

CITY COUNCIL MEETING OF 2/7/12 AGENDA ITEM #12-006PF

AGENDA ITEM

TO: City Council

THROUGH: Jennifer Cox, AICP, Director of Planning

FROM: Michael Quint, Senior Planner

SUBJECT: Consider/Discuss/Act on the Request by Boundary Solutions, on Behalf of Herb and Melba Parker, for Approval of a Preliminary-Final Plat for Lots 1-3, Block A of the Herb and Melba Parker Addition, Approximately 8.51 Acres, Located on the West Side of C.R. 410 and Approximately 700 Feet South of F.M. 2933.

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.

APPLICATION SUBMITTAL DATE: January 17, 2012 (Original Application)
January 23, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to subdivide approximately 8.51 acres of land into three 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.

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.

In 2007, the property owner constructed two duplex structures on their approximately 8.5 acre unplatted property. These duplex structures utilize septic systems and rural water to address utility needs and storm water drainage and/or detention is not being addressed on the property. Subsequent to constructing these duplex structures, the property owner has decided to subdivide the property into three lots; two 1 acre lots, each home to a single duplex structure, and a remainder 6.5 acre lot. The applicant has

indicated the desire to not construct or dedicate anything associated with the platting of this property. To do so, several variances to the requirements of the Subdivision Ordinance and International Fire Code are required.

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. Approval of a variance to Section 142-105 of the Subdivision Ordinance waiving the requirement to dedicate right-of-way for public rights-of-way.
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 dedicate easements for public utilities (water, sanitary sewer, and storm sewer) and drainage.
4. 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.
5. Approval of a variance to Section 142-105 of the Subdivision Ordinance allowing the use of individual septic systems.
6. 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.
7. Approval of a variance to the Storm Water Management Ordinance waiving the requirement to collect drainage in an underground storm water system.
8. Approval of a variance to the Storm Water Management Ordinance prohibiting lot to lot drainage.
9. 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.

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, two of the requested variances warrant additional, more specific discussion which is provided below:

The proposed lots are served by the North Collin Water Supply Corporation (NCWSC). 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 NCWSC 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.

The Subdivision Ordinance requires sanitary sewer facilities 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 across the site to the City and those seeking to develop upstream, decreasing the feasibility of extending sewer to future developments farther out.

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.

SURROUNDING ZONING AND LAND USES:

Subject Property: Unzoned – “ETJ” – Extraterritorial Jurisdiction

North	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Family Residences and Undeveloped Land
South	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Family Residences and Undeveloped Land
East	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Family Residence and Tallent Roofing Co.
West	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Undeveloped Land

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 the properties to range in parcel size between 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 1 acre lots being proposed by the applicant do not conform to the vision outlined by the Comprehensive Plan for this area of McKinney.

ACCESS/CIRCULATION:

Adjacent Streets: County Road 410, 2 Lane County Road

Discussion: Each proposed lot has access to a public street by frontage on such street as required by the Subdivision Ordinance.

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 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 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

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:

- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Preliminary-Final Plat