



21-0369

**TITLE:**

Consider/Discuss/Act on a Term Sheet in conjunction with a Fourth Amended and Restated Development Agreement with Trinity Falls Holdings, LP

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** May 4, 2021

**DEPARTMENT:** Development Services

**CONTACT:** Paul Grimes, City Manager  
Michael Quint, Executive Director of Development Services  
Kim Flom, Assistant City Manager  
Barry Shelton, Assistant City Manager  
Mark Houser, City Attorney  
Jennifer Arnold, Director of Planning  
Gary Graham, Director of Engineering  
Michael Kowski, Parks Director

**RECOMMENDED CITY COUNCIL ACTION:**

- Staff recommends approval of the proposed Term Sheet.

**ITEM SUMMARY:**

- The City and the Owner, Trinity Falls Holdings, LP, last amended the Development Agreement for Trinity Falls in October 2017. Since August 2020, City staff and the Developer, Johnson Development have been negotiating several amendments to the Development Agreement which address:
  1. New residential product types;
  2. Clarification of roadway design standards and Developer responsibilities for future roadway construction;
  3. Park development obligations and locations;
  4. Definitions and the process for Major and Minor Modifications to

- the Development Agreement;
5. School sites; and,
  6. Relocation of certain commercial land uses within the Development.

As such, the Owner has worked with Staff on a Term Sheet that, if approved, will culminate into the drafting of a Fourth Amendment to the 2012 Trinity Falls Development Agreement, which will address the foregoing and provide for an updated, reformatted agreement that incorporates 9 years of prior amendments into an Amended and Restated Development Agreement. The Amended and Restated Development Agreement will be significantly more user-friendly to City staff and the Developer. The Amended and Restated Development Agreement will appear on an upcoming City Council agenda.

### **Development Regulations (Residential) and Relocation of Commercial Site**

- The Developer has proposed minor amendments to the existing Townhome regulations that will allow for 2 attached units (from 3 units previously) and allow for modified tree planting options to address the lot sizes. Also, the amendment will allow a new residential product utilizing a “cluster” concept, or “4-Pack”. This product, limited to not more than 400 units within Trinity Falls, must conform to specific standards which, among other things, require a common area shared by a group of homes. In addition, the 400 units count towards the 2000-unit limit on small lots in the Development.
- The amendment will also include the relocation of a 19-acre commercial parcel from future Hardin Boulevard (at the Collin County Outer Loop) to Trinity Falls Parkway (at the Collin County Outer Loop).

### **Park Sites / School Sites**

- The amendment will relocate a required, 8-acre City park site from PU 7 to PU 5. This park was previously sited next to a future elementary school. The Developer and MISD have amended their agreement whereby the elementary school will no longer be constructed; however, the middle school site in PU 5 will be expanded from 20 acres to 30 acres.

### **Major and Minor Modifications to the Development Agreement**

- The amendment will clarify what types of modification are major or minor, and a refined process for making amendments is included.

### **Water Infrastructure**

- The proposed amendment provides for a revised Exhibit to show the new alignment of the East Water Feed.

### **Trinity Falls Parkway / Melissa Road Construction Timing-- Dwelling Unit Caps**

- Since the 2017 Development Agreement amendment, Trinity Falls Parkway has been completed from Laud Howell Parkway to the southern entry of Trinity Falls. Consequently, the unit caps tied to its completion, as well as the caps associated with the completion of Melissa Road will be lifted. Staff feels that adequate roadway capacity exists for the continued development of lots within Trinity Falls, up through the 4500<sup>th</sup> dwelling unit. The proposed amendment also changes the time by which the Developer must commence and complete Melissa Road. The amended agreement requires that the Developer commence construction of Melissa Road in 2021 and after it amends its Development Agreement with the City of Melissa. Thereafter, the Developer must complete the Melissa Road segment on or before the issuance of the 4500<sup>th</sup> building permit in Trinity Falls.

### **Revised/Modified Agreement Exhibits**

- The Developer has provided revised exhibits in coordination with the Term Sheet and amendments discussed above. The revised exhibits include a new overall MUD map; revised land use, thoroughfare, park phasing, 4-Pack regulations, and major infrastructure maps.

### **BACKGROUND INFORMATION:**

- Trinity Falls is comprised of two (2) Municipal Utility Districts (MUDs) established in accordance with state law in McKinney's ETJ. The master planned community contains approximately 1,600 acres of land and has been designed to contain up to 5,200 single family residential dwelling units and some limited non-residential uses.
- The Trinity Falls MUDs are governed by a development agreement that was executed by the City of McKinney in 2006 and amended in December 2012, February 2014, November 2016, and October 2017. The Term Sheet and contemplated, subsequent amendment to the development agreement represents the fourth amendment to the 2012 development agreement.

### **FINANCIAL SUMMARY:**

- N/A

### **BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Term Sheet 4th Amendment  
Exhibit](#)