

AGENDA ITEM

TO: City Council

THROUGH: Jennifer Cox, AICP, Director of Planning

FROM: Brandon Opiela, Senior Planner

SUBJECT: Consider/Discuss/Act on the Request by Bruce Geer, Surveyor, on Behalf of S.L. and Kimberly Trees, for Approval of a Preliminary-Final Plat for the Almosta Ranch Addition, Approximately 10.00 Acres, Located Approximately 1,250 Feet South of County Road 408 and on the East Side of County Road 406.

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 due to a lack of conformance with the Subdivision Ordinance, International Fire Code, and Comprehensive Plan.

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 submit a record plat or plats conforming to the approved preliminary-final plat, subject to review and approval by Staff.

Prior to filing the plat for record:

2. The applicant revise the plat to remove all references to the six-lane master-planned major arterial roadway labeled as a "120' Proposed Future R.O.W." on the plat.

APPLICATION SUBMITTAL DATE: March 26, 2012 (Original Application)
April 10, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to subdivide approximately 10.00 acres of land, between the Town of New Hope and the City of Princeton into two lots 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 and International Fire Code. Per the Subdivision Ordinance, only the City Council can grant a variance.

The subject property currently has a single-family residence on the western half of the property. This structure currently utilizes a septic system and rural water to address utility needs, and storm water drainage and/or detention is not being addressed on the property. The applicant has requested to subdivide the property into two lots (both for single-family residential use) approximately 5 acres each, and has laid out the subdivision so that each lot has frontage on County Road 406. The applicant has indicated the desire to not construct typically required infrastructure such as water, sanitary sewer, and roads; however, 30' of right-of-way dedication along County Road 406 as well as easements for drainage on the property have been provided by the applicant.

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

1. The applicant receive approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to dedicate a portion of a six-lane master-planned major arterial road way (120' right-of-way), running north-south, approximately 1,500 feet east of County Road 406, across the southeastern corner of proposed Lot 2, Block A.
 - o The City of McKinney's Transportation Element identifies the need for a major north-south arterial roadway between the Town of New Hope and the City of Princeton. This is the only north-south arterial east of New Hope to serve the generalized area. This future roadway is currently shown just west of C.R. 406 on the Master Thoroughfare Plan (MTP).
 - o The Comprehensive Plan states, "The MTP provides generalized locations for thoroughfares. Alignments may shift as roads are engineered to accommodate flood plain areas and to meet sound engineering and urban planning principles."
 - o Additionally, the text of the plan states, "the roadway lines on the plan are not the precise (site specific) location of future roadways. The plan indicates a generalized location for roads that will require additional site analysis and design. The plan is a guide that will indicate the appropriate combination of roadway capacity and property access needed to provide a

balance between public mobility and neighborhood integrity in each sector of the City.”

- Often, there are specific conditions such as cemeteries, major topographical barriers, existing intersections, etc, that dictate the roadway must shift from the graphically depicted location to a location where construction is feasible. With regard to the corridor alignment for this roadway, the conditions include:
 1. Existing boundaries of the Town of New Hope (and associated existing development) limiting locations of the roadway further west.
 2. Significant topography (steep terrain with gullies and creeks) limiting locations of the roadway east of the Town of New Hope, but west of C.R. 406.
 3. Existing homes immediately adjacent to C.R. 406, on both sides but particularly prevalent on the west side of the roadway.
 4. Revised city-limit lines between the City of McKinney and the City of Princeton (and associated existing development) limiting locations of the roadway further east of the subject property.
 5. Approved projects that establish the location of the future roadway in the general area.
 - Staff conducted a detailed review of the possible roadway alignment locations for the future major arterial. That review indicated that the roadway corridor was only feasible within a narrow corridor east of C.R. 406 and west of the new city limits boundary of City of Princeton.
 - There are three development projects to the north of the subject property (Creekview Landing Addition, McKinney 141 Addition, and Grissom Addition) that have all been approved that are dedicating the right-of-way for the ultimate master-planned major arterial roadway shifted to the east.
 - In November of 2009, the Free Rein Addition (located approximately 300 feet south of the subject property) received a variance waiving the requirement to dedicate the right-of-way necessary for this future roadway.
2. Approval of a variance to Section 142-105 of the Subdivision Ordinance waiving the requirement to construct public streets including the associated street lighting and sidewalks adjacent to the subject property.
 3. Approval of a variance to Section 142-105 of the Subdivision Ordinance waiving the requirement to construct sanitary sewer and water lines to the subject property and extend them to the adjacent upstream property.
 - The Subdivision Ordinance requires sanitary sewer infrastructure to adequately service the subdivision and conform to the City of McKinney

sewer plan. The sanitary sewer line is also required to be extended across the subject property to the adjacent property upstream. The applicant has requested a variance be granted waiving these requirements, and has requested septic systems be used in place of the City sewer system. If properties are allowed to develop without the provision of adequate public infrastructure, it will shift the burden/cost of providing sanitary sewer lines across the site to the City and those seeking to develop upstream, decreasing the feasibility of extending sewer and water to future developments farther out.

4. Approval of a variance to Section 142-105 of the Subdivision Ordinance allowing the use of individual septic systems.
5. Approval of a variance to the Storm Water Management Ordinance waiving the requirement to collect drainage in an underground storm water system.
6. Approval of a variance to the 2006 Edition of the International Fire Code, including local amendments, waiving the requirement that fire hydrants and minimum fire flows be provided.
 - o The proposed lots are served by the Milligan Water Supply Corporation (MWSC). However the applicant is required to provide the required line sizes and fire hydrants throughout the subject property, in addition to the pressures and flows required by the Subdivision Ordinance. The applicant has requested a variance to the required fire hydrants, water pressures, and fire flows. The MWSC is not able to provide the fire flow and pressures required by the City of McKinney Fire Department. 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 and its ETJ. The City of McKinney Fire Marshal has stated that the 2006 Edition of the International Fire Code, the Code adopted by both the City of McKinney and Collin County, requires an approved water supply capable of supplying the required fire flow for fire protection. The Code outlines the fire flows based on the size of the structure and its type of construction and are based on the amount of water needed at 20 pounds per square inch to adequately fight a fire in the structure. A minimum fire flow of 1,500 gallons per minute is also required. The Fire Marshal has stated property owners can expect the maximum amount of damage and losses when sufficient water supplies are not provided.
7. Approval of a variance waiving the requirement to provide the note "All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the subdivision ordinance" on the plat.
 - o The applicant has indicated to Staff that they do not want to provide the standard note, referenced above, which states that the proposed plat

complies with the subdivision ordinance. Staff has reviewed the plat and finds the proposed plat to be in conformance with the regulations of the Subdivision Ordinance, with exception to the variances listed above, thus finding no reason to support this variance.

- The applicant has requested that a note be provided on the plat reads, “All proposed lots situated entirely outside the city’s corporate limits and within the city’s extraterritorial jurisdiction comply with the minimum size requirements of Section 142-99 of the subdivision ordinance.”
- Staff recommends that the standard note be provided, and this variance request be denied.

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.

Staff recommends denial of all of the requested variances to the requirements of the Subdivision Ordinance and International Fire Code as granting these requested variances will make this area of the ETJ (future City of McKinney) increasingly more difficult to develop in the future. More specifically, approving the requested variances will likely shift the cost of providing infrastructure to this area directly to the City of McKinney or potential future upstream developers. Staff’s position is that the requested variances will be detrimental to the public welfare.

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

1. The applicant submit a record plat or plats conforming to the approved preliminary-final plat, subject to review and approval by Staff.

Prior to filing the plat for record:

2. The applicant revise the plat to remove all references to the six-lane master-planned major arterial roadway labeled as a “120’ Proposed Future R.O.W.” on the plat.

ACCESS/CIRCULATION:

Adjacent Streets: County Road 406, 60’ of right-of-way, 2-Lane County Road

Future Unnamed, 120’ of right-of-way, 6-Lane Major Arterial Roadway (M6D)

The subject property currently has access to County Road 406 (C.R. 406) along the western side of the subject property. Should the proposed lot configuration be approved, both of the proposed lots will be provided direct access to C.R. 406. The applicant has dedicated by plat half (30 feet) of the required right-of-way along the subject property's C.R. 406 frontage in accordance with the City's Subdivision Ordinance. The applicant is also required by the Subdivision Ordinance to construct the eastern lane (or minimum 24 feet of pavement) of C.R. 406 as per the Subdivision Ordinance, but has requested a variance to waive the requirement of constructing the roadway.

As discussed above, the Master Thoroughfare Plan indicates a future north-south, 6-lane major arterial roadway, currently illustrated west of C.R. 406. Staff believes that the alignment of this roadway is better served in the narrow space east of C.R. 406 and west of the Princeton boundary as shown on the attached potential alignment exhibit. The applicant has requested a variance from dedicating the right-of-way for this future roadway as well as a variance from constructing a portion of this roadway.

SURROUNDING ZONING AND LAND USES:

Subject Property: Unzoned – “ETJ” – Extraterritorial Jurisdiction

North	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Family Residences
South	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Family Residence
East	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Family Residence
West	“AG” – Agricultural District	Single Family Residence and Undeveloped

Discussion: The Future Land Use Plan within the City of McKinney's Comprehensive Plan shows the subject property to be located within the Estate Mix designation, which intends for single family residential on large lots, ranging in size from 2 to 10 acres, with lots averaging 6 acres. By utilizing a range of lot sizes, coupled with an average lot size, the City is able to plan for future needs of the area while providing flexibility. The two proposed lots, both just under 5 acres, conform to the vision outlined by the Comprehensive Plan for this area of McKinney.

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

PUBLIC IMPROVEMENTS:

Sidewalks:	Required by 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 the requested variances are approved by the City Council.

DRAINAGE: The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Management Ordinance, which may require on-site detention, unless the requested variances are approved.

FEES:

Roadway Impact Fees:	Not Applicable (Ordinance No. 2008-10-173)
Utility Impact Fees:	Not Applicable (Ordinance No. 2008-10-174) as none of the existing structures utilize City of McKinney utilities
Median Landscape Fees:	Not Applicable
Park Land Dedication Fees:	Not Applicable
Pro-Rata:	Not Applicable

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

ATTACHMENTS:

- Maps
- Letter of Intent
- City of McKinney Master Thoroughfare Plan
- Aerial Exhibit of Potential Major Arterial Alignments
- Proposed Preliminary-Final Plat
- PowerPoint Presentation