



16-1053

TITLE: Consider/Discuss/Act on an Amendment to the Development Agreement for the Willow Wood Development Generally Located East of State Highway 5 (McDonald Street) and Approximately 4,000 Feet North of F.M. 543 (Laud Howell Parkway)

COUNCIL GOAL: Direction for Strategic and Economic Growth

MEETING DATE: October 18, 2016

DEPARTMENT: Development Services Division

CONTACT: Michael Quint, Executive Director of Development Services

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval of the proposed amendments to the Willow Wood Development Agreement.

ITEM SUMMARY:

- Staff was recently approached by the developer for the Willow Wood Development generally located on the east side of McDonald Street and approximately 4,000 feet north of Laud Howell Parkway regarding an extension in the timeframes outlined within the governing development agreement.
- Specifically, the developer is requesting to modify the development requirements (Section J of the Development Agreement) from where all commencement dates, completion dates and timeframes currently pertaining to Phase I (212 maximum lots / 190 proposed) to pertain to the last certificate of occupancy for the final unit to be constructed in Phase 2A (48 lots proposed) for a total maximum lot count of 238 lots.
- Generally speaking, the proposed amendments to the approved development agreement would allow construction of the 24" master planned water line adjacent to the unnamed east/west arterial to be deferred until November 1, 2019 for the western portion of the line and November 1, 2020 for the eastern portion of the line. Additionally, the unnamed east/west arterial's construction will be deferred to November 1, 2019 for Phase I, November 1, 2020 for Phase II

and with the adjacent phase of development for the final phase. Also, the extension of a 36" water line along State Highway 5 (McDonald Street) will be deferred until November 1, 2019. Lastly, the 12" off-site sewer line's construction will be deferred until phase 6 or 7 of the development is constructed.

- Staff is comfortable with the proposed amendments as they continue to ensure the provision of municipal facilities (water, waste water, roadway, etc.) to other adjacent properties in the area by a date certain thereby offering new opportunities for development which provide further benefits to the City of McKinney and its residents, property owners and business owners.

BACKGROUND INFORMATION:

- Discussions regarding the Willow Wood Development originally began in September of 2005 when a preliminary-final plat was submitted for a small portion of the land that now comprises Willow Wood. This original plat was submitted and approved when Willow Wood was still located within McKinney's Extraterritorial Jurisdiction (ETJ).
- A revised preliminary-final plat with the full scope of land that now comprises the Willow Wood Development was submitted in late 2007 and approved in February of 2008. Again, this plat was approved when the property was located within McKinney's ETJ and the City had no land use authority.
- While several plans were submitted and approved by the City, construction on-site never occurred.
- In early 2013, the developer for Willow Wood approached the City requesting a Development Agreement, commonly referred to as a pre-annexation development agreement, authorized under Chapter 212.172 of the Texas Local Government Code. This agreement benefitted the City as it obligated the developer to construct significant amounts of infrastructure off-site by specific timeframes which helped to open up the area for further development. This agreement also benefitted the City by obligating the developer to improve portions of State Highway 5 off of their property to help relieve existing congestion. The developer benefitted through a complete waiver of impact fees (roadway and utility) and being granted the City's support of their proposed land use even though it was not in strict conformance with the City's Comprehensive Plan. Additionally, the development would benefit by being voluntarily annexed into the City and receiving full City services (police and fire protection, parks, library, etc.).
- This development agreement was approved by the City Council in June of 2013 and was filed for record with the County in August of 2013.
- The property that now comprises the Willow Wood Development was annexed into the City of McKinney in April of 2015 and construction started shortly

thereafter.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Location Map and Aerial Exhibit](#)

[Existing Willow Wood Development Agreement](#)

[Proposed First Amendment to Development Agreement](#)