

AGENDA ITEM

TO: City Council

THROUGH: Michael Quint, Director of Planning
Brandon Opiela, Planning Manager

FROM: Samantha Pickett, Planner II

SUBJECT: Consider/Discuss/Act on the Request by Hickman Consulting Engineers, Inc., on Behalf of 1331 Country Club Road, L.L.C., for Approval of a Preliminary-Final Plat for 11 Single Family Residential Lots and Two Common Areas (Three Oaks), Being Fewer than 17 Acres, Located Approximately 390 Feet East of Circle in the Woods and on the North Side of Country Club Road (F.M. 1378)

APPROVAL PROCESS: The City Council is the final approval authority for the proposed preliminary-final plat.

STAFF RECOMMENDATION: Staff recommends denial of the proposed preliminary-final plat (and associated variances) due to lack of conformance with the Subdivision Ordinance and Street Design Manual.

The following variances have been requested by the applicant:

1. Approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct sidewalks within and adjacent to the property.
2. Approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct sanitary sewer lines to the subject property.
3. Approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance allowing the use of individual septic systems.
4. Approval of a variance to Section 142-9(22) of the Subdivision Ordinance waiving the requirement that lots utilizing individual septic systems be at least 1.5 acres in size.
5. Approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance prohibiting lot to lot drainage.

6. Approval of a variance to the Street Design Manual and 2012 International Fire Code waiving the requirement that dead-end streets be limited to 600 feet in length.
7. Approval of a variance to the Street Design Manual waiving the requirement to provide a minimum 250-foot centerline radius.
8. Approval of a variance to Section 142-106 (Screening and buffering of certain residential lots adjacent to streets) of the Subdivision Ordinance waiving the requirement to provide a common area where residential lots back or side to a public right-of-way.
9. Approval of a variance to Section 142-106 (Screening and buffering of certain residential lots adjacent to streets) of the Subdivision Ordinance allowing the required screening wall to be five (5) feet in height.

However, if the proposed preliminary-final plat is approved with the variances requested by the applicant, the following conditions of approval should also apply:

1. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat/Replat Approval Checklist, attached.

Prior to filing the plat for record:

2. The applicant provide water service to the subject property of sufficient size to furnish fire protection to all lots, subject to the review and approval of the City Engineer.

APPLICATION SUBMITTAL DATE: December 16, 2013 (Original Application)
February 25, 2014 (Revised Submittal)
August 8, 2014 (Revised Submittal)
August 14, 2014 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to subdivide approximately 16.48 acres into 11 lots and 2 common areas for single family detached residential use within the City of McKinney's Extraterritorial Jurisdiction (ETJ). Because the subject property is located within McKinney's ETJ, the regulations of the Zoning Ordinance do not apply to the subject property but the regulations of the Subdivision Ordinance do apply.

Under State Law, before a property can be subdivided in the City of McKinney ETJ, it must be platted and filed for record with the Collin County Clerk, in accordance with the City of McKinney's subdivision regulations. Typically, preliminary-final plats are considered by the Planning and Zoning Commission. This preliminary-final plat has bypassed the Planning and Zoning Commission and is being considered by the City

Council instead because the applicant has requested several variances to requirements of the Subdivision Ordinance. Per the Subdivision Ordinance, only the City Council can grant a variance.

It should also be noted that the City of McKinney is currently working with the Town of Fairview on a boundary agreement that considers moving the subject property from the City of McKinney's jurisdiction to the Town of Fairview.

PLATTING STATUS: In order to subdivide the subject property as proposed by the applicant, several variances to the requirements of the Subdivision Ordinance and Street Design Manual are needed. These variances are indicated below:

1. Approval of a variance to Section 142-105 of the Subdivision Ordinance waiving the requirement to construct sidewalks within and adjacent to the subject property.
2. Approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct sanitary sewer lines to the subject property.
3. Approval of a variance to Section 142-105 of the Subdivision Ordinance allowing the use of individual septic systems.
4. Approval of a variance to Section 142-9(22) of the Subdivision Ordinance waiving the requirement that lots utilizing individual septic systems be at least 1.5 acres in size.
5. Approval of a variance to the Storm Water Management Ordinance prohibiting lot to lot drainage.
6. Approval of a variance to the Street Design Manual and 2012 International Fire Code waiving the requirement that dead-end streets be limited to 600 feet in length.
 - The applicant is working with the Fire Marshal's office in regards to this variance request, and has offered to provide residential sprinkler systems within all the homes in an effort to mitigate safety concerns.
7. Approval of a variance to the Street Design Manual waiving the requirement to provide a minimum 250-foot centerline radius.
8. Approval of a variance to Section 142-106 (Screening and buffering of certain residential lots adjacent to streets) of the Subdivision Ordinance waiving the requirement to provide a common area where residential lots back or side to a public right-of-way.

- The Subdivision Ordinance requires that a common area at least 20 feet in width be provided where residential lots back or side to a right-of-way with an ultimate width of 80 feet or greater. The applicant has requested that a screening device (discussed further below) be placed along the right-of-way line without an associated landscape buffer and plantings. The intent of screening and buffering requirements is to create an aesthetically pleasing corridor while insuring safety and security and reducing noise and glare. Without a buffer provided, in conjunction with any of the required plantings, Staff feels that the aesthetics of the subdivision will be negatively impacted and is concerned that approval of this variance may set a precedent for other subdivisions requesting a similar variance.
9. Approval of a variance to Section 142-106 (Screening and buffering of certain residential lots adjacent to streets) of the Subdivision Ordinance allowing the required screening wall to be five (5) feet in height.
- When providing a wrought iron fence with masonry columns to satisfy the screening and buffering requirements of the Subdivision Ordinance, a continuous height of 6 feet is required. The applicant is requesting to utilize a 5 foot tall iron fence with 6 foot tall stone columns instead of the required 6 foot height. Staff does not see any reason why the applicant is unable to provide the required fence height and is concerned that approval of this variance may set a precedent for other subdivisions requesting a similar variance.

The City Council has the authority to grant variances as outlined in the Subdivision Ordinance such as, when there are special circumstances or conditions affecting the property in question, enforcement would deprive the applicant of a substantial property right, or that the variance, if granted, will not be detrimental to the public welfare. Pecuniary interests standing alone shall not be justification for granting a variance.

SURROUNDING ZONING AND LAND USES:

Subject Property: Unzoned – “ETJ” – Extraterritorial Jurisdiction

North	Unzoned – “ETJ” – Extraterritorial Jurisdiction and “AG” – Agricultural District (Agricultural Uses)	Heard Natural Science Museum and Undeveloped Land
South	Town of Fairview	Single Family Residence and Undeveloped Land
East	Town of Fairview	Ascot Heath Subdivision

West Town of Fairview

The Woods of Ascot
Heath Subdivision

ACCESS/CIRCULATION:

Adjacent Streets: Country Club Road (F.M. 1378), 100' Right-of-Way, Arterial

Discussion: All proposed lots will have access to Country Club Road via an internal street.

TREE PRESERVATION ORDINANCE: Because the subject property is located within the City of McKinney ETJ, the applicant will not be responsible for complying with the Tree Preservation Ordinance.

PUBLIC IMPROVEMENTS:

Sidewalks: Required per the Subdivision Ordinance

Hike and Bike Trails: Not Required

Road Improvements: All road improvements necessary for this development, and as determined by the City Engineer

Utilities: All utilities necessary for this development, and as determined by the City Engineer

Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the associated plat, unless otherwise specified in an approved facilities agreement.

Currently, City water is located approximately 2,200 feet to the west along Country Club Road and would need to be extended to the subject property. As a condition of approval, the applicant will be required to provide water service to the subject property of sufficient size to furnish fire protection to all lots, subject to the review and approval of the City Engineer. The minimum requirements of the City of McKinney are intended to provide sufficient fire protection for the safe, efficient and orderly development of the City.

DRAINAGE: The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance, which may require on-site detention. Grading and drainage plans are subject to review and approval by the City Engineer, prior to issuance of a building permit.

FEES:

Roadway Impact Fees: Not Applicable

Utility Impact Fees: Applicable (Ordinance No. 2013-11-109 and Ordinance No. 2013-12-118) unless City Council grants the requested variances

Median Landscape Fees: Not Applicable

Park Land Dedication Fees: Not Applicable

Pro-Rata: Not Applicable

CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP): The proposed request does not conflict with the Master Thoroughfare Plan.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments in support of or opposition to this request.

ATTACHMENTS:

- Standard Conditions for Preliminary-Final Plat/Replat Approval Checklist
- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Preliminary-Final Plat
- PowerPoint Presentation