



20-0020

TITLE: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute the Second Amendment to Development Agreement for The Estates of Willow Wood Between the City of McKinney, Texas, and McKinney Partners 306 LP, Generally Modifying the Timing of Roadway Construction and Updating Development Exhibits, Generally Located on the East Side of State Highway 5 (McDonald Street) and on the North and South Sides of Telephone Road

COUNCIL GOAL: Direction for Strategic and Economic Growth
(1A: Establish regional and infrastructure incentives to increase economic growth)

MEETING DATE: January 7, 2020

DEPARTMENT: Development Services

CONTACT: Gary Graham, P.E., Director of Engineering
Brandon Opiela, Development Manager

RECOMMENDED CITY COUNCIL ACTION:

- Approval of the Resolution

ITEM SUMMARY:

- This item authorizes the City Manager to execute the Second Amendment to Development Agreement for The Estates of Willow Wood with McKinney Partners 306, LP, generally to modify the timing of certain required roadway and water line construction for the remaining phases (Phases 5B, 6, and 7) of the single family development as well as update the development exhibits in conjunction with the associated rezoning request for a portion of the overall subdivision.
- The associated rezoning request (19-0098Z) of Phase 7, approximately 29.01 acres within the Estates of Willow Wood development, is being considered concurrently by the City Council to modify the lot count, lot size, and general layout of Phase 7. As such, three development exhibits within the governing

agreements (Master General Development Plan, Phasing Plan, and Site Plan) need to be modified, as well as certain provisions regarding lot counts and lots sizes must also be modified in coordination with the proposed rezoning request.

- Should the associated rezoning request not be approved, modifications to the lot count, sizes and layout contained in the proposed Second Amendment will not be applicable and will require this item to be tabled.
- Similar to changes requested in the 2016 First Amendment to Development Agreement, the developer is also requesting modifications to the timeframe outlined within the First Amendment:
 - The escrow for the design and construction of all 4-lanes of the Future Arterial (from the eastern terminus of the full intersection of Parkdale Drive to the eastern boundary of the subject property) be extended from November 1, 2020, to at the time of a request for plat recordation in Phase 7.
- Unless specifically modified within the proposed Second Amendment, all other provisions, terms and sections of the Original Agreement and First Amendment shall remain in full force and effect.

BACKGROUND INFORMATION:

- 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.
- The subject property (Estates of Willow Wood) was annexed into the City of McKinney in April of 2015.
- In October of 2016, the Developer requested that the First Amendment be approved to generally extend timeframes for required water, sewer, and roadway infrastructure to better accommodate pace of development in the subdivision.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Location Map and Aerial Exhibit](#)

[Original Willow Wood Development Agreement](#)

[Willow Wood Amended Agreement](#)

[Resolution](#)

[1295 Form](#)

[Second Amendment to Development Agreement](#)