification Map

Case: 17-186SUP

--- 200' Buffer



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.



November 20, 2017

Ms. Danielle Quintanilla
Planning Department
City of McKinney
221 North Tennessee Street
McKinney, Texas 75070

**Letter of Intent - North McKinney Pipeline Phase III Meter & Flow Control Facility
Project No. 431**

Dear Ms. Quintanilla:

It is the intent of the North Texas Municipal Water District to construct a meter and flow control facility to connect the Future City of McKinney Redbud Pump Station and the North McKinney Pipeline Phase III (NMPL). The North McKinney Pipeline Phase III Meter & Flow Control Facility is located west of Redbud Blvd in the John R. Jones Survey Abstract No. 497, Lot 2 and is 10.76 acres. The area of the site is 0.47 acres. The square footage of proposed building is 850 SQ FT. The zoning for the site is Agriculture and a specific use permit is required to allow a water facility at this location. This project will be constructed under the contract for the Redbud Pump Station, CIP Project WA-8312.

Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "J. Colleen Howard".

HDR
J. Colleen Howard, P.E.
Project Engineer
Phone: 817-390-9823

ORDINANCE NO. 2018-03-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 A UTILITY SUBSTATION (A METER AND FLOW CONTROL FACILITY FOR NORTH MCKINNEY PIPELINE, PHASE III), LOCATED APPROXIMATELY 1,500 FEET SOUTH OF BLOOMDALE ROAD AND ON THE WEST SIDE OF REDBUD BOULEVARD; 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 an approximately 0.47 acre tract, located approximately 1,500 feet south of Bloomdale Road and on the west side of Redbud Boulevard, more fully depicted on Exhibits "A" and "B" 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 a utility substation (a meter and flow control facility for North McKinney Pipeline, Phase III), 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 a utility substation (a meter and flow control facility for North McKinney Pipeline, Phase III), located approximately 1,500 feet south of Bloomdale Road and on the west side of Redbud Boulevard, more fully depicted on Exhibits "A" and "B" 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 develop in accordance with the associated site layout, attached as Exhibit "C".

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 20th DAY OF MARCH, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

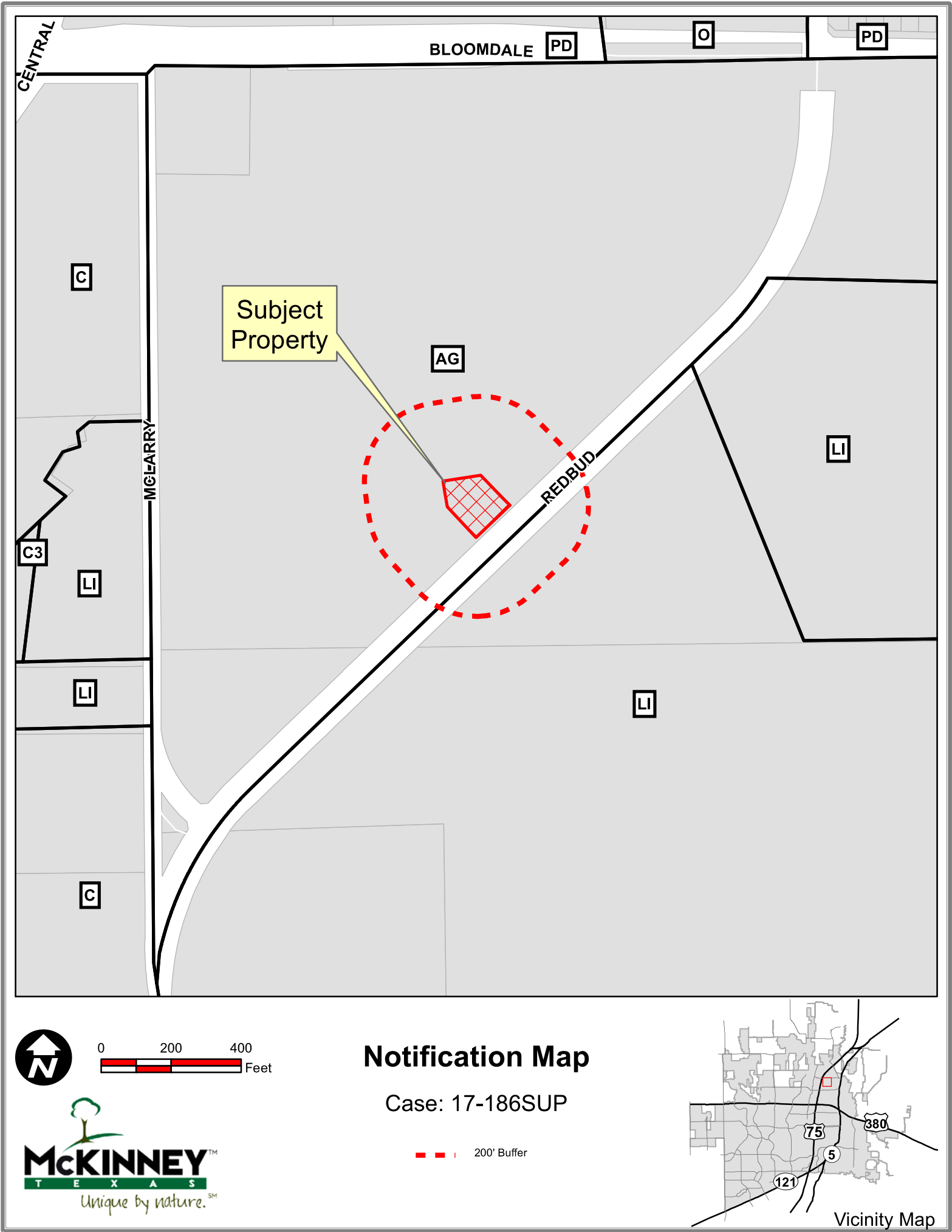
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Exhibit A



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

Exhibit B

EXHIBIT "A"
CITY OF MCKINNEY SITE PERMIT DESCRIPTION
OWNER: NORTH TEXAS MUNICIPAL WATER DISTRICT
NORTH MCKINNEY PIPELINE PHASE III
PROJECT NO. 431

JOHN R. JONES SURVEY, ABSTRACT NO. 497
COLLIN COUNTY, TEXAS

BEING a 0.4565 acre (19,885 square feet) permit tract situated in the John R. Jones Survey, Abstract No. 497, Collin County, Texas, being a portion of a called 10.763 acre tract of land described in Special Warranty Deed to the North Texas Municipal Water District, as recorded in Instrument No. 20170302000278480 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found at the southwest corner of a called 103.241 acre tract of land described in General Warranty Deed to the City of McKinney, as recorded in Instrument No. 20070727001038430 of the Official Public Records of Collin County, Texas said City of McKinney tract;

THENCE North 89 degrees 00 minutes 40 seconds East, with the south line of said City of McKinney tract, a distance of 614.48 feet to the northwest line of Redbud Boulevard (100-foot right-of-way), as recorded in Declaration of Right of Way to the City of McKinney, as recorded in Instrument No. 20140822000905830, O.P.R.C.C.T.;

THENCE North 46 degrees 05 minutes 45 seconds East, with the northwest line of said Redbud Boulevard, a distance of 440.13 feet to the south corner of said 10.763 acre tract;

THENCE North 42 degrees 58 minutes 10 seconds West, along the west line of said 10.763 acre tract, a distance of 11.00 feet to the POINT OF BEGINNING, having NAD83 Texas State Plane Coordinates of (Grid N=7,137,694.48 E=2,541,750.33);

THENCE North 42 degrees 58 minutes 10 seconds West, with the west line of said 10.763 acre tract, a distance of 120.86 feet to a corner;

THENCE North 09 degrees 10 minutes 46 seconds West, with the west line of said 10.763 acre tract, a distance of 73.32 feet to a corner;

THENCE North 80 degrees 49 minutes 12 seconds East, departing said west line, a distance of 108.91 feet to a corner;

THENCE South 44 degrees 06 minutes 12 seconds East, a distance of 119.07 feet to a corner being 11.00 feet distance from the northwest line of said Redbud Boulevard;

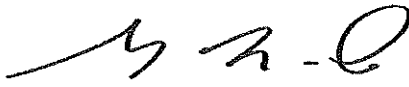
Exhibit B

THENCE South 46 degrees 05 minutes 45 seconds West, a distance of 133.66 feet, parallel with and 11.00 feet distant from (when measured at right angles to) the northwest line of said Redbud Boulevard, to the POINT OF BEGINNING and containing 19,885 square feet or 0.4565 acres of land.

A plat of even survey date herewith accompanies this legal description.

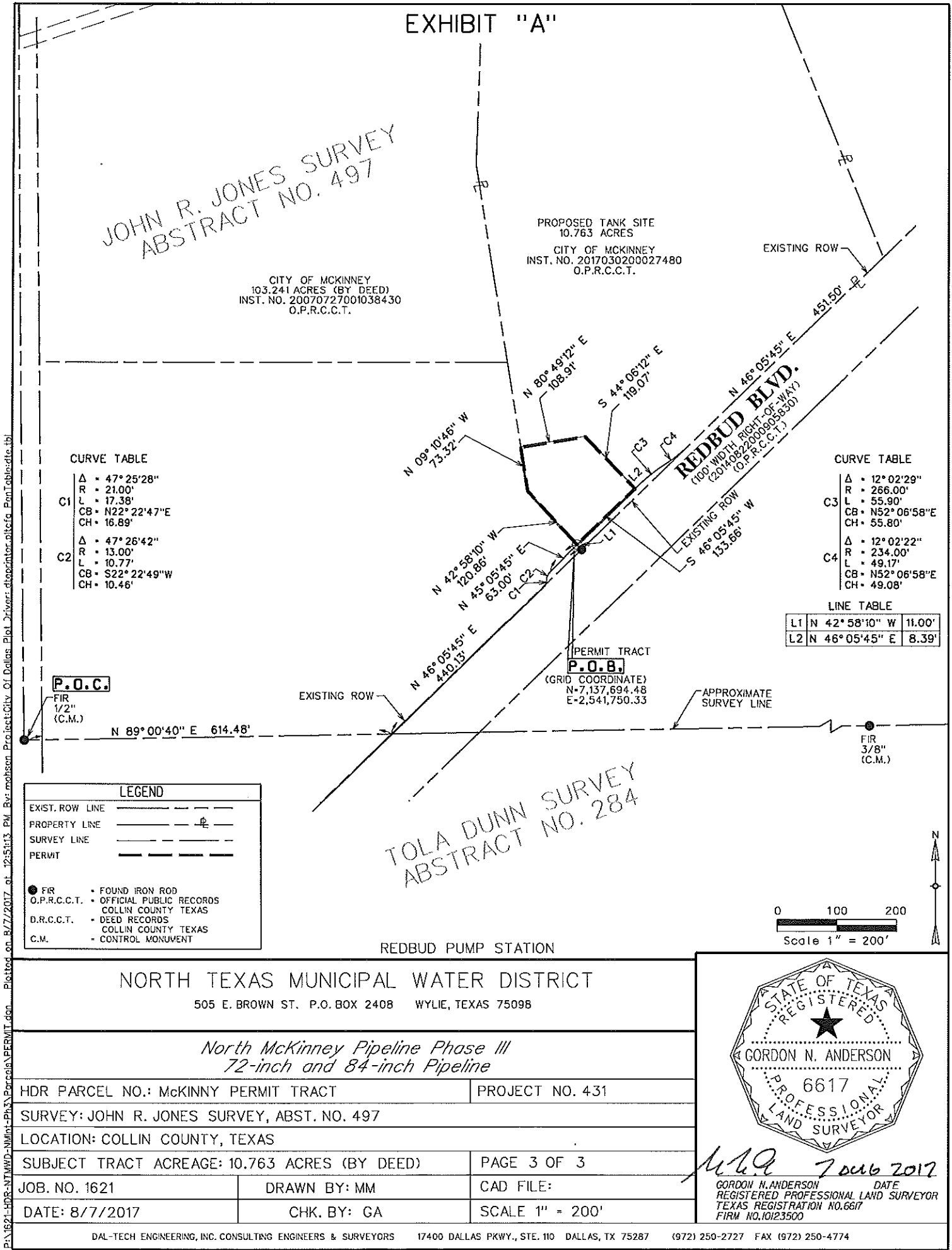
Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

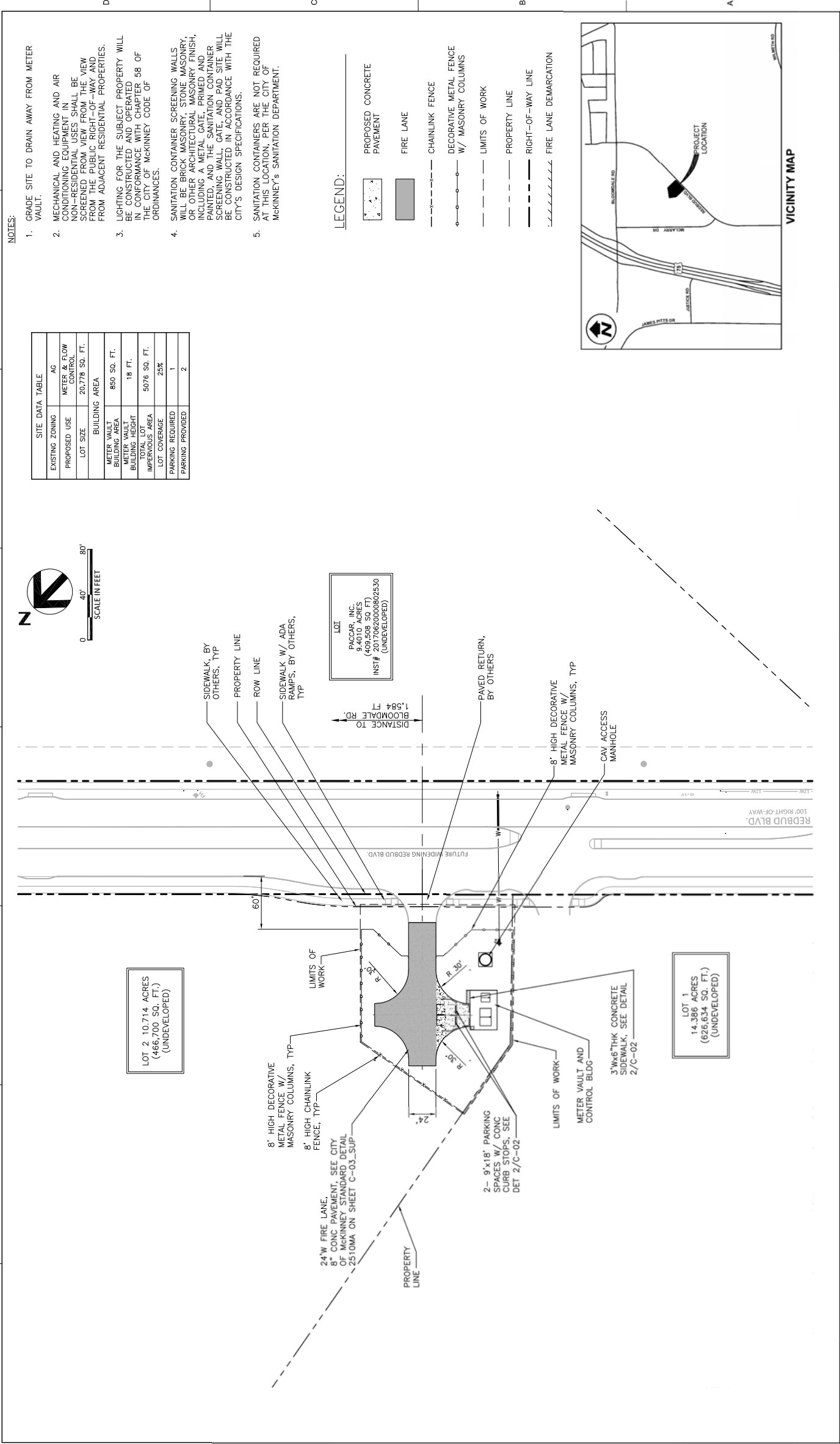


By:  Date: 7 AUG 2017

Surveyor's Name: Gordon N. Anderson
Registered Professional Land Surveyor
Texas No. 6617

Exhibit B



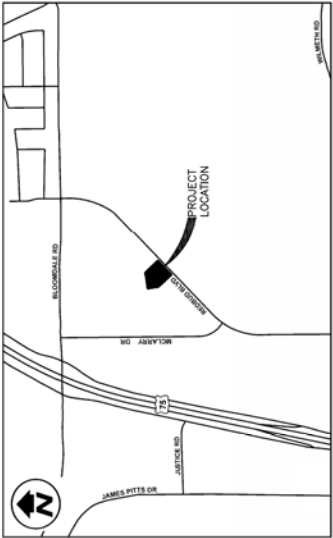


SITE DATA TABLE		
EXISTING ZONING	AG	
PROPOSED USE	METER & FLOW CONTROL	
LOT SIZE	20,778 SQ. FT.	
BUILDING AREA		
METER VAULT	850 SQ. FT.	
BUILDING AREA		
METER VAULT	18 FT.	
BUILDING HEIGHT		
TOTAL LOT IMPAVED AREA	5076 SQ. FT.	
LOT COVERAGE	25%	
PARKING REQUIRED	1	
PARKING PROVIDED	2	

1. GRADE SITE TO DRAIN AWAY FROM METER VAULT.
2. MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NON-RESIDENTIAL USES SHALL BE SITED TO THE REAR VIEW OF THE BUILDING, AND BE SEPARATED FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.
3. LIGHTING FOR THE SUBJECT PROPERTY WILL BE CONSTRUCTED AND OPERATED IN CONFORMANCE WITH CHAPTER 58 OF THE CITY OF MCKINNEY CODE OF ORDINANCES.
4. SANITATION CONTAINER SCREENING WALLS WILL BE BRICK MASONRY, STONE, MASONRY OR OTHER ARCHITECTURAL FINISH. THE SANITATION CONTAINER SHALL BE PAINTED AND THE SANITATION CONTAINER SCREENING WALL, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S DESIGN SPECIFICATIONS.
5. SANITATION CONTAINERS ARE NOT REQUIRED AT THIS LOCATION, PER THE CITY OF MCKINNEY'S SANITATION DEPARTMENT.

LEGEND:

-
- PROPOSED CONCRETE PAVEMENT
- FIRE LANE
- CHAINLINK FENCE
- DECORATIVE METAL FENCE
W/ MASONRY COLUMNS
- LIMITS OF WORK
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- FIRE LANE DEMARCATION



**SPECIAL USE PERMIT
SITE PLAN**

CIPAL

**PIPELINE
PHASE III - METER & FLOW
CONTROL FACILITY**



The Seal Appearing on this document was
authorized by Douglas K. Biglen, P.E. 88777,
on September 29, 2017

DESIGNED BY	C. HOWARD
DRAWN BY	S. FRANKLIN
CHECKED BY	L. FERLAND
APPROVED BY	
PROJECT NUMBER	10030874

HDR, INC.
17111 Preston Rd.
Ste 300
Dallas, TX 75248
(972) 960-4400



Texas P.E. Firm

Texas P.E. Firm
Registration No. E754

SHEET

ENAMEL C-01-SUP dwd

SCALE | 1" = 40'

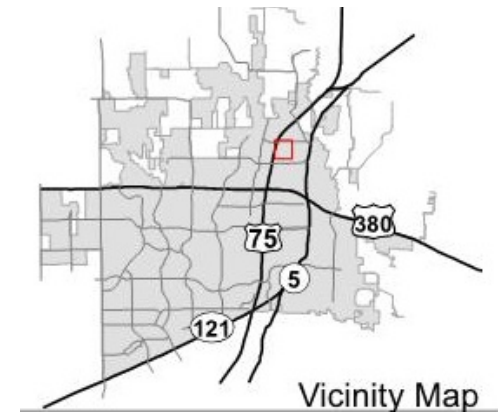
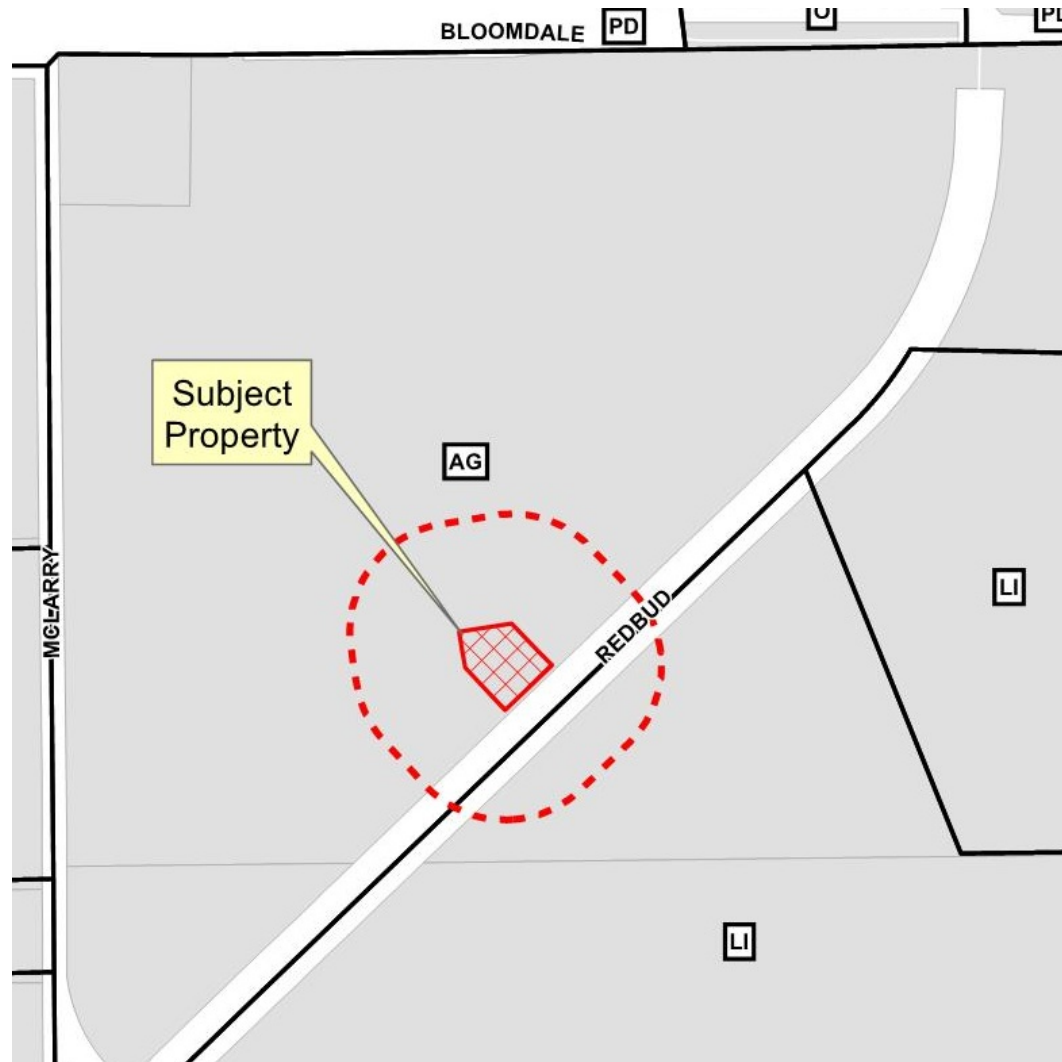
C-01 SUP

North McKinney Pipeline Phase III Specific Use Permit and Site Plan

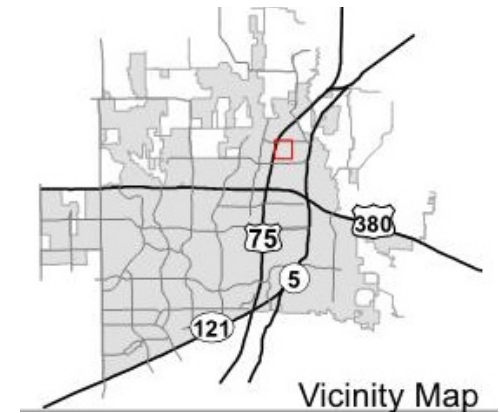
17-186SUP

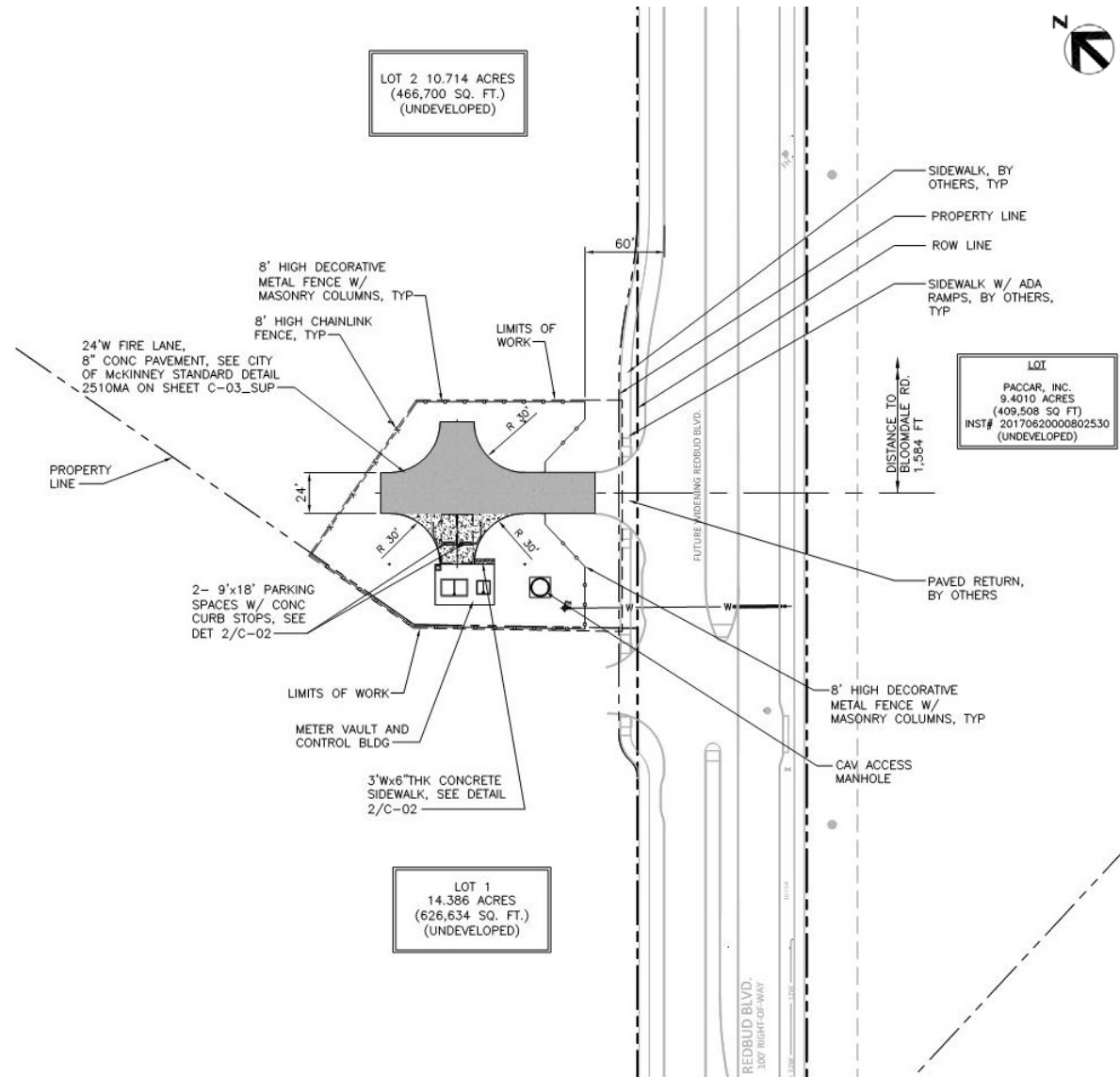


Location Map



Aerial Exhibit











18-254

TITLE: Consider/Discuss/Act on a Resolution Awarding a Contract to US Digital Designs of Tempe, Arizona for the Fire Station Alerting System (FSAS)

COUNCIL GOAL: Operational Excellence
Safe & Secure Community

MEETING DATE: March 20, 2018

DEPARTMENT: Fire

CONTACT: Danny Kistner, Fire Chief
Lisa Littrell, Purchasing Manager

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution

ITEM SUMMARY:

- This Resolution authorizes award of a contract with US Digital Designs of Tempe, Arizona for the Fire Station Alerting System (FSAS).

BACKGROUND INFORMATION:

- The City's current FSAS provider, Motorola Solutions, will no longer support our current station alerting system in place. Therefore the City budgeted and issued a request for proposals (18-15RFP) for the Fire Station Alerting System (FSAS) project on November 19, 2017.
 - Advertised in McKinney Courier Gazette
 - Posted on McKinney TV
 - 107 matching eBid Supplier Notifications
- In response to all notices published, three (3) proposals were received on January 4, 2018.
- An evaluation team comprised of Fire, IT and Communications personnel reviewed and ranked proposals based on the following initial evaluation criteria listed within the RFP:
 - Organizational Overview - 10 Points

- Project Approach and Ease of Implementation - 40 Points
- References - 10 Points
- Support and Maintenance - 10 Points
- Cost Structure - 30 Points
- As a part of the final evaluation process, two short listed vendors were engaged to demonstrate their product to the evaluation team. Subsequently the team participated in site visits to observe system functionality and to gauge customer satisfaction. The team scored on the following final evaluation criteria listed within the RFP:
 - Demonstration - 15 Points
 - Site Evaluation - 5 Points
- Based on the evaluation results, US Digital Designs of Tempe, Arizona is being recommended by the team as the best value for the City.
- This new station alerting system will reduce overall call processing and station notification times, ultimately leading to reduced response times.

FINANCIAL SUMMARY:

- A supplemental budgetary item for the replacement of the FSAS system was approved by Council for the FY2018 budget year in the amount of \$838,394.
- This resolution authorizes a contract and all necessary change orders with US Digital Designs for an amount not to exceed \$771,924. Below is a breakdown showing the project budget.

○ FSAS System Contract Total	\$701,749
○ Project Contingency	<u>\$ 70,175</u>
○ Total NTE	\$771,924
- Total contract amount includes cost for future Fire Station No. 10

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Resolution](#)
[Scoring Summary](#)

RESOLUTION NO. 2018-03-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO US DIGITAL DESIGNS OF TEMPE, ARIZONA FOR THE PURCHASE OF THE FIRE STATION ALERTING SYSTEM (FSAS)

WHEREAS, the City Council of the City of McKinney, Texas, has determined the need for a Fire Station Alerting System (FSAS) and,

WHEREAS, a request for proposals was issued and US Digital Designs was selected as the best evaluated and value for the purchase of the Fire Station Alerting System (FSAS) for Fire Stations 1 - 10.

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

Section 1. The City Council of the City of McKinney, Texas hereby authorizes the award of contract to US Digital Designs for the purchase, installation and warranty for the Fire Station Alerting System, including all necessary change orders under said award up to an aggregate contract amount, inclusive of any change orders, not to exceed \$771,924.

Section 2. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 20th DAY OF MARCH, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



18-15RFP - Fire Station Alerting System

Scoring Summary

	Initial Evaluation Criteria						Final Evaluation Criteria	
	Total	Organizational Overview	Project Approach and Ease of Implementation	References	Support and Maintenance	Cost Structure	Demonstrations	Site Visits
Supplier	/ 120 pts	/ 10 pts	/ 40 pts	/ 10 pts	/ 10 pts	/ 30 pts	/ 15 pts	/ 5 pts
US Digital Designs	94.27 pts	8.4 pts	27.2 pts	8.8 pts	8 pts	25.2 pts	12 pts	4.667 pts
Purvis Systems	91.23 pts	8.4 pts	28.8 pts	6.8 pts	7.6 pts	22.8 pts	12.5 pts	4.333 pts
Motorola Solutions	64 pts	8.4 pts	27.2 pts	8.4 pts	6.8 pts	13.2 pts	0 pts	0 pts



18-255

TITLE: Consider/Discuss/Act on an Ordinance Amending the Code of Ordinances of the City of McKinney, Texas for Alarm Permitting and Processes for Residential and Commercial Alarms

COUNCIL GOAL: Safe and Secure Community

MEETING DATE: March 20, 2018

DEPARTMENT: Police Department

CONTACT: Greg Conley, Chief of Police

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Ordinance amending the City Alarm Permitting and Response process for both the police and fire departments.

ITEM SUMMARY:

- The Police Department Records Unit took the alarm permitting process in-house in 2017. This ordinance amendment outlines the new process for permitting residential and commercial burglar and fire alarms, as well as the parameters for which city services will be dispatched.

BACKGROUND INFORMATION:

- Prior to this amendment, the City contracted a private third party vendor to process burglar alarm permits for the City of McKinney.
- By bringing this process in house the city is able to provide better customer service, more reliable dispatch information and monitor false alarm incidents closer.
- Additionally the fire department has reviewed and updated the fire/medical alarms policy and procedures.

FINANCIAL SUMMARY:

- The permit fees for both residential and commercial alarms remain the same. The false burglar alarms fees remain unchanged.
- The medical false alarms have changed. The fee for each fire/medical false

alarm after three fire/medical false alarms shall be \$250.00; after seven fire/medical false alarms the fee shall be \$500.00.

BOARD OR COMMISSION RECOMMENDATION: N/A

SUPPORTING MATERIALS:

[Ordinance](#)

[Alarm Ordinance - Redline](#)

ORDINANCE NO. 2018-03-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 10, ENTITLED "ALARMS," BY AMENDING ARTICLE II, "EMERGENCY REPORTING EQUIPMENT AND PROCEDURES," BY AMENDING PORTIONS OF SECTIONS 10-20, 10-21, 10-23 THROUGH 10-25, 10-27, 10-29, 10-31, 10-33 THROUGH 10-35, AND 10-40 THROUGH 10-43 AS PROVIDED HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas, (the "City") is a Home-Rule City possessing the full power of local self-governance pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City of McKinney possesses, pursuant to Chapter 214 of the Texas Local Government Code, as amended, the authority to regulate and permit burglar alarm systems in the City; and

WHEREAS, in 2007, the City Council adopted an ordinance, after providing notice and holding hearings as required under Chapter 214, regarding alarm systems whereby an alarm at a location without a permit would not be responded to by the City; and

WHEREAS, the City Council hereby finds that there has been and continues to be a large number of non-permitted alarm systems and false alarms within the City; and

WHEREAS, false alarms are a financial burden on all the citizens and a drain of City resources; and

WHEREAS, the City Council deems it prudent to amend certain provisions of Article II, "Emergency Reporting Equipment and Procedures," of Chapter 10 of the Code of Ordinances of the City of McKinney, Texas, ("McKinney Code") to effectively address; and

WHEREAS, the City Council of the City of McKinney, Texas, finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of McKinney, Texas, to amend certain provisions of Article IV entitled "Stormwater Management" of Chapter 130 of the McKinney Code as provided herein below.

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

Section 1. Findings

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if set forth in their entirety.

Section 2. Amendment to Section 10-20

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, "Emergency Reporting Equipment and Procedures," by amending Section

10-20, "Definitions," in its entirety and replacing said section with a new Section 10-20, also entitled "Definitions" to read as follows:

"Sec. 10-20. – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm administrator means a person designated by the governing authority to administer, control and review false alarm reduction efforts and administer the provisions of this article.

Alarm dispatch request means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm installation company means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., do-it-yourselfers).

Alarm permit means authorization granted by the alarm administrator to an alarm user to operate an alarm system.

Alarm site means a single fixed premise or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multiunit building or complex, shall be considered a separate alarm site.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including local alarm systems. An alarm system does not include:

- (a) An alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site; or
- (b) An alarm designed to alert only the inhabitants of the premises, which does not transmit information in order to summon law enforcement response.

Alarm user means any person who has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who owns or operates an alarm system which is not monitored, maintained or repaired under contract.

Alarm user awareness means instruction conducted for the purpose of educating alarm users about the responsible use, operation, and

maintenance of alarm systems and the problems created by false alarms.

Appeal process means the process that a permit holder aggrieved by a decision must make by filing a formal request in writing to the Chief of Police requesting a change in, or confirmation of, that decision made regarding an alarm issue.

Arming station means a device that allows control of an alarm system.

Automatic voice dialer/automatic alarm notification means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency requesting dispatch.

Burglar alarm notification means the notification intended to summon police, which is initiated or triggered manually or by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

Cancellation (Fire) means the process where response is terminated when a single-family residence owner, with proper authentication, notifies the responding fire agency that there is not an existing situation at the alarm site requiring fire agency response after an alarm dispatch request.

Cancellation (Police) means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement agency that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

Certificate of compliance means a written certification from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company or law enforcement agency.

Chief means the chief of police or their designated representative.

City manager means the city manager of the city or their authorized representative and shall not be a police officer or a firefighter of the city.

Duress alarm means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

False alarm notification means when a response is made by the public safety agency within 45 minutes of the alarm dispatch request and the responding personnel finds from an inspection of the interior and/or exterior of the alarm site no evidence of a

criminal offense, attempted criminal offense or fire or medical emergency.

Fire alarm notification means the notification intended to summon the fire department, which is initiated or triggered manually or by an alarm system designed to a stimulus characteristic of a fire or water flow.

Fire authority means the city fire department.

Holdup/robbery alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

Law enforcement authority means the city police department.

License means a license issued by the state department of public safety private security bureau to an alarm installation company and monitoring company to sell, install, monitor, repair, or replace alarm systems.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure.

Medical authority means city medical services.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement to the alarm site.

Monitoring company means a person in the business of providing monitoring services.

Offense means operating an alarm system without a valid permit, which shall include a revoked permit.

Occupancy Code means the occupancy classifications as defined by the International Fire Code (IFC).

Panic alarm means an audible alarm generated by the deliberate activation of a panic device.

Permit holder means the person designated in the application who is responsible for responding to alarms and giving access to the site and who is responsible for proper maintenance and operation of the alarm system and payment of fees.

Person means an individual, corporation, partnership, association, organization or any legal entity.

Public Safety authority means city police or fire department.

Responder means an individual capable of reaching the alarm site within 45 minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

Verify means an attempt by the monitoring company or its representative to contact the alarm site and/ or alarm user by telephone, whether or not actual contact with the person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch following the alarm verification and notification procedure.”

Section 3. Amendment to Section 10-21

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-21, “Permit required; application; transferability; false statements,” in its entirety and replacing said section with a new Section 10-21, also entitled “Permit required; application; transferability; false statements,” to read as follows:

“Sec. 10-21. – Permit required; application; transferability; false statements

- (a) A person commits an offense if he operates, or causes to be operated an alarm system without a valid alarm permit issued by the chief. An alarm permit is not valid if it has been denied or revoked, has not been renewed or has expired.
- (b) The chief shall refuse police response to any burglary alarm dispatch request from an alarm site where there is not a valid, unexpired or unrevoked alarm permit, unless a report to 911 or to the police department by a person other than an alarm installation company or monitoring company.
- (c) Upon receipt of the required administrative fee and completed application form, the chief shall issue an alarm permit unless:
 - (1) There is cause to believe the equipment responsible for initiating an alarm will not be maintained and operated in accordance with this article;
 - (2) The applicant will not comply with any provision of this article; or
 - (3) A previous alarm permit was revoked or suspended after six or more false alarms during the preceding 12-month period.
- (d) Each alarm permit application must contain the following information and be complete, true and accurate in its entirety:
 - (1) Name, address and telephone number of the person who will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;
 - (2) Classification of the alarm site as either residential or commercial, including, where the alarm site is an

apartment, the building number and the apartment number, if so numbered;

- (3) The purpose of the alarm system for each alarm system located at the alarm site, i.e., unauthorized intrusion, burglary, robbery, panic/duress, fire, medical;
 - (4) The name and telephone number of the alarm system monitoring company that has agreed to receive calls for the permitted alarm system, if applicable;
 - (5) At least one name and telephone number of contacts (responders) that are able to respond to the alarm premise within 45 minutes with a key or means of access to the location if needed by law enforcement; and
 - (6) Other information required by the chief that is necessary for the enforcement of this article.
- (e) An alarm permit is nontransferable. However, the individual designated to respond to an alarm may be changed. A permit holder shall inform the chief in writing of any changes that alter information listed on the permit application, within two business days from the change. No fee will be assessed for such changes.
- (f) All application fees owed by an applicant must be paid before an alarm permit may be issued.
- (g) No application fee shall be required for an alarm permit obtained for an alarm system at a dwelling when the alarm site is determined by the chief to be occupied by a low-income family. In making such a determination, the chief shall consult applicable National Low-Income Housing Coalition (NLIHC) standards of at or below 30 percent of the area median income as set forth on their website:
- (http://www.nlihc.org/detail/article.cfm?article_id=2746&id=36) and may require the applicant to furnish appropriate documentation regarding household income.
- (h) No alarm permit shall be required for city, state, county and federal government entities.
- (i) Any false statement or misrepresentation of a material fact made by an applicant or person for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant an alarm permit, suspension of an alarm permit or revocation of an alarm permit by the law enforcement authority."

Section 4. Amendment to Section 10-23

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section

10-23, "Permit fee," in its entirety and replacing said section with a new Section 10-23, also entitled "Permit fee," to read as follows:

"Sec. 10-23. – Permit fee

An annual non-refundable application fee of \$50.00 for a residential permit and \$100.00 for a commercial permit is required for issuance of an alarm permit. Alarm permits will expire one year from the date of issuance. It is the permit holder's responsibility to renew the alarm permit within ten days of the expiration date."

Section 5. Amendment to Section 10-24

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-24, "Penalties related to false alarms and noncompliance," in its entirety and replacing said section with a new Section 10-24, also entitled "Penalties related to false alarms and noncompliance," to read as follows:

"Sec. 10-24. – Penalties related to false alarms and noncompliance.

- (a) If, within a 12-month permit period, six or more burglar false alarm notifications are emitted from an alarm site, the chief shall revoke or refuse to renew the permit of the alarm site.
- (b) The chief shall assess the permit holder a fee for each robbery false alarm notification emitted from the alarm site. If, within a 12-month permit period, the fee for each robbery false alarm after three robbery false alarms shall be \$75.00; after seven robbery false alarms the fee shall be \$100.00.
- (c) The chief shall assess the permit holder a fee for each panic/duress false alarm notification emitted from the alarm site. If, within a 12-month permit period, the fee for each panic/duress false alarm after three panic/duress false alarms shall be \$75.00; after seven panic/duress false alarms the fee shall be \$100.00.
- (d) The chief shall assess the permit holder a fee for each fire/medical false alarm notification emitted from the alarm site. If, within a 12-month permit period in Group A, B, E, F, H, I, M, U, R1, R2 and S occupancy code, the fee for each fire/medical false alarm after three fire/medical false alarms shall be \$250.00; after seven fire/medical false alarms the fee shall be \$500.00.
- (e) The chief shall assess the permit holder a fee for each fire false alarm notification emitted from the alarm site. If, within a 12-month permit period in Group R3 occupancy code, the fee for each fire false alarm after three fire false alarms shall be \$25.00; after seven fire false alarms the fee shall be \$50.00.
- (f) The permit holder will be exempt from any fee charged for a false alarm notification which is later shown to have been, in the chief's sole determination, justified or which was due to a

natural or manmade catastrophe or other situation specifically exempted by the chief.

- (g) An alarm user shall pay a fee of \$75.00 for failure to provide a responder within 45 minutes when requested by a member of the public safety authority.”

Section 6. Amendment to Section 10-25

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-25, “Alarm system operation and maintenance,” in its entirety and replacing said section with a new Section 10-25, also entitled “Alarm system operation and maintenance,” to read as follows:

“Sec. 10-25 – Alarm system operation and maintenance

A permit holder shall:

- (a) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;
- (b) Maintain the alarm system in a manner that will minimize false alarm notifications;
- (c) Respond and/or have a designated responder to respond within 45 minutes after requested by the law enforcement authority to repair or deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;
- (e) Notify the public safety authority prior to activation of an alarm for maintenance purposes; and
- (f) Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound no longer than 10 minutes after being activated.”

Section 7. Amendment to Section 10-27

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-27, “Monitoring procedures,” in its entirety and replacing said section with a new Section 10-27, also entitled “Monitoring procedures,” to read as follows:

“Sec. 10-27. – Monitoring procedures

Any monitoring company engaged in the business of monitoring alarm systems in the city shall:

- (a) Report alarm signals only using telephone numbers designated by the chief;
- (b) Before requesting police response to a burglar alarm signal, attempt to verify every alarm signal with the owner/occupant of the alarm site at least twice unless secondary information is received that increases the potential validity of the burglar alarm. Secondary information may include, but is not limited to:
 - (1) Alarm monitors that provide further information that a crime is in progress or the burglary alarm dispatch request is valid (audio, video, etc.);
 - (2) Witness reports that a crime has occurred or is in progress that corroborates the burglary alarm dispatch request, e.g., a citizen, monitoring company personnel or a private guard;
 - (3) Multiple activations of different devices or zones at the same location, during the same incident, for example both the window alarm and a motion detector are activated inside the alarm site;
 - (4) Any other events or circumstances that indicate, in the chief's sole opinion, that the burglary alarm dispatch request may be valid;
- (a) When reporting an alarm signal to the public safety authority, provide the alarm permit number and address of the alarm site from which the alarm notification originated;
- (b) Provide to the law enforcement agency, concurrently with reporting the alarm dispatch request, information indicating compliance with subsection (2) of this section; and specifically, information indicating any failure by the monitoring Company to verify the alarm signal after at least two attempts; and upon receipt of such information, the police shall respond; and
- (c) Communicate alarm notifications to the city in a manner determined by the chief."

Section 8. Amendment to Section 10-29

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-29, "Alarm reset," in its entirety and replacing said section with a new Section 10-29, also entitled "Alarm reset," to read as follows:

"Sec. 10-29. – Alarm reset

- (a) A permit holder of an alarm system that utilizes a local alarm to summon law enforcement response, shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the local alarm will not transmit another alarm signal without first being manually reset.

- (b) A permit holder of an alarm system that utilizes a local alarm to summon fire/medical response shall not be reset prior to fire/medical personnel arrival."

Section 9. Amendment to Section 10-31

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-31, "Grounds for denial of a permit or revocation," in its entirety and replacing said section with a new Section 10-31, also entitled "Grounds for denial of a permit or revocation," to read as follows:

"Sec. 10-31. – Grounds for denial of a permit or revocation

(a) *Grounds for denial of an alarm permit*

- (1) The chief shall issue an alarm permit to the applicant unless one or more of the following conditions are present:
 - a. The applicant fails to provide all of the information requested on the application or submits an incomplete application;
 - b. The applicant gives false, misleading or untrue information of material fact on the application;
 - c. The operation, as proposed by the applicant, would not comply with all applicable laws, including, but not limited to, this article or the city building, zoning or health codes; or
 - d. The applicant has failed to pay the application fee assessed pursuant to this article that is due and owing.
- (2) Denial of an alarm permit shall be effected by written denial, setting forth the grounds for denial and mailed to the applicant by depositing the notice in the United States mail, addressed to the applicant with postage pre-paid certified receipt.

(b) *Grounds for revocation of an alarm permit.*

- (1) The chief shall revoke an alarm permit if he determines that:
 - a. The permit holder or his/her designated agent has given false, misleading or untrue information of material fact in any record or report required by this article;
 - b. The permit holder fails to maintain the alarm system in accordance with the requirements of this article;

- c. The operation of the alarm system by the permit holder has demonstrated a history of unreliability, as set forth in subsection (c) of this section; or
 - d. There have been six or more false alarms during the preceding 12-month period.
 - (2) A person commits an offense if he operates an alarm system during the period in which his/her alarm permit has been revoked.
- (c) *Grounds for non-renewal of an alarm permit*
- (1) The alarm system has a history of unreliability and the applicant has failed to make alterations or corrections to the system to reasonably assure abatement of false alarms. Any alarm system generating six or more false burglar alarm notifications within a 12-month period shall be presumed unreliable; and the alarm permit shall be revoked or suspended, upon the permit holder receiving notification of revocation or suspension from the city; until the permit holder has completed the requirements as listed in section 10-32.
 - (2) Revocation or suspension of an alarm permit shall be effected by written denial, setting forth the grounds for denial and mailed to the applicant by depositing the notice in the United States mail, addressed to the applicant with postage pre-paid certified receipt.
 - (3) A person commits an offense if he/she operates an alarm system during the period in which his/her alarm permit has not been renewed."

Section 10. Amendment to Section 10-32

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-32, "Reinstatement of a permit," in its entirety and replacing said section with a new Section 10-32, also entitled "Reinstatement of a permit," to read as follows:

"Sec. 10-32. – Reinstatement of a permit.

- (a) In the event a person's alarm permit has been revoked, the person may have the permit reinstated if the person:
 - (1) Submits an updated application and pays a \$100.00 permit reinstatement fee in accordance with this article;
 - (2) Attends an alarm awareness class; and
 - (3) Presents a certificate of compliance.
- (b) An alarm permit that has been reinstated shall;
 - (1) Expire on the same date it was originally set to expire, one year from the date the alarm permit was issued;

- (2) Reset false burglar alarm count to zero.

Section 11. Amendment to Section 10-33

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-33, "Appeal from penalty fee, denial, or revocation of a permit," in its entirety and replacing said section with a new Section 10-33, also entitled "Appeal from penalty fee, denial, or revocation of a permit," to read as follows:

"Sec. 10-33. – Appeal from penalty fee, denial, or revocation of a permit.

- (a) Any applicant, permit holder, alarm installation company or monitoring company aggrieved by a decision to assess a penalty fee, denial or revocation may appeal the decision to the Chief of Police in writing, setting forth the reasons for the appeal within thirty days.
 - (1) The filing of a request for an appeal stays the action of assessing a penalty until the Chief of Police makes a decision.
 - (2) If the chief of police denies the appeal, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal.
 - (3) If a request for an appeal is not made within thirty days, the penalty fee, denial or revocation becomes final.
- (b) The applicant, permit holder, alarm installation company or monitoring company may appeal the Chief's decision to the City Manager by filing a written request for a hearing, setting forth the reasons for the appeal within ten days of notification of the Chief's determination.
 - (1) The filing stays the action of assessing a penalty until the City Manager makes a final decision.
 - (2) The City Manager shall send to the applicant, permit holder, alarm installation company or monitoring company by certified mail, return receipt requested, written notice of his determination.
 - (3) If a request for an appeal is not made within ten days of the Chief's notification of determination, the decision of the Chief becomes final.

Section 12. Amendment to Section 10-34

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-34, "Notification," in its entirety and replacing said section with a new Section 10-34, also entitled "Notification," to read as follows:

"Sec. 10-34. – Notification

The permit holder shall be notified in writing after each false alarm. The notification shall include: notice that the alarm user can attend alarm user awareness class to waive one false alarm violation, the fact that a permit may be revoked or not renewed after the sixth false alarm and a description of the appeal procedure available to the permit holder.

The permit holder and the alarm installation company or monitoring company will be notified in writing before an alarm permit is to be revoked or suspended. A notice of alarm permit suspension may be combined with a false alarm notice. This notice of alarm permit revocation or suspension will also include a description of the appeals procedure available to the permit holder and the alarm installation company or monitoring company.”

Section 13. Amendment to Section 10-35

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-35, “Suspension of response,” in its entirety and replacing said section with a new Section 10-35, also entitled “Suspension of response,” to read as follows:

“Sec. 10-35. – Suspension of response.

- (a) The chief may suspend law enforcement response to a burglar alarm site if it is determined that:
 - (1) There is not a valid alarm permit for the alarm site;
 - (2) The alarm permit for the site has expired; or
 - (3) The alarm permit was revoked.
- (b) A person commits an offense if he operates an alarm system without a valid permit and is subject to enforcement and penalties.”

Section 14. Amendment to Section 10-40

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-40, “System performance reviews and appeals,” in its entirety and replacing said section with a new Section 10-40, also entitled “System performance reviews and appeals,” to read as follows:

“Sec. 10-40. – System performance reviews and appeals.

- (a) If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation, the chief may require a conference with a permit holder to review circumstances of each alarm notification.
- (b) If there is reason to believe that a false alarm is the result of circumstances beyond the reasonable control of the permit holder, the permit holder or the permit holder's representative may provide proof of such circumstances to the chief to avoid false alarm fees, revocation or non-renewal of the alarm permit.

- (c) If the chief determines that an alarm is the result of circumstances within the reasonable control of the permit holder, and there have been more than six false alarms, the chief may revoke the alarm permit. The permit holder or the permit holder's representative may appeal the chief's decision as set out in the appeal process in section 10-33."

Section 15. Amendment to Section 10-41

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-41, "Violations; penalty," in its entirety and replacing said section with a new Section 10-41, also entitled "Violations; penalty" to read as follows:
"Sec. 10-41. – Violations; penalty.

- (a) An alarm installation company, a monitoring company, an alarm permit holder or a person in control of an alarm system commits an offense if he violates any provision of this article.
- (b) Unless otherwise specifically set forth herein, allegation and evidence of culpable mental state are not required for the proof of an offense of this article.
- (c) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation committed, continued or permitted, and each offense is punishable by a fine not to exceed five hundred dollars (\$500.00) as follows:
 - (1) A minimum fine of \$200.00 for the first conviction; and
 - (2) A minimum fine of \$250.00 for the second through fifth conviction; and
 - (3) A minimum fine of \$400.00 for each conviction after the fifth conviction.
- (d) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this article to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership or other association, and within the scope of their employment."

Section 16. Amendment to Section 10-42

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-42, "Confidentiality," in its entirety and replacing said section with a new Section 10-42, also entitled "Confidentiality," to read as follows:

"Sec. 10-42. – Confidentiality

In the interest of public safety, subject to the provisions of V.T.C.A., Government Code Ch. 552, information contained in and gathered through the alarm permit applications, records relating to alarm dispatch requests and applications for appeals shall be held in confidence by all employees or representatives of the city with access to such information. This information shall not be subject to

public inspection. Public interest is served by not disclosing said information to the public and clearly outweighs the public interest served by disclosing said information.”

Section 17. Amendment to Section 10-43

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-43, “Government immunity,” in its entirety and replacing said section with a new Section 10-43, also entitled “Government immunity,” to read as follows:

“Sec. 10-43. – Government Immunity

The issuance of an alarm permit and/or the provisions set forth in this article are not intended to, nor do they create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that law enforcement or fire department response may be influenced by factors such as: the availability of police or fire units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.”

Section 18. Repealer Clause

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 19. Severability Clause

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 20. Reservation of Rights

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 21. Immunity

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage

that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

Section 22. Injunctions

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of McKinney in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of McKinney.

Section 23. Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the penalty provisions set forth in Chapter 126 of the McKinney Code of Ordinances; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 24. Publication of The Caption

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.

Section 25. Effective Date

This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 20th DAY OF MARCH, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Deputy City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

ORDINANCE NO. 2018-03-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 10, ENTITLED “ALARMS,” BY AMENDING ARTICLE II, “EMERGENCY REPORTING EQUIPMENT AND PROCEDURES,” BY AMENDING PORTIONS OF SECTIONS 10-20, 10-21, 10-23 THROUGH 10-25, 10-27, 10-29, 10-31, 10-33 THROUGH 10-35, AND 10-40 THROUGH 10-43 AS PROVIDED HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas, (the “City”) is a Home-Rule City possessing the full power of local self-governance pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City of McKinney possesses, pursuant to Chapter 214 of the Texas Local Government Code, as amended, the authority to regulate and permit burglar alarm systems in the City; and

WHEREAS, in 2007, the City Council adopted an ordinance, after providing notice and holding hearings as required under Chapter 214, regarding alarm systems whereby an alarm at a location without a permit would not be responded to by the City; and

WHEREAS, the City Council hereby finds that there has been and continues to be a large number of non-permitted alarm systems and false alarms within the City; and

WHEREAS, false alarms are a financial burden on all the citizens and a drain of City resources; and

WHEREAS, the City Council deems it prudent to amend certain provisions of Article II, “Emergency Reporting Equipment and Procedures,” of Chapter 10 of the Code of Ordinances of the City of McKinney, Texas, (“McKinney Code”) to effectively address; and

WHEREAS, the City Council of the City of McKinney, Texas, finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of McKinney, Texas, to amend certain provisions of Article IV entitled “Stormwater Management” of Chapter 130 of the McKinney Code as provided herein below.

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

Section 1. Findings

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if set forth in their entirety.

Section 2. Amendment to Section 10-20

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, “Emergency Reporting Equipment and Procedures,” by amending Section

10-20, "Definitions," in its entirety and replacing said section with a new Section 10-20, also entitled "Definitions" to read as follows:

"Sec. 10-20. – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Advisory board means persons designated by governing authority that should be representative of the community, alarm users, the alarm industry, and law enforcement. The advisory board should review and recommend false alarm reduction efforts and report to the governing authority (municipal/township/borough/city council, county board, etc.).~~

Alarm administrator means a person designated by the governing authority to administer, control and review false alarm reduction efforts and administer the provisions of this article.

Alarm dispatch request means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm installation company means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site. This definition shall also include individuals or firms that install and service the alarm systems that will be used in their private or proprietary facilities. This does not include persons doing installation or repair work where such work is performed without compensation of any kind (i.e., do-it-yourselfers).

Alarm permit means authorization granted by the alarm administrator to an alarm user to operate an alarm system.

Alarm site means a single fixed premise or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multiunit building or complex, shall be considered a separate alarm site.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including local alarm systems. An alarm system does not include:

- (a) An alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site; or
- (b) An alarm designed to alert only the inhabitants of the premises, ~~that~~ which does not transmit information in order to summon law enforcement response.

Alarm user means any person who has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who owns

or operates an alarm system which is not monitored, maintained or repaired under contract.

Alarm user awareness class means ~~a class~~ instruction conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

~~*Appeal board* means a board of at least three members appointed by the city manager to hear appeals and come to a determination regarding such appeals.~~

Appeal process means the process that a permit holder aggrieved by a decision must make by filing a formal request in writing to the ~~city secretary~~ Chief of Police requesting a change in, or confirmation of, that decision made regarding an alarm issue.

Arming station means a device that allows control of an alarm system.

Automatic voice dialer/automatic alarm notification means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency requesting dispatch.

Burglar alarm notification means the notification intended to summon police, which is initiated or triggered manually or by an alarm system designed to respond to a stimulus characteristic of unauthorized intrusion.

Cancellation (Fire) means the process where response is terminated when a single-family residence owner, with proper authentication, notifies the responding fire agency that there is not an existing situation at the alarm site requiring fire agency response after an alarm dispatch request.

Cancellation (Police) means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding law enforcement agency that there is not an existing situation at the alarm site requiring law enforcement agency response after an alarm dispatch request.

Certificate of compliance means a written certification from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company or law enforcement agency.

Chief means the chief of police or ~~their~~ designated representative.

City manager means the city manager of the city or ~~his~~ ~~their~~ authorized representative and shall not be a police officer or a firefighter of the city.

Duress alarm means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

False alarm notification means ~~an alarm dispatch request to a law enforcement agency~~ when a response is made by the ~~law enforcement agency~~ public safety agency within ~~30~~ 45 minutes of the alarm dispatch request and the responding ~~law enforcement officer~~ personnel finds from an inspection of the interior and/or exterior of the alarm site no evidence of a criminal offense, attempted criminal offense or fire or medical emergency.

Fire alarm notification means the notification intended to summon the fire department, which is initiated or triggered manually or by an alarm system designed to a stimulus characteristic of a fire or water flow.

Fire authority means the city fire department.

Holdup/robbery alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

Law enforcement authority means the city police department.

License means a license issued by the state department of public safety private security bureau to an alarm installation company and monitoring company to sell, install, monitor, repair, or replace alarm systems.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure.

Medical authority means city medical services.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the municipality for the purpose of summoning law enforcement to the alarm site.

Monitoring company means a person in the business of providing monitoring services.

Offense means operating an alarm system without a valid permit, which shall include a revoked permit.

Occupancy Code means the occupancy classifications as defined by the International Fire Code (IFC).

Panic alarm means an audible alarm generated by the deliberate activation of a panic device.

Permit holder means the person designated in the application who is responsible for responding to alarms and giving access to the site and who is responsible for proper maintenance and operation of the alarm system and payment of fees.

Person means an individual, corporation, partnership, association, organization or any legal entity.

Public Safety authority means city police or fire department.

Responder means an individual capable of reaching the alarm site within ~~30~~ 45 minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

Verify means an attempt by the monitoring company or its representative to contact the alarm site and/ or alarm user by telephone, whether or not actual contact with the person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch following the alarm verification and notification procedure.”

Section 3. Amendment to Section 10-21

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-21, “Permit required; application; transferability; false statements,” in its entirety and replacing said section with a new Section 10-21, also entitled “Permit required; application; transferability; false statements,” to read as follows:

“Sec. 10-21. – Permit required; application; transferability; false statements

- (a) A person commits an offense if he operates, or causes to be operated an alarm system without a valid alarm permit issued by the chief. An alarm permit is not valid if it has been denied or revoked, has not been renewed or has expired.
- (b) The chief shall refuse police response to any burglary alarm dispatch request from an alarm site where there is not a valid, unexpired or unrevoked alarm permit, unless ~~the alarm dispatch request is a duress alarm, a robbery alarm, a panic alarm, fire alarm or~~ a report to 911 or to the police department by a person other than an alarm installation company or monitoring company.
- (c) Upon receipt of the required administrative fee and completed application form, the chief shall issue an alarm permit unless:
 - (1) There is cause to believe the equipment responsible for ~~the~~ initiating an alarm will not be maintained and operated in accordance with this article;
 - (2) The applicant will not comply with any provision of this article; or
 - (3) A previous alarm permit was revoked or suspended after ~~eight~~ six or more false alarms during the preceding 12-month period.

- (d) Each alarm permit application must contain the following information and be complete, true and accurate in its entirety:
- (1) Name, address and telephone number of the person who will be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;
 - (2) Classification of the alarm site as either residential or commercial, including, where the alarm site is an apartment, the building number and the apartment number, if so numbered;
 - (3) The purpose of the alarm system for each alarm system located at the alarm site, i.e., unauthorized intrusion, burglary, robbery, panic/duress, **fire, medical**;
 - (4) The name and telephone number of the alarm system monitoring company that has agreed to receive calls for the permitted alarm system, if applicable;
 - (5) At least ~~three~~**one** names and telephone numbers of contacts (responders) that are able to respond to the alarm premise within ~~30-45~~ minutes with a key or means of access to the location if needed by law enforcement; and
 - (6) Other information required by the chief that is necessary for the enforcement of this article.
- (e) An alarm permit is nontransferable. However, the individual designated to respond to an alarm may be changed. A permit holder shall inform the chief in writing of any changes that alter information listed on the permit application, within two business days from the change. No fee will be assessed for such changes.
- (f) All application fees owed by an applicant must be paid before an alarm permit may be issued.
- (g) No application fee shall be required for an alarm permit obtained for an alarm system at a dwelling when the alarm site is determined by the chief to be occupied by a low-income family. In making such a determination, the chief shall consult applicable National Low-Income Housing Coalition (NLIHC) standards of at or below 30 percent of the area median income as set forth on their website:
- (http://www.nlihc.org/detail/article.cfm?article_id=2746&id=36) and may require the applicant to furnish appropriate documentation regarding household income.
- (h) No alarm permit shall be required for city, state, county and federal government entities.

- (i) Any false statement or misrepresentation of a material fact made by an applicant or person for the purpose of obtaining an alarm permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant an alarm permit, suspension of an alarm permit or revocation of an alarm permit by the law enforcement authority.”

Section 4. Amendment to Section 10-23

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-23, “Permit fee,” in its entirety and replacing said section with a new Section 10-23, also entitled “Permit fee,” to read as follows:

“Sec. 10-23. – Permit fee

An **annual** non-refundable application fee of \$50.00 for a residential permit and \$100.00 for a commercial permit is required for issuance of an alarm permit. Alarm permits will expire ~~on the last day of the month of expiration~~ **one year from the date of issuance**. It is the permit holder's responsibility to renew the alarm permit within ten days of the expiration date.”

Section 5. Amendment to Section 10-24

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-24, “Penalties related to false alarms and noncompliance,” in its entirety and replacing said section with a new Section 10-24, also entitled “Penalties related to false alarms and noncompliance,” to read as follows:

“Sec. 10-24. – Penalties related to false alarms and noncompliance.

- (a) If, within a 12-month permit period, ~~eight~~ **six** or more burglar false alarm notifications are emitted from an alarm site, the chief shall revoke or refuse to renew the permit of the alarm site.
- (b) The chief shall assess the permit holder a fee for each robbery false alarm notification emitted from the alarm site. **If, within a 12-month permit period, the** fee for each robbery false alarm after three robbery false alarms shall be \$75.00; after seven robbery false alarms the fee shall be \$100.00.
- (c) The chief shall assess the permit holder a fee for each panic/duress false alarm notification emitted from the alarm site. **If, within a 12-month permit period, the** fee for each panic/duress false alarm **after** three panic/duress false alarms shall be \$75.00; after seven panic/duress false alarms the fee shall be \$100.00.
- (d) The chief shall assess the permit holder a fee for each fire/medical false alarm notification emitted from the alarm site. **If, within a 12-month permit period in Group A, B, E, F, H, I, M, U, R1, R2 and S occupancy code,** the fee for each fire/medical false alarm after three fire/medical false alarms

shall be ~~\$75.00~~ \$250.00; after seven fire/medical false alarms the fee shall be ~~\$100.00~~ \$500.00.

- (e) The chief shall assess the permit holder a fee for each fire false alarm notification emitted from the alarm site. If, within a 12- month permit period in Group R3 occupancy code, the fee for each fire false alarm after three fire false alarms shall be \$25.00; after seven fire false alarms the fee shall be \$50.00.
- ~~(f) A permit holder shall pay a fee assessed under this section within 30 days of the date of such notice of such fee or pay an amount equal to ten percent of the fee as a late fee.~~
- (g) The permit holder will be exempt from any fee charged for a false alarm notification which is later shown to have been, in the chief's sole determination, justified or which was due to a natural or manmade catastrophe or other situation specifically exempted by the chief.
- ~~(g) A monitoring company shall pay a fee of \$25.00 for failing to provide accurate information to the city.~~
- (h) An alarm user shall pay a fee of ~~\$50.00~~ \$75.00 for failure to provide a responder within ~~30~~ 45 minutes when requested by a member of ~~law enforcement~~ the public safety authority."

Section 6. Amendment to Section 10-25

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-25, "Alarm system operation and maintenance," in its entirety and replacing said section with a new Section 10-25, also entitled "Alarm system operation and maintenance," to read as follows:

"Sec. 10-25 – Alarm system operation and maintenance

A permit holder shall:

- (a) Maintain the premises containing an alarm system in a manner that ensures proper operation of the alarm system;
- (b) Maintain the alarm system in a manner that will minimize false alarm notifications;
- (c) Respond and/or have a designated responder to respond within ~~30~~ 45 minutes after requested by the law enforcement authority to repair or deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report;

- (e) Notify the ~~law enforcement~~ public safety authority prior to activation of an alarm for maintenance purposes; and
- (f) Adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal will sound no longer than ~~15~~ 10 minutes after being activated.”

Section 7. Amendment to Section 10-27

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-27, “Monitoring procedures,” in its entirety and replacing said section with a new Section 10-27, also entitled “Monitoring procedures,” to read as follows:

“Sec. 10-27. – Monitoring procedures

Any monitoring company engaged in the business of monitoring alarm systems in the city shall:

- (a) Report alarm signals only using telephone numbers designated by the chief;
- (b) Before requesting police response to a burglar alarm signal, attempt to verify every alarm signal ~~except a duress, robbery, or panic alarm activation, with the owner/occupant of the alarm site at least twice unless secondary information is received that increases the potential validity of the burglar alarm~~ with the owner/occupant of the alarm site at least twice unless secondary information is received that increases the potential validity of the burglar alarm. Secondary information may include, but is not limited to:
 - (1) Alarm monitors that provide further information that a crime is in progress or the burglary alarm dispatch request is valid (audio, video, etc.);
 - (2) Witness reports that a crime has occurred or is in progress that corroborates the burglary alarm dispatch request, e.g., a citizen, monitoring company personnel or a private guard;
 - (3) Multiple activations of different devices or zones at the same location, during the same incident, for example both the window alarm and a motion detector are activated inside the alarm site;
 - (4) Any other events or circumstances that indicate, in the chief’s sole opinion, that the burglary alarm dispatch request may be valid;
- (a) When reporting an alarm signal to the ~~city~~ public safety authority, provide the alarm permit number and address of the alarm site from which the alarm notification originated;
- (b) Provide to the law enforcement agency, concurrently with reporting the alarm dispatch request, information indicating

compliance with subsection (2) of this section; and specifically, information indicating any failure by the monitoring Company to verify the alarm signal after at least two attempts; and upon receipt of such information, the police shall respond; and

- (c) Communicate alarm notifications to the city in a manner determined by the chief.”

Section 8. Amendment to Section 10-29

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-29, “Alarm reset,” in its entirety and replacing said section with a new Section 10-29, also entitled “Alarm reset,” to read as follows:

“Sec. 10-29. – Alarm reset

~~A permit holder of an alarm system that utilizes a local alarm shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the local alarm will not transmit another alarm signal without first being manually reset.~~

- (a) A permit holder of an alarm system that utilizes a local alarm to summon law enforcement response, shall adjust the mechanism or cause the mechanism to be adjusted so that, upon activation, the local alarm will not transmit another alarm signal without first being manually reset.
- (b) A permit holder of an alarm system that utilizes a local alarm to summon fire/medical response shall not be reset prior to fire/medical personnel arrival.”

Section 9. Amendment to Section 10-31

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-31, “Grounds for denial of a permit or revocation,” in its entirety and replacing said section with a new Section 10-31, also entitled “Grounds for denial of a permit or revocation,” to read as follows:

“Sec. 10-31. – Grounds for denial of a permit or revocation

- (a) *Grounds for denial of an alarm permit*

- (1) The chief shall issue an alarm permit to the applicant unless one or more of the following conditions are present:
 - a. The applicant fails to provide all of the information requested on the application or submits an incomplete application;
 - b. The applicant gives false, misleading or untrue information of material fact on the application;

- c. The operation, as proposed by the applicant, would not comply with all applicable laws, including, but not limited to, this article or the city building, zoning or health codes; or
 - d. The applicant has failed to pay the application fee assessed pursuant to this article that is due and owing.
 - (2) Denial of an alarm permit shall be **effected** by written denial, setting forth the grounds for denial and mailed to the applicant by depositing the notice in the United States mail, addressed to the applicant with postage pre-paid certified receipt.
- (b) *Grounds for revocation of an alarm permit.*
 - (1) The chief shall revoke an alarm permit if he determines that:
 - a. The permit holder or his/her designated agent has given false, misleading or untrue information of material fact in any record or report required by this article;
 - b. The permit holder fails to maintain the alarm system in accordance with the requirements of this article;
 - c. The operation of the alarm system by the permit holder has demonstrated a history of unreliability, as set forth in subsection (c) of this section; or
 - d. There have been **eight-six** or more false alarms during the preceding 12-month period.
 - (2) A person commits an offense if he operates an alarm system during the period in which his/her alarm permit has been revoked.
- (c) *Grounds for non-renewal of an alarm permit*
 - (1) The alarm system has a history of unreliability and the applicant has failed to make alterations or corrections to the system to reasonably assure abatement of false alarms. Any alarm system generating **eight six** or more false **burglar** alarm notifications within a 12-month period shall be presumed unreliable; and the alarm permit shall be revoked or suspended, **after the city provides 30 days written notice to the permit holder, upon the permit holder receiving notification of revocation or suspension from the city; until the permit holder has completed the requirements as listed in section 10-32.**
 - ~~a. Attended an alarm awareness class, as approved by the chief;~~**
 - ~~b. Provided a certificate of compliance; and~~**
 - ~~c. Paid a \$100.00 reinstatement fee.~~**

- (2) Revocation or suspension of an alarm permit shall be effected by written denial, setting forth the grounds for denial and mailed to the applicant by depositing the notice in the United States mail, addressed to the applicant with postage pre-paid certified receipt.
- (3) A person commits an offense if he/she operates an alarm system during the period in which his/her alarm permit has not been renewed."

Section 10. Amendment to Section 10-32

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-32, "Reinstatement of a permit," in its entirety and replacing said section with a new Section 10-32, also entitled "Reinstatement of a permit," to read as follows:

"Sec. 10-32. – Reinstatement of a permit.

- (a) In the event a person's alarm permit has been revoked, the person may have the permit reinstated if the person:
 - (1) Submits an updated application and pays a \$100.00 permit reinstatement fee in accordance with this article;
 - (2) Attends an alarm awareness class; and
 - (3) Presents a certificate of compliance.
- (b) An alarm permit that has been reinstated shall;
 - (1) Expire on the same date it was originally set to expire, one year from the date the original alarm permit was issued;
 - (2) Reset false burglar alarm count to zero.

Section 11. Amendment to Section 10-33

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-33, "Appeal from penalty fee, denial, or revocation of a permit," in its entirety and replacing said section with a new Section 10-33, also entitled "Appeal from penalty fee, denial, or revocation of a permit," to read as follows:

"Sec. 10-33. – Appeal from penalty fee, denial, or revocation of a permit.

- ~~(a) Any applicant, permit holder, alarm installation company or monitoring company aggrieved by a decision to assess a penalty fee by the chief may appeal the decision to the appeal board by paying an appeal fee of \$25.00 and filing with the city secretary a written request for a hearing, setting forth the reasons for the appeal within ten days after the chief renders the decision. The filing of a request for an appeal hearing with the city secretary stays the action of the chief in assessing a penalty fee until the appeal~~

~~board makes a final decision. If a request for an appeal hearing is not made within ten days of the chief's determination, the decision of the chief becomes final. Appeal fees will be returned if the decision of the chief is overturned.~~

~~(b) If the chief of police refuses to issue or revokes an alarm permit, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal. The applicant or permit holder may appeal the decision to the appeal board by paying an appeal fee of twenty five dollars and filing with the city secretary a written request for a hearing, setting forth the reasons for the appeal within ten days after the chief renders the decision. The filing of a request for an appeal hearing with the city secretary stays an action of the chief in revoking a permit until the appeal board makes a final decision. If a request for an appeal hearing is not made within ten days of the chief's determination, the decision of the chief becomes final.~~

- (a) Any applicant, permit holder, alarm installation company or monitoring company aggrieved by a decision to assess a penalty fee, denial or revocation may appeal the decision to the Chief of Police in writing, setting forth the reasons for the appeal within thirty days.
 - (1) The filing of a request for an appeal stays the action of assessing a penalty until the Chief of Police makes a decision.
 - (2) If the chief of police denies the appeal, he shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of his action and a statement of the right to an appeal.
 - (3) If a request for an appeal is not made within thirty days, the penalty fee, denial or revocation becomes final.
- (b) The applicant, permit holder, alarm installation company or monitoring company may appeal the Chief's decision to the City Manager by filing a written request for a hearing, setting forth the reasons for the appeal within ten days of notification of the Chief's determination.
 - (1) The filing stays the action of assessing a penalty until the City Manager makes a final decision.
 - (2) The City Manager shall send to the applicant, permit holder, alarm installation company or monitoring company by certified mail, return receipt requested, written notice of his determination.
 - (3) If a request for an appeal is not made within ten days of the Chief's notification of determination, the decision of the Chief becomes final.

Section 12. Amendment to Section 10-34

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section

10-34, "Notification," in its entirety and replacing said section with a new Section 10-34, also entitled "Notification," to read as follows:

"Sec. 10-34. – Notification

The ~~alarm-user~~ permit holder shall be notified in writing after each false alarm. The notification shall include: notice that the alarm user can attend alarm user awareness class to waive one false alarm violation, the fact that a permit may be revoked or not renewed after the ~~eighth~~-sixth false alarm and a description of the appeal procedure available to the ~~alarm-user~~ permit holder.

The ~~alarm-user~~ permit holder and the alarm installation company or monitoring company will be notified in writing ~~30-days~~ before an alarm permit is to be revoked or suspended. A notice of alarm permit suspension may be combined with a false alarm notice. This notice of alarm permit revocation or suspension will also include a description of the appeals procedure available to the ~~alarm-user~~ permit holder and the alarm installation company or monitoring company."

Section 13. Amendment to Section 10-35

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-35, "Suspension of response," in its entirety and replacing said section with a new Section 10-35, also entitled "Suspension of response," to read as follows:

"Sec. 10-35. – Suspension of response.

- (a) The chief may suspend law enforcement response to ~~an-a~~ ~~burglar~~ alarm site if it is determined that:
 - (1) There is not a valid alarm permit for the alarm site;
 - (2) The alarm permit for the site has expired; or
 - (3) The alarm permit was revoked.
- (b) A person commits an offense if he operates an alarm system ~~during the period in which the alarm permit is revoked~~ without a valid permit and is subject to enforcement and penalties."

Section 14. Amendment to Section 10-40

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-40, "System performance reviews and appeals," in its entirety and replacing said section with a new Section 10-40, also entitled "System performance reviews and appeals," to read as follows:

"Sec. 10-40. – System performance reviews and appeals.

- (a) If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation, the chief may require a conference with a permit holder to review circumstances of each alarm notification.

- (b) If there is reason to believe that a false alarm is the result of circumstances beyond the reasonable control of the permit holder, the permit holder or the permit holder's representative may provide proof of such circumstances to the chief to avoid false alarm fees, revocation or non-renewal of the alarm permit.
- (c) If the chief determines that an alarm is the result of circumstances within the reasonable control of the permit holder, and there have been more than ~~eight~~ **six** false alarms, the chief may revoke the alarm permit. The permit holder or the permit holder's representative may appeal the chief's decision as set out in the appeal process in section 10-33."

Section 15. Amendment to Section 10-41

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-41, "Violations; penalty," in its entirety and replacing said section with a new Section 10-41, also entitled "Violations; penalty" to read as follows:
 "Sec. 10-41. – Violations; penalty.

- (a) An alarm installation company, a monitoring company, an alarm permit holder or a person in control of an alarm system commits an offense if he violates any provision of this article.
- (b) Unless otherwise specifically set forth herein, allegation and evidence of culpable mental state are not required for the proof of an offense of this article.
- (c) A person who violates a provision of this article is guilty of a separate offense for each day or portion of a day during which the violation committed, continued or permitted, and each offense is punishable by a fine not to exceed five hundred dollars (\$500.00) as follows:
 - (1) A minimum fine of \$200.00 for the first conviction; and
 - (2) A minimum fine of \$250.00 for the second through fifth conviction; and
 - (3) A minimum fine of \$400.00 for each conviction after the fifth conviction.
- ~~(e)~~(d) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this article to hold a corporation, partnership or other association criminally responsible for acts or omissions performed by an agent acting on behalf of the corporation, partnership or other association, and within the scope of ~~his~~ **their** employment."

Section 16. Amendment to Section 10-42

From and after the effective date of this Ordinance, Chapter 10, entitled "Alarms," is hereby amended through the amendment of Article II, entitled "Emergency Reporting Equipment and Procedures," by deleting Section 10-42, "Confidentiality," in its entirety and replacing said section with a new Section 10-42, also entitled "Confidentiality," to read as follows:

“Sec. 10-42. – Confidentiality

In the interest of public safety, subject to the provisions of V.T.C.A., Government Code Ch. 552, information contained in and gathered through the alarm permit applications, records relating to alarm dispatch requests and applications for appeals shall be held in confidence by all employees or representatives of the city ~~and by any third-party administrator or employee of a third-party administrator~~ with access to such information. This information shall not be subject to public inspection. Public interest is served by not disclosing said information to the public and clearly outweighs the public interest served by disclosing said information.”

Section 17. Amendment to Section 10-43

From and after the effective date of this Ordinance, Chapter 10, entitled “Alarms,” is hereby amended through the amendment of Article II, entitled “Emergency Reporting Equipment and Procedures,” by deleting Section 10-43, “Government immunity,” in its entirety and replacing said section with a new Section 10-43, also entitled “Government immunity,” to read as follows:

“Sec. 10-43. – Government Immunity

The issuance of an alarm permit and/or the provisions set forth in this article are not intended to, nor do they create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that law enforcement ~~or fire department~~ response may be influenced by factors such as: the availability of police ~~or fire~~ units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels.”

Section 18. Repealer Clause

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 19. Severability Clause

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 20. Reservation of Rights

All rights and remedies of the City of McKinney are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 21. Immunity

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

Section 22. Injunctions

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of McKinney in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of McKinney.

Section 23. Penalty

Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to the penalty provisions set forth in Chapter 126 of the McKinney Code of Ordinances; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 24. Publication of The Caption

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof as provided by law.

Section 25. Effective Date

This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE _____ DAY OF _____, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney



18-256

TITLE: Consider/Discuss/Act on a Resolution Authorizing the Execution of Documents for the Acquisition of Property Rights and the Consideration of the Use of Eminent Domain to Condemn Property for the Construction of a Roadway and Utility Lines in the Vicinity of SH 5 (McDonald Street) from about CR 278 Continuing Southward to Approximately Willow Wood Boulevard in Association with the Willow Wood Off-Site Un-Named Arterial and Sanitary Sewer Main Projects

COUNCIL GOAL: Direction for Strategic Growth

MEETING DATE: March 20, 2018

DEPARTMENT: Development Services / Engineering

CONTACT: Gary Graham, PE, PTOE, Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Approval of Resolution using a motion in a form substantially similar to the following:

"I move that we approve this item as written and authorize the use of the power of eminent domain to acquire for public use all necessary easements for the construction of utility lines from the property owners generally indicated on the attached property locator map and Right-of-Way together with easements from the property owners generally indicated on both the attached property locator map and depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including construction, access and maintenance of the Willow Wood Off-Site Un-Named Arterial and Sanitary Sewer Main."

- This item requires a roll call vote.

ITEM SUMMARY:

- This item provides authority to the City Manager to execute documents for the acquisition of sanitary sewer easements, drainage easements, grading easements, temporary construction easements (TCE) and Right-of-Way (ROW); and the use of eminent domain to condemn property to complete the construction of an off-site un-named arterial and sanitary sewer main, in the vicinity of SH 5 from about CR 278 and continuing southward to approximately Willow Wood Boulevard.

BACKGROUND INFORMATION:

- The City has entered into a Development Agreement (Agreement) with PCB Properties, LLC (Owner) for the development of The Estates of Willow Wood.
- Under the Agreement, the Owner will construct certain roadway and utility capital improvements.
- In accordance with the Agreement, should the City elect to acquire any property interests through eminent domain, the Owner agrees to pay the City for all costs associated with acquiring those interests for public use.
- This agenda item provides authority to the City Manager to execute documents for the acquisition of property rights and to take all necessary steps to acquire property rights in order to construct off-site utilities composed of a sanitary sewer line and Right-of-Way for an un-named arterial as indicated in the areas shown on the project locator map.
- With regard to the sanitary sewer easements, the City has acquired easements from 2 property owners and is currently in negotiations with 2 others. One property owner has been non-responsive and another just recently purchased the property requiring the City to obtain an updated survey and appraisal prior to sending an initial offer.
- There are 2 property owners affected by the ROW acquisition. One property owner is affected by both the utility and roadway projects and has not responded to any letter or offer sent by the City. The City recently received revised plans on the other ROW parcel and is waiting on an appraisal in order to send an initial offer.
- In order to keep the utility and roadway projects on schedule, staff requests authorization to initiate condemnation proceedings if we cannot reach an equitable settlement with a property owner.
- As always, staff will continue to negotiate and use best efforts to acquire the necessary property rights without the need for legal intervention.

Map #	Property Owner	Description	Area	Exhibit
1	Asad Ahmadi	Right of Way	0.032 acres	B1
		Drainage/Grading Easement	0.002 acres	•
2	Billy Densmore	Right of Way	10 square feet	B2

		Drainage Easement	0.194 acres	•
		Sanitary Sewer Easement	0.396 acres	•
		TCE	0.035 acres	•
		TCE	0.168 acres	•
3	Joan Brandon	Sanitary Sewer Easement	0.088 acres	B3
		TCE	0.053 acres	•
4	Frances Pilkinton	Sanitary Sewer Easement	0.033 acres	B4
		TCE	0.017 acres	•
		TCE	0.003 acres	•
5	Crystal Hughes Pilkinton	Sanitary Sewer Easement	0.072 acres	B5
		TCE	0.066 acres	•

FINANCIAL SUMMARY:

- Per the Development Agreement, funds for the acquisition of easements will be provided for by the Owner.

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Resolution](#)

[Location Map](#)

RESOLUTION NO. 2018-03-____ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT OF WAY (IN FEE SIMPLE), DRAINAGE, GRADING, SANITARY SEWER AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE CONSTRUCTION, ACCESS AND MAINTENANCE ASSOCIATED WITH THE WILLOW WOOD UN-NAMED ARTERIAL AND OFF-SITE SANITARY SEWER EASEMENT PROJECT AND ASSOCIATED INFRASTRUCTURE COMMENCING IN THE VICINITY OF THE INTERSECTION OF SH 5 AND CR 278 CONTINUING IN A SOUTHERLY DIRECTION TO APPROXIMATELY WILLOW WOOD BOULEVARD; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT OF WAY (IN FEE SIMPLE) AND EASEMENTS ON SAID PROPERTIES, OFFERING TO ACQUIRE THE RIGHT OF WAY (IN FEE SIMPLE) AND EASEMENTS VOLUNTARILY FROM THE PROPERTY OWNERS THROUGH THE MAKING OF BONA FIDE OFFERS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS

WHEREAS, the City Council of the City of McKinney, Texas, has determined that a public need and necessity exists for the construction of the Willow Wood Un-Named Arterial and Off-Site Sanitary Sewer Project and associated infrastructure, commencing in the vicinity of the intersection of SH 5 and CR 278 continuing in a southerly direction to approximately Willow Wood Boulevard, the location of which is generally set forth in the map attached hereto as Exhibit A; and

WHEREAS, the City Council has considered the Un-Named Arterial and has determined that a public necessity exists for the acquisition of right of way (in fee simple), along with drainage & grading easements as described on Exhibits B1 – B2, attached hereto and incorporated herein for all purposes (“Properties”); and

WHEREAS, the City Council has considered the Off-Site Sanitary Sewer Project and has determined that a public necessity exists for this project and the need for the acquisition of certain property rights for this project (“Properties”).

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

- Section 1. All of the above premises to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.
- Section 2. That the City Council of the City of McKinney, Texas hereby authorizes the City Manager to execute documents, as needed, to acquire the necessary Properties for the Willow Wood Un-Named Arterial and Off-Site Sanitary Sewer Project.
- Section 3. That the City Council hereby finds and determines that a public use and necessity exists for the City of McKinney for the construction of the Willow Wood Un-Named Arterial and to acquire the necessary Properties in those certain tracts or parcels of land deemed necessary for that construction as identified in the construction plans and specifications as amended, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land described in Exhibits B1 – B2.
- Section 4. That the City Council hereby finds and determines that a public use and necessity exists for the City of McKinney for the construction of the Off-Site Sanitary Sewer and to acquire the necessary property rights in those

certain tracts or parcels of land deemed necessary for that construction as identified in the alignment and profiles, as amended, together with all necessary appurtenances, additions and improvements on, over, under, and through those certain lots, tracts or parcels of land, the location of which lots, tracts or parcels are generally shown on the Location Map attached hereto as Exhibit A.

Section 4. That the City Manager is authorized and directed to negotiate for and to acquire the required Properties for the City of McKinney, and to acquire said rights in compliance with State and Federal law. That the City Manager is specifically authorized and directed to do each and every act necessary to acquire the needed Properties including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to designate a qualified appraiser of the Properties to be acquired when such appraisal is necessary and, where necessary, the use of Eminent Domain to condemn the Properties.

Section 5. That the City Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Properties and, as such, the City Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. That the City Manager is specifically authorized to establish the just compensation for the acquisition of the Properties. That, if the City Manager or his designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the subject Properties, proceedings in eminent domain to acquire the above-stated interest in the Properties.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 20th DAY OF MARCH 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

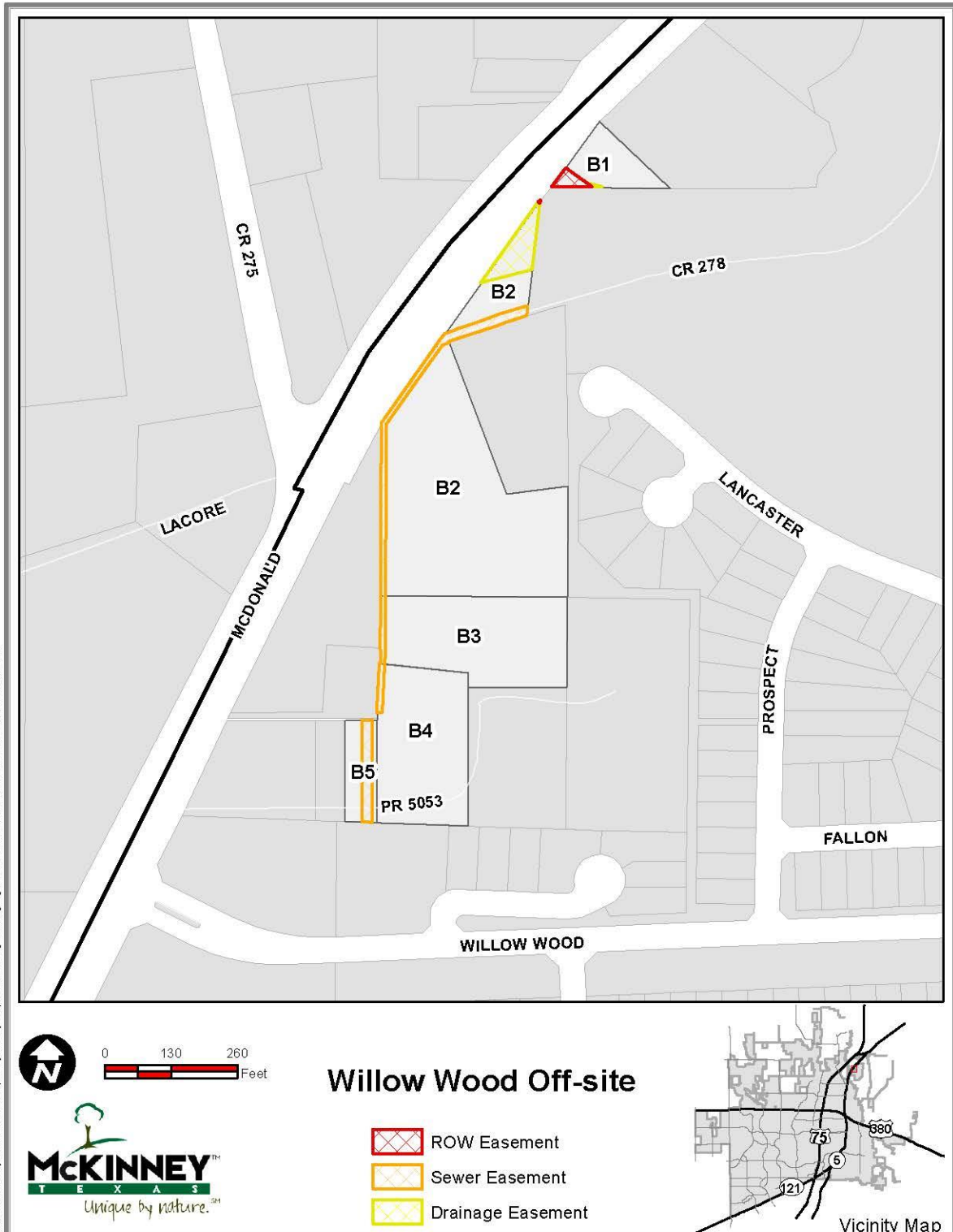
SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT "A"

Location Map



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.

EXHIBIT "B-1"

Depiction and Description of Fee Simple Right of Way and Drainage & Grading Easement on Asad Ahmadi Property

EXHIBIT "A"

SHEET 1 OF 1

RIGHT OF WAY

0.032 of an acre

ASAD AHMADI

ALL that certain tract or parcel of land situated in the ABNER SMALLEY SURVEY, ABSTRACT NUMBER 864, Collin County, Texas, being a part of that certain called 0.2451 acre tract described in a deed to ASAD AHMADI, as recorded in Clerk's File Number 2005-0083591 of the Land Records of Collin County, Texas, the herein tract being more particularly described as follows:

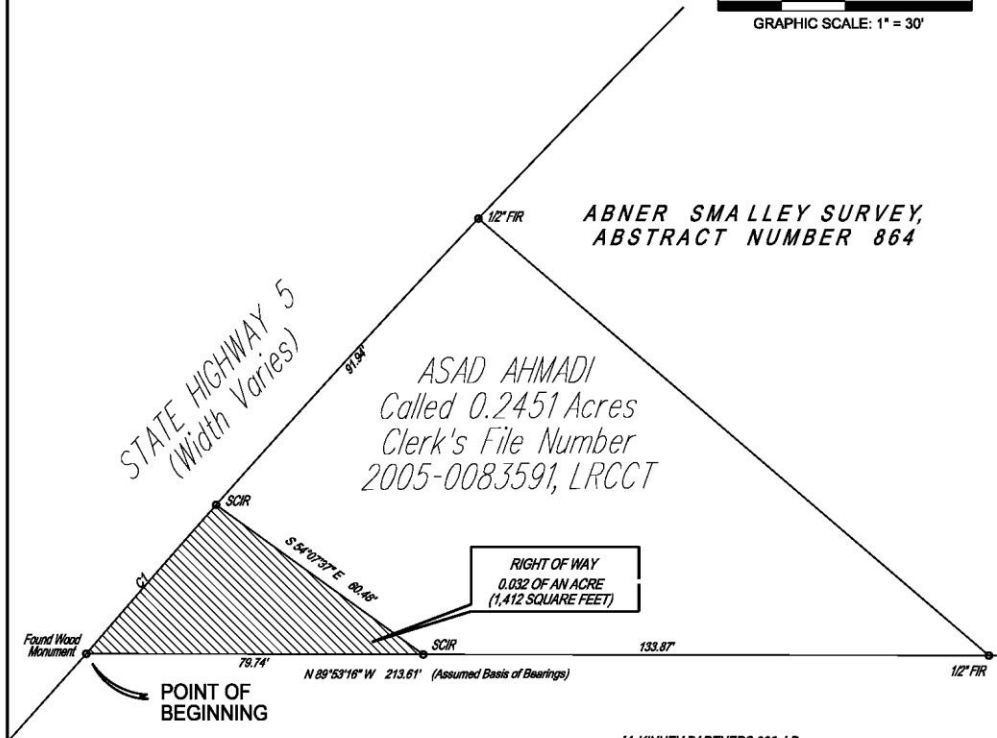
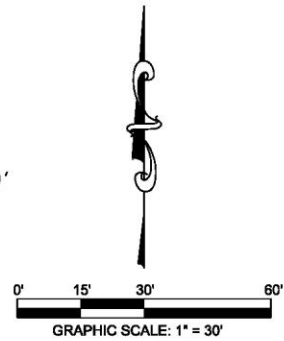
BEGIN at a wood right of way monument found at the southwest corner of said AHMADI tract, same being a northwest corner of that certain 306.591 acre tract described in a deed to McKINNEY PARTNERS 306, LP, as recorded in Clerk's File Number 20130829001227120 of the Land Records of Collin County, Texas, which corner is in the curving east line of State Highway 5 (width varies), said curve having a central angle of 00°57'21", a radius of 2804.93 feet and a chord which bears N 41°03'29" E, 46.79 feet;

THENCE along the west or northwest line of said AHMADI tract, said east line of Highway 5 and the arc of said curve to the right a distance of 46.79 feet to a 1 1/2" capped iron rebar (PETSCH & ASSOC., INC.) set for corner;

THENCE departing said common line S 54°07'37" E a distance of 60.48 feet to a 1 2" capped iron rebar (PETSCH & ASSOC., INC.) set for corner in the south line of said AHMADI tract, same being aforesaid north line of McKINNEY PARTNERS tract;

THENCE N 89°53'16" W along said common line a distance of 79.74 feet to the POINT OF BEGINNING, containing 0.032 of an acre (1,412 SQUARE FEET) of land, MORE OR LESS.

	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARS
C1	00°57'21"	2804.93'	46.79'	N41°03'29"E 46.79'



*McKINNEY PARTNERS 306, LP
Remaining Portion of 306.591 acres
Clerk's File Number
20130829001227120, LRCCT*

STATE OF TEXAS
COUNTY OF COLLIN:

I hereby certify this SKETCH (EXHIBIT "B") and attached DESCRIPTION (EXHIBIT "A") were prepared under my RESPONSIBLE CHARGE during February, 2017, and are true and correct to the best the best of my knowledge and belief.



**FIR FOUND IRON REBAR
(SIZE NOTED)**

William Boyd Kisinger
State of Texas
Registered Professional
Land Surveyor No. 4352



PETSCHE & ASSOCIATES, INC.

Professional Engineers - Land Surveyors - Development Consultants
Texas Registered Engineering Firm - F-3252
Texas Registered Surveying License Number - 10091600
2600 Eldorado Parkway, Suite 240, McKinney, Texas 75070 (972) 562-9606

Drawn by:	Date:	SCALE:	JOB NUMBER:	SHEET	OF
wbk	February, 2017	1"= 30'	06224-11	1	1
Designed by:	Checked by:		Arterial		
	wbk				

EXHIBIT "A"
SHEET 1 OF 1
DRAINAGE & GRADING EASEMENT
0.002 Of an acre
(ASAD AHMADI)

ALL that certain tract or parcel of land situated in the ABNER SMALLEY SURVEY, ABSTRACT NUMBER 864, in the City of McKinney, Collin County, Texas, being part of the remaining portion of a 306.591 acre tract of land described in a deed to ASAD AHMADI, as recorded in Clerk's File Number 2005-0083591 of the Land Records of Collin County, Texas, the herein tract being more particularly described as follows:

COMMENCE at a wood monument found at a northwest corner of said MCKINNEY PARTNERS tract, same being the southwest corner of a called 0.2451 acre tract described in a deed to ASAD AHMADI, as recorded in Clerk's File Number 2005-0083591 of the Land Records of Collin County, Texas, which corner is in the east line of State Highway 5 (width varies);

THENCE S 89°53'16" E along a north line of said MCKINNEY PARTNERS tract, same being the south line of said AHMADI tract a distance of 79.74 feet to the POINT OF BEGINNING of the herein described tract of land;

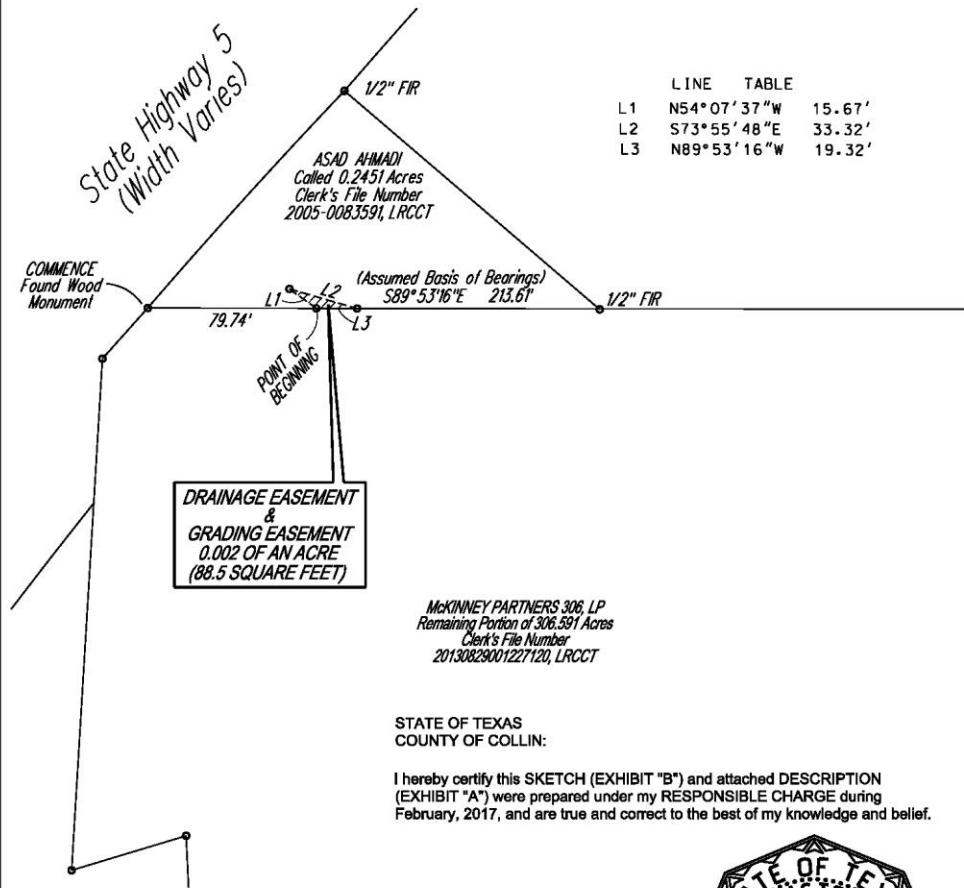
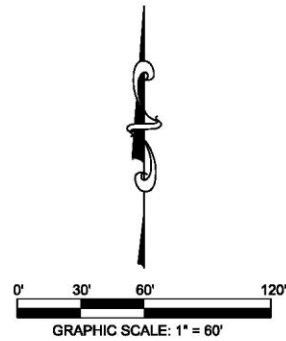
THENCE N 54°07'37" E a distance of 15.67 feet to an angle point;

THENCE S 73°55'48" E a distance of 33.32 feet to an angle point;

THENCE N 89°53'16" W a distance of 19.32 feet along a north line of said MCKINNEY PARTNERS tract, same being the south line of said AHMADI tract to the POINT OF BEGINNING, containing 0.002 of an acre (88.5 SQUARE FEET) of land, MORE OR LESS.

EXHIBIT "B" SHEET 1 OF 1

ABNER SMALLEY SURVEY,
ABSTRACT NUMBER 864



LINE	TABLE	
L1	N54° 07' 37" W	15.67'
L2	S73° 55' 48" E	33.32'
L3	N89° 53' 16" W	19.32'

STATE OF TEXAS
COUNTY OF COLLIN:

I hereby certify this SKETCH (EXHIBIT "B") and attached DESCRIPTION (EXHIBIT "A") were prepared under my RESPONSIBLE CHARGE during February, 2017, and are true and correct to the best of my knowledge and belief.



SCIR SET 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)

FCIR FOUND 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)
(OR AS NOTED)

FIR FOUND IRON REBAR
(SIZE NOTED)



DRAINAGE & GRADING
EASEMENT

Paul M. Valentine
State of Texas
Registered Professional
Land Surveyor No. 5359



PETSCH & ASSOCIATES, INC.

Professional Engineers - Land Surveyors - Development Consultants
Texas Registered Engineering Firm - F-3252
Texas Registered Surveying License Number - 10091600
2600 Eldorado Parkway, Suite 240, McKinney, Texas 75070 (972) 562-9606

Drawn by: JDR	Date: October, 2017	SCALE: 1" = 60'	JOB NUMBER: 06-224-11	SHEET 1	OF 1
Designed by: PMV	Checked by: PMV				

EXHIBIT "B-2"

Depiction and Description of Fee Simple Right of Way and Drainage Easement on Billy Densmore Property

EXHIBIT "A"

SHEET 1 OF 1

RIGHT OF WAY

10 SQUARE FEET

BILLY DENSMORE

ALL that certain tract or parcel of land situated in the ABNER SMALLEY SURVEY, ABSTRACT NUMBER 864, Collin County, Texas, being a part of that certain called 2.903 acre tract described in a deed to BILLY DENSMORE, as recorded in Clerk's File Number 20070322000386590 of the Land Records of Collin County, Texas, the herein tract being more particularly described as follows:

COMMENCE at a wood right of way monument found at a northwest corner of that certain tract of land described in a deed to McKINNEY PARTNERS 306, LP, as described in Clerk's File Number 20130829001227120 of the Land Records of Collin County, Texas, same being an angle point in the curving east line of State Highway 5 (width varies);

THENCE S 03°27'20" W along a west line of said McKINNEY PARTNERS tract, same being said east line of State Highway 5 a distance of 68.58 feet to a 1 2" capped iron rebar (PETSCH & ASSOC., INC.) set at the POINT OF BEGINNING of the herein described tract of land, same being the most northerly corner of said DENSMORE tract, which corner is another angle point in said curving east line of State Highway 5;

THENCE continue S 03°27'20" W along an east line of said DENSMORE tract, common here with a west line of said McKINNEY PARTNERS tract a distance of 6.51 feet to a 1 2" capped iron rebar (PETSCH & ASSOC., INC.) set for corner;

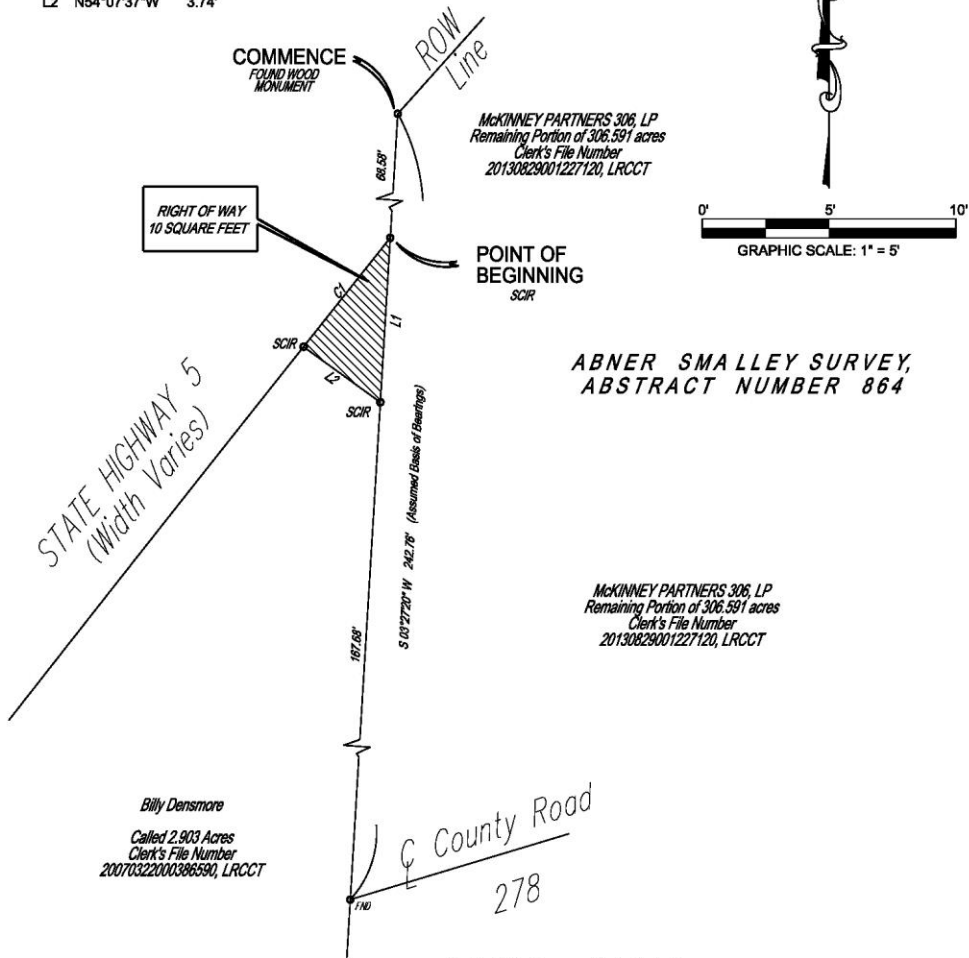
THENCE N 54°07'37" W, crossing said DENSMORE tract a distance of 3.74 feet to a 1/2" capped iron rebar (PETSCH & ASSOC., INC.) set for corner in a west line of said tract, same being the aforesaid curving east line of State Highway 5, said curve having a central angle of 00°06'50", a radius of 2674.79 feet and a chord which bears N 38°30'08" E, 5.50 feet;

THENCE along the arc of said curve to the right and said common line a distance of 5.50 feet to the POINT OF BEGINNING, containing 10 SQUARE FEET of land, MORE OR LESS.

EXHIBIT "B" SHEET 1 OF 1

LINE TABLE

L1	S03°27'20"W	6.51'
L2	N54°07'37"W	3.74'



CURVE TABLE

	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARS
C1	00° 06' 50"	2674.79	5.50'	N 38° 30' 08" E 5.50'

STATE OF TEXAS
COUNTY OF COLLIN:

I hereby certify this SKETCH (EXHIBIT "B") and attached
DESCRIPTION (EXHIBIT "A") were prepared under my
RESPONSIBLE CHARGE during February, 2017, and are true and
correct to the best the best of my knowledge and belief.



SCIR SET 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)

FCIR FOUND 1/2" CAPPED IRON REBAR
(PETSCH & ASSOC.)
(OR AS NOTED)

FND FOUND NAIL IN BRASS DISC
(PETSCH & ASSOC., INC.)



RIGHT OF WAY

William Boyd Kisinger
State of Texas
Registered Professional
Land Surveyor No. 4352



PETSCH & ASSOCIATES, INC.

Professional Engineers - Land Surveyors - Development Consultants
Texas Registered Engineering Firm - F-3252
Texas Registered Surveying License Number - 10091600
2600 Eldorado Parkway, Suite 240, McKinney, Texas 75070 (972) 562-9606

Drawn by:	Date:	SCALE:	JOB NUMBER:	SHEET	OF
wbk	February, 2017	1"= 10'	06-224-11 Arterial Ph1	1	1
Designed by:	Checked by:				
wbk	wbk				

EXHIBIT "A"
SHEET 1 OF 1
DRAINAGE EASEMENT
0.194 of an acre
(BILLY DENSMORE)

ALL that certain tract or parcel of land situated in the ABNER SMALLEY SURVEY, ABSTRACT NUMBER 864, in the City of McKinney, Collin County, Texas, being part a tract of land described in a deed to BILLY DENSMORE, as recorded in Clerk's File Number 20070322000386590 of the Land Records of Collin County, Texas;

COMMENCE at a wood monument found at a northwest corner of a 306.591 acre tract of land described in a deed to McKINNEY PARTNERS 306, LP, as recorded in Clerk's File Number 20130829001227120 of the Land Records of Collin County, Texas, same being an angle point in the east line of State Highway 5 (width varies);

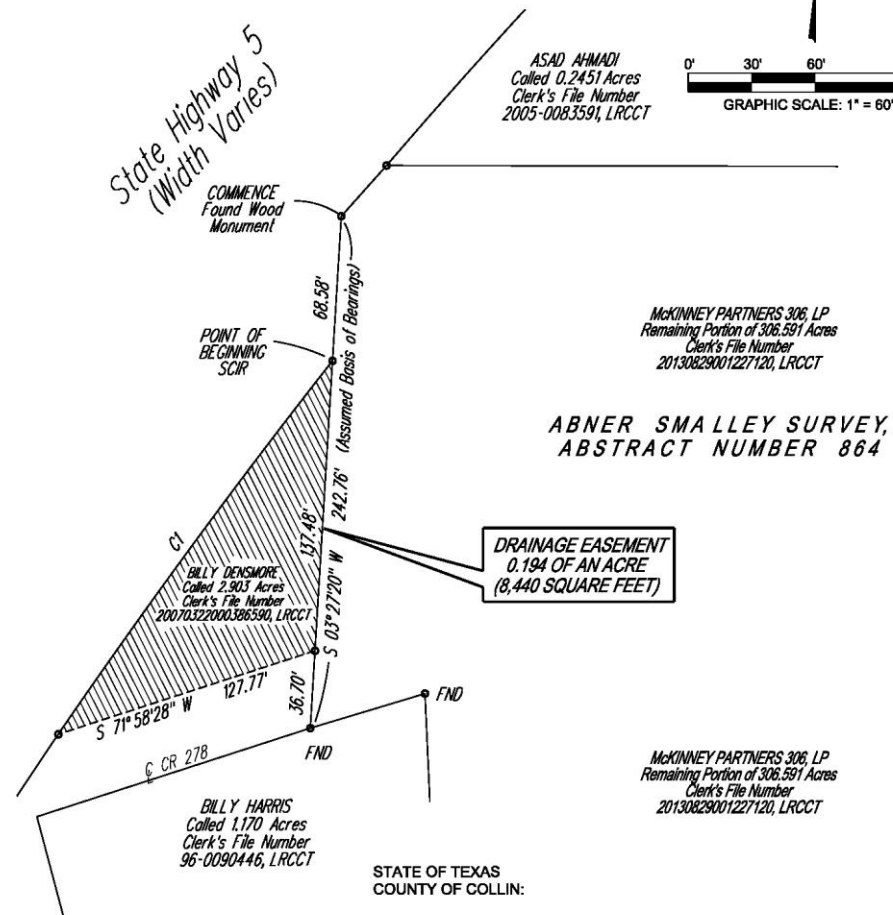
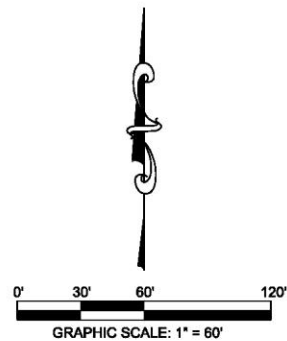
THENCE S 03°27'20" W along a west line of said McKINNEY PARTNERS tract, common with said east line State Highway 5 a distance of 68.58 feet to a 1 /2" capped iron rebar (PETSCH & ASSOC., INC.) previously set at the POINT OF BEGINNING of the herein described tract of land, same being the most northerly corner of said DENSMORE tract;

THENCE continue S 03°27'20" W along the most northerly east line of said DENSMORE tract, common here with said west line of McKINNEY PARTNERS tract a distance of 137.48 feet to a point for corner;

THENCE S 71°58'28" W a distance of 127.77 feet to a point for corner in the west line of said DENSMORE tract, same being the curving east line of aforesaid State Highway 5, said curve having a central angle of 3°49'01", a radius of 3292.54 feet and a chord which bears N36°17'11"E, 219.30 feet;

THENCE along the arc of said curve to the right and said common line a distance of 219.34 feet to the POINT OF BEGINNING, containing 0.194 of an acre (8,440 SQUARE FEET) of land, MORE OR LESS.

CURVE TABLE				
	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARS
C1	3°49'01"	3292.54'	219.34'	N36°17'11"E 219.30'



I hereby certify this SKETCH (EXHIBIT "B") and attached DESCRIPTION (EXHIBIT "A") were prepared under my RESPONSIBLE CHARGE during March, 2017, and are true and correct to the best of my knowledge and belief.



**FIR FOUND IRON REBAR
(SIZE NOTED)**

William Boyd Kisinger
State of Texas
Registered Professional
Land Surveyor No. 4352






Professional Engineers - Land Surveyors - Development Consultants
Texas Registered Engineering Firm - F-3252
Texas Registered Surveying License Number - 10091600
2600 Eldorado Parkway, Suite 240, McKinney, Texas 75070 (972) 562-9606

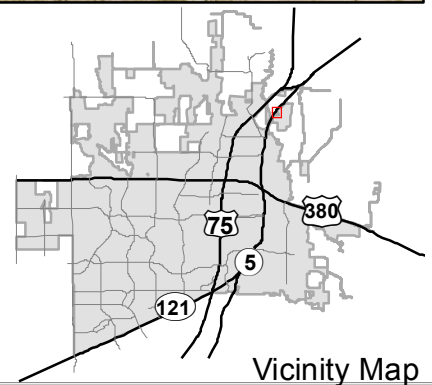
Drawn by: wbk	Date: March, 2017	SCALE: 1"= 60'	JOB NUMBER: 06-224-11	SHEET 1	OF 1
Designed by:	Checked by: wbk				



0 130 260
Feet

Willow Wood Off-site

-  ROW Easement
-  Sewer Easement
-  Drainage Easement



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of McKinney. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of McKinney, its officials or employees for any discrepancies, errors, or variances which may exist.