

CITY COUNCIL MEETING OF 9/2/14 AGENDA ITEM #14-214M

AGENDA ITEM

TO: City Council

FROM: Michael Quint, Director of Planning

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on a Request By the City of McKinney to Amend Sections 142-74 (Preliminary-Final Plat), 142-75 (Preliminary-Final Replat), 142-76 (Record Plat), 142-77 (Minor Plat), 142-78 (Minor Replat), 142-79 (Amending Plat), 142-81 (Conveyance Plat), and 142-99 (Lots) of the Subdivision Regulations, and to Create Sections 142-42 (Dormancy and Approval Expirations) and 142-82 (Administratively Complete) of the Subdivision Regulations, and Accompanying Ordinance.

APPROVAL PROCESS: The City Council is the final approval authority for amendments to the Code of Ordinances.

STAFF RECOMMENDATION: Staff recommends the City Council approve the proposed amendments to Chapter 142 (Subdivision Regulations) of the Code of Ordinances.

ITEM SUMMARY: Staff has compiled a small list of proposed amendments to the Subdivision Ordinance that are generally meant to address development issues. These amendments were originally considered and approved by the City Council in late 2012 but were later repealed due to unrelated property rights concerns. No changes have been made to these amendments since 2012 with one exception which pertains to the effective date of the proposed plat approval expiration timelines. Section 142-42(e)(3) was added to address concerns expressed by Mayor Loughmiller on July 28, 2014.

These proposed amendments address specific development issues that were discussed with the City Council as part of the July 28, 2014 work session to which the City Council expressed general support for. These development issues include:

1. The ability to circumvent the Subdivision Ordinance's requirement to construct public improvements.
2. The need for plat approvals to expire after a specific amount of time.
3. The need for a completeness check for all plats.

A copy of the agenda item from which these items were discussed on July 28, 2014 is attached for reference purposes.

PROPOSED AMENDMENTS: The proposed ordinance amendments are discussed in more detail below:

- **Proposed 142-42 (Dormancy and Approval Expirations):** This section is being created to establish approval expiration timelines for the various platting and general development plan processes. Currently, only preliminary-final plats and preliminary-final replats have expiration dates. Expiration dates for general development plans and plats are important because engineering design standards change over time with modern advances in engineering trends and life safety standards. If a plat were approved under one standard and the development failed to be constructed until some later time when standards were different, the safety of the previous plat's design and its development could come in to question. The Texas State Legislature recognized this importance and, in 1999, granted regulatory agencies the ability to enact expiration dates on a permit and project. Staff is proposing to adopt a 5 year approval expiration timeline for plats.
- **Proposed 142-74 through 142-79 Changes (Preliminary-Final Plat, Preliminary-Final Replat, Record Plat, Minor Plat, Minor Replat, Amending Plat):** These sections are being modified to clarify approval procedures for existing plat types, to modify existing standard notations that are provided on plats by the subdivider to confirm that the plat conforms to requirements of the governing zoning district and Subdivision Ordinance (as applicable), and to require information that would otherwise be shown and approved on an access management plan. The access management plan process was eliminated in 2012 but the corresponding amendments to this section were adopted then repealed due to unrelated property rights concerns.
- **Proposed 142-82 (Administratively Complete):** This section is being created in order to clarify when the state mandated 30 day review period for plats begins. §212.009(a) of the Local Government Code states: "The municipal authority responsible for approving plats shall act on a plat within 30 days after the date the plat is filed..." Currently, this 30 day review period starts when a plat application is submitted, even though the submittal package may not be complete (may be missing plans, application, letter of intent, or other necessary information). This proposed section grants the Directors of Planning and Engineering to determine when a plat application submittal is complete thereby initiating the required 30 day review period.
- **Proposed 142-99 Changes (Lots):** This section is subject to a large number of proposed modifications including, but not limited to clarifying when natural areas on a plat must be filed for record, what types of lots must have frontage on a public street (single family and duplex residential), and modifications to address the elimination of the access management plan process in 2012.

Currently, the ordinance does not contain any regulations mandating when land next to creeks or other natural areas must be filed for record. As such, several developers have preliminary-final platted their property in such a manner so as to create tracts of land only containing natural areas and frontage on those areas. By record platting all of the adjacent proposed lots and refraining from filing lots adjacent to natural areas, developers are able to circumvent creek improvements, hike and bike trails construction, and other requirements typically found adjacent to a natural area. The proposed amendments will mandate that these natural area lots be filed at or before 50% of the parent tract's developable area is filed for record.

OPPOSITION TO OR SUPPORT OF AMENDMENTS: Staff received several broad comments in support of the proposed amendments from members of the development community, members of the Planning and Zoning Commission, and members of the City Council back in 2012 but have not received any feedback recently. Staff has not received any specific comments in opposition to any of the proposed amendments.

Also, the Development Process Advocacy Group which is facilitated by the McKinney Economic Development Corporation considered, discussed, and generally indicated their support for these proposed amendments in 2012.

ATTACHMENTS:

- July 28, 2014 Work Session Agenda Item
- Proposed Ordinance for Adoption
- Proposed 142-42 (Dormancy and Approval Expirations)
- Proposed 142-73 through 142-79 Changes (General Development Plan, Preliminary-Final Plat, Preliminary-Final Replat, Record Plat, Minor Plat, Minor Replat, Amending Plat)
- Proposed 142-82 (Administratively Complete)
- Proposed 142-99 Changes (Lots)