CITY COUNCIL REGULAR MEETING

OCTOBER 4, 2016

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on October 4, 2016 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Randy P. Pogue, Council members: Chuck Branch, Don Day, Tracy Rath, and Travis Ussery. Council member Branch arrived at 6:10 p.m. Mayor Brian Loughmiller arrived at 6:53 p.m. Council Absent: Council member Rainey Rogers.

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Director of Parks and Recreation Rhoda Savage; Fire Chief Danny Kistner; Director of Strategic Services Chandler Merritt; Airport - Ken Wiegand and Eric Pratt; Planning - Jennifer Arnold, Aaron Bloxham, Terri Ramey, and Danielle Quintanilla; CIP and Transportation Engineering Manager Gary Graham; Facilities Construction Manager Patricia Jackson; IT Desktop Support Technician Robert Lisenby; Parks Planning and Development Manager Jenny Baker; Chief Information Officer Sid Hudson; Civil Engineer II Robyn Root; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; Battalion Chief George Cook; Housing and Community Services Manager Janay Tieken; Assistant Director of Engineering Michael Hebert; Police Sergeant Sherwood Holmes; Fire Department - Larry Etcheverry, Pieter Wasserman, Chad Snider, Dustin Musick, Craig Eskridge, Tony Jones, Jared Turner, Liz Agan, Dan Frey, Brent Jones, Larry Crane, Randall Gurney, Bill South, Shelby Bain, Luke Dixon, Joshua Detzel, Alex Stead, Brian Burkhart, Braxton Hines, John McDanial, Chris Mayzner, Marty Lisenby, Whit Price, Karen Adkins, Desiree Groves, Andrew Barr, and Gary Carpenter, Human Resources Director Ike Obi; Human Resources - Laura Morrow, Tami Levins, Kathryn Grubbs, and April Morman; Public Works - Angie Cox and Samantha Frison; Engineering Office Supervisor Barbara LaMunion; and Records and Information Analyst Sonya Paul.

There were approximately 35 guests present.

Mayor Pro Tem Pogue called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Fire Captain Pieter Wasserman. Mayor Pro Tem Pogue led the Pledge of Allegiance.

16-979 Breast Cancer Awareness Month Proclamation. Mayor Pro Tem Pogue presented the Breast Cancer Awareness Month Proclamation to Patricia Jackson, Robyn Root, Angie Cox, Samantha Frison, and Tamara Cook. Patricia Jackson requested support for spreading Breast Cancer Awareness and assist in promoting early detection. Ms. Jackson stated that we stand to provide support to anyone touched by the disease.

16-980 Presentation of "Certificate of Achievement for Planning Excellence". Executive Director of Development Services Michael Quint presented the Certificate of Achievement for Planning Excellence.

16-981 Proclamation of National Community Planning Month. Mayor Pro Tem Pogue presented the Proclamation for National Community Planning Month to Director of Planning Brian Lockley.

16-982 Fire Prevention Week Proclamation. Mayor Pro Tem Pogue presented the Fire Prevention Week Proclamation to Deputy Fire Marshal Andrew Barr.

16-983 Recognition and Proclamation for Battalion Chief George Cook. Mayor Pro Tem Pogue presented the Proclamation to Battalion Chief George Cook. Fire Chief Danny Kistner presented the McKinney Fire Department Medal of Valor for his heroic actions on July 13, 2016. City of Princeton Fire Chief Tom Harvey and Police Chief James Waters presented Battalion Chief George Cook with the City of Princeton Medal of Valor and Lifesaving Award.

Mayor Pro Tem Pogue called for Citizen Comments.

The following individuals spoke against item 16-990 regarding Development Agreements Associated with the City of McKinney's Pending 2016 Municipal Annexation Plan Amendment:

Mr. Andy Monday, 1704 Harvest Glen Drive, Allen

Mr. Jerry D. Shaw, 2913 Stickhorse Lane, McKinney

Mr. Peter Bailey, 4700 S. Ridge Road, McKinney, spoke about public transportation.

Mr. Barney Flores, 1510 Sandy Ridge Drive, McKinney, spoke about an event that will be held at Barney and Me on October 29th benefiting Breast Cancer. Mr. Flores reminded everyone that the Silver Gloves will be held December 8, 9, and 10, 2016.

Ms. Dana Riley, 400 W. Virginia St., McKinney, thanked the City Council for all the support of Volunteer McKinney. Ms. Riley announced that Make a Difference day is October 22nd where there will be 650 volunteers completing 25 projects across McKinney. There are local restaurants that are offering 50% off of food and a Concert will be held from 4-6 p.m. at Bonnie Wenk Park.

Mr. Benjamin Mooney, 9605 Mystic Dunes Drive, McKinney, spoke about Healthcare in McKinney.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Branch, to approve the following consent items:

16-984 Minutes of the City Council Work Session of September 19, 2016

16-985 Minutes of the City Council Regular Meeting of September 20, 2016

16-912 Minutes of the Library Advisory Board Meeting of August 18, 2016

16-950 Minutes of the McKinney Community Development Corporation Promotional and Community Event Grant Subcommittee Meeting of August 10, 2016

16-949 Minutes of the McKinney Community Development Corporation Meeting of August 25, 2016

16-942 Minutes of the McKinney Economic Development Corporation Meeting of August 16, 2016

16-965 Minutes of the Planning and Zoning Commission Work Session of September 13, 2016

16-966 Minutes of the Planning and Zoning Commission Regular Meeting of September 13, 2016

16-986 Consider/Discuss/Act on an Ordinance Amending Section 26-50(c) of the

Code of Ordinances Relating to the Term Length for Members of the Animal Service Facility Advisory Committee. Caption reads as follows:

ORDINANCE NO. 2016-10-076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING SUBPARAGRAPH (c) OF SECTION 26-50, "CREATION," TO ALIGN THE TERM LENGTH OF ANIMAL SERVICE FACILITY ADVISORY COMMITTEE MEMBERS TO CONFORM TO THE CITY OF MCKINNEY POLICY ON BOARD AND COMMISSION MEMBER APPOINTMENT AND ELIGIBILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

16-997 Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2016-2017 Annual Budget to Provide Funds for Architectural, Engineering and Program Management Services for the Upgrading of the A/V System for City Council Chambers. Caption reads as follows:

ORDINANCE NO. 2016-10-077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2016-2017 ANNUAL BUDGET FOR THE PURPOSE OF PROVIDING SERVICES FOR ENGINEER AND PROGRAM MANAGEMENT WORK FOR THE UPGRADING OF THE A/V SYSTEMS FOR THE CITY COUNCIL CHAMBERS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

16-988 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept a $50,000 Grant from the Texas Department of Transportation (TxDOT) for Maintenance at the McKinney National Airport. Caption reads as follows:

RESOLUTION NO. 2016-10-145 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE AWARD OF A $50,000 GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION

16-989 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute Contract Amendments to the Professional Services Contract with Architects Phelps/Wood of Frisco, Texas, for Architectural and Engineering (A/E) Services Related to the Design and Construction of the

Community Center Patio Project. Caption reads as follows:

RESOLUTION NO. 2016-10-146 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH ARCHITECTS PHELPS/WOOD OF FRISCO, TEXAS, FOR ARCHITECTURAL AND ENGINEERING (A/E) SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE COMMUNITY CENTER PATIO PROJECT

16-990 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute Development Agreements Associated with the City of McKinney's Pending 2016 Municipal Annexation Plan Amendment. Caption reads as follows:

RESOLUTION NO. 2016-10-147 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS ASSOCIATED WITH THE CITY OF McKINNEY'S PENDING 2016 MUNICIPAL ANNEXATION PLAN AMENDMENT

16-991 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with RVI Planning and Landscape Architecture, Inc. of Dallas, Texas for Landscape Architectural and Engineering Services Related to the Design of an 11.3 Acre Neighborhood Park Located Adjacent to Scott Elementary in the Westridge Subdivision. Caption reads as follows:

RESOLUTION NO. 2016-10-148 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH RVI PLANNING AND LANDSCAPE ARCHITECTURE, INC. OF DALLAS, TEXAS FOR LANDSCAPE ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN OF A NEIGHBORHOOD PARK LOCATED ADJACENT TO SCOTT ELEMENTARY IN THE WESTRIDGE SUBDIVISION

16-992 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract Amendment in the Amount of $286,880 with Tyler Technologies, Inc., for Acquisition of an Enterprise Class Land Management Software System (ECLMSS) and Authorizes all Necessary

Change Orders Under said Contract to an Aggregated Contract Amount not to Exceed $1,663,880. Caption reads as follows:

RESOLUTION NO. 2016-10-149 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO A CONTRACT IN THE AMOUNT OF $286,880 WITH TYLER TECHNOLOGIES, INC., FOR ACQUISITION OF AN ENTERPRISE CLASS LAND MANAGEMENT SOFTWARE SYSTEM AND AUTHORIZE ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT TO AN AGGREGATED CONTRACT AMOUNT NOT TO EXCEED $1,663,880

16-993 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract Amendment for Project Manager Services Related to the Procurement, Integration and Implementation of the Enterprise Land Management Software System (ELMSS) in the Amount of $150,000 with an Aggregated Contract Not to Exceed $380,000. Caption reads as follows:

RESOLUTION NO. 2016-10-150 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR PROJECT MANAGER SERVICES RELATED TO THE PROCUREMENT, INTEGRATION AND IMPLEMENTATION OF THE ENTERPRISE LAND MANAGEMENT SOFTWARE SYSTEM IN THE AMOUNT OF $150,000 WITH AN AGGREGATED CONTRACT AMOUNT NOT TO EXCEED $380,000

END OF CONSENT

16-233Z3 Mayor Pro Tem Pogue called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C1" - Neighborhood Commercial District to "C2" - Local Commercial District, Located Approximately 425 Feet East of Jordan Road and on the South Side of Virginia Parkway, and Accompanying Ordinance. Director of Planning Brian Lockley stated that the applicant is requesting to rezone the subject property from C1 to C2 zoning to allow for an automotive repair facility. Staff recommends denial of the proposed

rezoning request due to a lack of conformance with the goals and objectives of the City's Comprehensive Plan of "Land Use Compatibility and Mix." Applicant, Mr. Don Paschal, 904 Parkwood Court, McKinney, stated that the current market does not support a sufficient demand for restaurants or retail on this property. The property has changed from the original PD to the C1 zoning back in December 2014 when staff wanted to reduce the number of PDs. We find that we need to rezone for a broader use options to fill out the property. The C-2 zoning seemd to be the only rational use we could propose and agree that there is a requirement for an SUP at this location. This project will have low traffic and we think that it will have a positive effect for the surrounding area. Virginia Parkway is about to become the only major six lane divided thoroughfare in the area and the subject property is also book ended by collector roads. These major collectors are filtering properties and traffic from residential areas from multi-family and single-family onto Virginia Parkway. There will be no outside storage and all cars will be picked up at the end of the day or secured for overnight storage inside the building. City ordinances require there be either a masonry wall or a wrought iron fence with a 6 foot tall screening. They have gone beyond the minimum in terms of shrubbery to make the project look great. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Day to close the public hearing. Council unanimously approved the motion by Council member Ussery, seconded by Councilwoman Rath, to approve an Ordinance rezoning the subject property from "C1" - Neighborhood Commercial District to "C2" - Local Commercial District, located approximately 425 feet east of Jordan Road and on the south side of Virginia Parkway, the subject property shall develop in accordance with Section 146-112 ("C2" - Local Commercial District) of the zoning ordinance, and as amended. Caption reads as follows:

ORDINANCE NO. 2016-10-078

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 0.65 ACRE PROPERTY, LOCATED APPROXIMATELY 425 FEET EAST OF JORDAN ROAD AND ON THE SOUTH SIDE OF VIRGINIA PARKWAY, IS REZONED FROM "C1" – NEIGHBORHOOD COMMERICAL DISTRICT TO "C2" – LOCAL 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

16-234SU3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for an Automotive Service and Repair Facility (Honest Auto Service), Located Approximately 425 Feet East of Jordan Road and on the South Side of Virginia Parkway, and Accompanying Ordinance. Director of Planning Brian Lockley stated this item is a companion case to the previous rezoning agenda item. This item is for a Specific Use Permit that will allow the applicant to construct an approximate 5,200 square foot automotive repair shop located on Virginia Parkway and east of Jordan Road. A specific use permit is generally a use that may be permitted under specific conditions to mitigate the impact of the proposed use. When evaluating a SUP, staff does consider compatibility with adjacent land uses, adaptability of the building structure to the proposed use, infrastructure requirements, and other elements such as screening and compatibility with existing buildings. The proposed automotive repair shop, the circulation, and parking are in general conformance. As the applicant stated, they will be utilizing the living plant screening to screen the view from adjacent properties. As part of the specific use permit request, the applicant has submitted a site layout exhibit, which details the location of overhead doors along the east and west sides of the building, screening devices, and overnight parking spaces located on the east side of the building. The applicant has included architectural elevations of the proposed automotive repair shop for informational purposes only. Staff has

evaluated the request and feels that the site is not appropriate for the proposed automotive repair shop, as it will not remain compatible with the surrounding land uses. Staff has additional concerns that the approval of this use could encourage similar service or non-retail uses in the vicinity which would discourage a consistent development pattern optimal to support existing and future office uses. The Planning and Zoning Commission recommended approval. Applicant, Mr. Don Paschal, 904 Parkwood Court, McKinney, stated that with the other projects particularly that backed up to the residential, we are committed to pitched roofs so they would blend with the residential areas. That criteria was included in the PD ordinance. When that went away, the city's landscape ordinance applies. We have made several changes to create the design integrity required. We have not submitted this for the final design review. That will come post approval process. Mr. Paschal stated that the SUP Plan meets all requirements, the Landscape Plan meets and exceeds requirements that include screening standards, architectural plans will meet all requirements, the project fits a need for the area, and the elevations blend with adjacent projects. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Pogue, to close the public hearing. Council unanimously approved the motion by Council member Ussery, seconded by Council member Day to approve an Ordinance granting a Specific Use Permit Request for an Automotive Service and Repair Facility (Honest Auto Service), located approximately 425 feet east of Jordan Road and on the south side of Virginia Parkway, with the following special ordinance provisions: an auto body repair shop shall be permitted on the subject property and the property shall generally develop in conformance with the site layout exhibit. Caption reads as follows:

ORDINANCE NO. 2016-10-079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF McKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR AN AUTOMOTIVE SERVICE AND REPAIR FACILITY, APPROXIMATELY 0.65 ACRES, LOCATED APPROXIMATELY 425 FEET EAST OF JORDAN ROAD AND ON THE SOUTH SIDE OF VIRGINIA PARKWAY; 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

16-196SU2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Street Subdivision (Emerald Heights), Located Approximately 140 Feet South of Gray Branch Road and on the East Side of Ridge Road, and Accompanying Ordinance. Director of Planning Brian Lockley stated that this is a request for a Specific Use Permit for a private street subdivision. The property is south of Gray Branch Road on the east side of Ridge Road. The area is primarily developing as a residential property with 43 residential lots and 4 common areas proposed. The applicant has proposed one main entrance into the development with a controlled access gate and a second entrance that will serve as an emergency access only entrance. There are guidelines for Staff to follow when evaluating private street subdivisions. The mandatory requirements include: the area shall be located within the City limits of the City of McKinney, the development shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or access to any adjoining tract, and the area shall not disrupt an existing or proposed City of McKinney public pedestrian pathway, hike and bike trail, or park. The remaining four criteria are guidelines that should be addressed when considering such a development; however, it is not mandatory that all of these criteria be addressed. However, the degree to which each is satisfied should be reviewed by Staff, the Planning and Zoning Commission, and the City Council as part of the determination of the merits of the proposed private street development: if the area is intended

for residential use, it should be zoned solely as a residential zoning district, except in the case of a PD zoning district, in which case the area should be designated solely for residential use, the subject property is zoned solely for single family detached residential uses. The subject property shall conform to the district regulations of the “RS-84” – Single Family Residence District, and “RS-120” – Residence District, and as amended by the governing zoning (“PD” – Planned Development District Ordinance No. 2011-06-039) on the subject property, the area should be bounded on all sides by natural barriers, manmade barriers such as a greenbelt, hike and bike trail, golf course or park, screening walls, or collector thoroughfares, the subject property will be enclosed by a 6-foot high ornamental fence on the southern, eastern, and northern property lines, and a 6’ masonry wall with a controlled access gate is proposed on the western property line. Additionally, the subject property is surrounded by Gray Branch Tributaries on the northern, eastern and southern property lines except for the western property line, where the property is abutting Ridge Road. The subject property will also be bounded by City’s hike and bike trail proposed along Ridge Road, except where substantial existing natural or man-made barriers would render the requirement unreasonable, each private street development shall be required to have a minimum of one point of access to a public street having a right-of-way of at least 60 feet, unless specifically approved otherwise, and the proposed private street subdivision should not result in an overconcentration of such developments, to the extent of dominating the neighborhood development pattern. They have met the requirements for acquiring an SUP for this development. The Planning and Zoning Commission did recommend approval of the SUP subject to the property developing generally in accordance with the concept plan. Applicant, Traci Shannon Kilmer with Dowdey, Anderson & Associates, 5225 Village Creek Drive, Suite 200, Plano, stated that the property is a unique

peninsula surrounded on three sides by the creeks and heavily wooded areas lending itself to a unique gated community. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Branch, seconded by Council member Ussery, to close the public hearing and approve an Ordinance granting a Specific Use Permit for a Private Street Subdivision (Emerald Heights), located approximately 140 feet south of Gray Branch Road and on the east side of Ridge Road, with the following ordinance provisions: the subject property shall generally develop in accordance with the Concept Plan Exhibit and Entrance Exhibit. Caption reads as follows:

ORDINANCE NO. 2016-10-080

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 PRIVATE STREET SUBDIVISION (EMERALD HEIGHTS), APPROXIMATELY 26.63 ACRES, LOCATED APPROXIMATELY 140 FEET SOUTH OF GRAY BRANCH ROAD AND ON THE EAST SIDE OF RIDGE ROAD; 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

16-165SU3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Self-Storage Facility (Simply Storage), Located Approximately 350 Feet North of McKinney Ranch Parkway and on the East Side of Hardin Boulevard, and Accompanying Ordinance. Director of Planning Brian Lockley stated that the applicant is requesting a Specific Use Permit to allow for a self-storage facility. The use will cover approximately 150,000 square feet on a 5 acre site located 350 feet north of McKinney Ranch Parkway and on the east side of Harden. The remaining portion of this property is undeveloped. The zoning of the property requires a specific use permit to construct and operate a self-storage facility. Mr. Lockley stated that when acting on a request for a specific use permit, the following factors should be

considered: compatibility with adjacent and neighboring land uses, adaptability of building structures to the proposed use, infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage, and elements such as screening, open space, building heights, and compatibility of existing buildings to the proposed use. Under certain conditions, the proposed use could be seen as a compatible use with the adjacent residential uses, however, Staff feels that the proposed use at this location may impede the overall development from attracting meaningful commercial development. Furthermore, the proposed mini-warehouse buildings are typically constructed in a manner that cannot easily be adapted to another type of use. In addition, the facility must satisfy several development standards established within the zoning ordinance. These include no overhead bay doors or loading areas shall be visible from an adjacent use or public right-of-way, each building shall be covered with 100% masonry materials, proposed mini warehouse buildings located directly adjacent shall be limited to a single story, and proposed mini warehouse buildings located directly adjacent shall feature pitched roofs to keep it in compliance with the surrounding area. Criteria used in evaluating compatibility with adjacent and neighboring land uses, adaptability of building structures, infrastructure requirements: access to public streets, parking and drainage, as well as screening, open space, building heights and compatibility with existing buildings to the proposed uses. The applicant has proposed to increase the landscape buffer along the northern property line abutting the residential uses. The applicant has proposed planting the required canopy trees at a rate of 1 to 40 and has proposed planting additional evergreen shrubs every linear 30 feet. Staff did review some of these storage facilities in a half-mile, one-mile, three-mile and five-mile distance from the subject property. Staff recommended denial, however, the Planning and Zoning Commission approved the Specific Use Permit. In staff's evaluation, we looked at the

layout and the use of this storage facility and this does act as a buffer. The concern was on the remaining property and ability to develop in a manner that is also consistent with what the City envisions in terms of other commercial and retail uses along that right-of-way. Applicant, Mr. Dallas Cothrum, 900 Jackson Street, Suite 640, Dallas, stated this site is too big and too deep to be a key retail site. This request is for a retail redirection and to provide a mix of uses that can be successful while honoring neighborhood self-determination. Mr. Charlie McFee, Vice-President of Development for Simply Storage, stated that they are a private, nationally operated company owned by Brookfield Properties. This development is new construction and not an acquisition. Mr. Cothrum stated that most of the surrounding neighbors were in favor of the proposed development. The development has included, as part of the plan, to have retail on the property located near the street. He stated that the proposed storage development would be located in the back of the property. The neighborhood adjacent to this property has shown support because we are dark, quiet, and not open at night. Mayor Loughmiller called for public comments.

Ms. Sarah Boatman, 5512 Dark Forest Drive, McKinney, spoke in opposition of the item.

Mr. John Haggarty, 2809 Vail Drive, McKinney, spoke in support of the item.

Ms. Gayle Baugh, 2617 Vail Drive, McKinney, did not wish to speak but wanted her support entered into the record.

Mr. Joshua Baran, JAB Engineering, Civil Engineer for the project, 4500 Williams Drive, Suite 212-121, Georgetown, Texas, stated he was available for any engineering questions. He also thanked Mr. Haggerty and the residents for their support as they worked for a number of months to come up with a plan that was favorable to the residents. Council unanimously approved the motion by Council member Ussery,

seconded by Mayor Pro Tem Pogue, to close the public hearing. Mr. Cothrum answered questions from Mayor Pro Tem Pogue regarding the depth of available pad sites for restaurant uses by stating there is still plenty of pad depth for restaurant uses next to this storage facility. The base zoning allows restaurants by right. This is a single owner site and they are working on trying to subdivide it to make it desirable. Council approved the motion by Councilwoman Rath, seconded by Council member Ussery, to approve an Ordinance approving the Planning and Zoning Commission's recommendation for a Specific Use Permit Request for a Self-Storage Facility (Simply Storage), located approximately 350 feet north of McKinney Ranch Parkway and on the east side of Hardin Boulevard, with the following special ordinance provisions: a mini-warehouse facility shall be permitted on the subject property; and the property shall generally develop in conformance with the attached site layout exhibit, with a vote of 5-1-0, Council member Branch voting against. Caption reads as follows:

ORDINANCE NO. 2016-10-081

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 MINI-WAREHOUSE USE (SELF-STORAGE FACILITY), APPROXIMATELY 5.16 ACRES, LOCATED APPROXIMATELY 350 FEET NORTH OF MCKINNEY RANCH PARKWAY AND ON THE EAST SIDE OF HARDIN BOULEVARD; 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

16-250Z2 Mayor Loughmiller 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 "SO" - Suburban Office District, Located Approximately 1,085 Feet East of Custer Road and on the South Side of Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Brian

Lockley stated that this is a request to rezone approximately 9.8 acres located approximately 1,000 feet east of Custer Road and on the south side of Collin McKinney Parkway. The rezoning is being requested to allow for office uses to be developed on the property. The current zoning requires that the site develop to retail standards noted in the PD zoning ordinance. It also includes a special provision that requires a minimum of two stories and maximum of three stories in height. The applicant's intention includes office uses but also wants to consider some single-story buildings. The current zoning does not allow a single-story structure. This rezoning will eliminate the provision and develop the site according to the suburban office regulations. The Planning and Zoning Commission recommended approval by a vote of 7-0. Under the current zoning, the allowable uses are commercial and retail and does not allow office uses. Some of the uses allowed under suburban office include garage or parking lots, other parking incidental to the main use, theaters indoors, water storage facilities, park or playground, banks and financial institutions, medical office, dental, and other office uses, and radio/TV broadcast facilities. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that the reason for the rezoning request is to get away from the two-story minimum requirement and three-story maximum. The applicant would like to allow a one-story facility. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Day, to close the public hearing. Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "SO" - Suburban Office District, located approximately 1,085 feet east of Custer Road and on the south side of Collin McKinney Parkway. Caption reads as follows:

ORDINANCE NO. 2016-10-082

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 9.87 ACRE PROPERTY, LOCATED APPROXIMATELY 1,085 FEET EAST OF CUSTER ROAD AND ON THE SOUTH SIDE OF COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "SO" – SUBURBAN OFFICE 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

16-994 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving the Recommendations of the Arts Commission for FY17 Grants and Annual Funding of the Arts in the City of McKinney. Housing and Community Development Manager Janay Tieken presented the August 18, 2016 recommendations from the Arts Commission for the FY17 grants and annual funding. Ms. Tieken stated that seventeen grant applications were received totaling $207,356.55 in grant requests. Ms. Tieken stated that she wanted to correct from a statement she made at the October 3rd Work Session relating to the amount of money remaining in the public art fund. The current balance is $13,053. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve a Resolution approving the recommendations of the Arts Commission for FY17 Grants and Annual Funding of the Arts in the City of McKinney. Caption reads as follows:

RESOLUTION NO. 2016-10-151 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE FUNDING FOR THE SUPPORT OF THE ARTS IN MCKINNEY IN AN AMOUNT NOT TO EXCEED $200,000.00; AND PROVIDING FOR AN EFFECTIVE DATE

16-995 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending the Fiscal Year 2017 - 2021 Capital Improvements Program to Transfer Funds to Cole Street Reconstruction (CO9151). CIP and Transportation Manager Gary Graham stated that this item is for a

budget amendment that will transfer $660,000 from an existing wastewater infrastructure improvement project, the US 75 & Sam Rayburn Tollway Lift Station Project (WW1623) to the Cole Street Reconstruction Project. Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to approve a Resolution amending the Fiscal Year 2017 - 2021 Capital Improvements Program to transfer funds to Cole Street Reconstruction (CO9151). Caption reads as follows:

RESOLUTION NO. 2016-10-152 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING THE FISCAL YEAR 2017 - 2021 CAPITAL IMPROVEMENT PROGRAM TO TRANSFER FUNDS TO COLE STREET RECONSTRUCTION (CO9151)

16-996 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Camino Construction for the Reconstruction of Cole Street from Bass Street to College Street. CIP and Traffic Manager Gary Graham stated that this item is to award a contract with Camino Construction for the reconstruction of Cole Street from Bass Street to College Street. On June 21, 2016 staff recommended and Council approved rejection of all bids received at a previous bid opening for this project due to one bidder not meeting qualification requirements and the other submitting a bid nearly 80% higher than the engineer's opinion of probable construction cost. Camino Construction submitted the low bid and their references and qualifications were verified in accordance with the bid specifications. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve a Resolution authorizing the City Manager to execute a contract and all necessary change orders with Camino Construction for the reconstruction of Cole Street from Bass Street to College Street. Caption reads as follows:

RESOLUTION NO. 2016-10-153 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF $2,310,863.00 WITH CAMINO CONSTRUCTION FOR THE RECONSTRUCTION OF COLE STREET FROM BASS STREET TO COLLEGE STREET AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED $2,653,000

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Councilwoman Rath did not have any comments.

Council member Ussery thanked staff for what they do every day. A good example of the great staff we have was the recognition of Battalion Chief George Cook. Mr. Ussery thanked the Airport staff for moving that project forward in a positive way.

Council member Branch echoed Mr. Ussery's comments regarding Battalion Chief George Cook. Mr. Branch stated that last week we had some visitors out at the McKinney National Airport where Ms. Boatman and a few other ladies came out and received a tour from Airport Staff and expressing the value of the airport as well as the opportunities we have out there. Mr. Branch stated that the City is looking forward to the airport growing and prospering.

Council member Day did not have any comments.

Mayor Pro Tem Pogue reminded everyone that October is Breast Cancer Awareness month and a reminder that they are not alone in their fight. Mr. Pogue expressed accolades to Battalion Chief Cook who is a true hero in the actions that he took. Mr. Pogue thanked the Planning Department staff for the work that they do trying to enforce the Ordinances that have been adopted by Council.

Mayor Loughmiller congratulated Battalion Chief George Cook for the well-deserved recognition. The fact that he was willing to put someone else's life ahead of his was very admirable and a testament to what we have here in McKinney with our Public Safety personnel. Mr. Loughmiller stated that it is very important to recognize Breast Cancer Awareness and it is also Domestic Abuse Awareness Month. He stated that with his family law practice he sees family abuse every day at the Courthouse. There are many who are subject to abusive situations. This does not affect just one demographic or socio economic standing. There are several organizations in McKinney

that provide a great service to people who are victims of abuse. Mr. Loughmiller stated that last week they had a delegation in McKinney from Hungary. He stated that he and City Manager Grimes had an opportunity to meet with them. They were here with a group from First Baptist Church. They enjoyed their visit in McKinney.

City Manager Grimes announced that last week's Oktoberfest was a success. We had a record number of attendees Friday and Saturday. Unfortunately, Sunday had a lot of rain and we had to cancel the remainder of the event. Mayor Pro Tem Pogue was able to tap the keg with the allotted three strikes. Mr. Grimes recognized Main Street Director Amy Rosenthal along with a number of volunteers who worked tirelessly on the event. McKinney is participating in the National Drug Take Back event on October 22nd where you can bring any unwanted, unused, or expired prescription drugs and anonymously dispose of them in a safe way. Mr. Grimes stated that he will be leaving tomorrow morning to attend the Texas Municipal League Conference in Austin where the City will be receiving an award in the Management Innovations Category for the City's 2015 OpenGov Transparencies initiative.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Branch, to adjourn. Mayor Loughmiller adjourned the meeting at 8:23 p.m.

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BRIAN LOUGHMILLER
Mayor

_____
RANDY P. POGUE
Mayor Pro Tem

ATTEST:

_____
SANDY HART, TRMC, MMC
City Secretary