

CITY COUNCIL MEETING OF 2-19-13 AGENDA ITEM #13-003PFR

**AGENDA ITEM**

**TO:** City Council

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Gleinser, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Glas Land Surveying, on Behalf of James Harper for Approval of a Preliminary-Final Replat for Lots 12R and 18, of the Bloomdale Farms Addition, Being Fewer than 11 Acres, Located on the North Side of Bloomdale Road and Approximately 1,750 Feet East of County Road 163

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

---

**STAFF RECOMMENDATION:** Staff recommends denial of the proposed preliminary-final replat due to a lack of conformance with the Subdivision Ordinance, International Fire Code, and Comprehensive Plan.

***However, if the proposed preliminary-final replat 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 Replat Approval Checklist, attached.

Prior to filing the plat for record:

2. The applicant revise the plat to show a 15' wide sanitary sewer easement along the entire western boundary of proposed Lots 12R and 18. The exact location of said easement will be subject to the review and approval of the City Engineer.
3. The applicant revise the plat to show a 10' sanitary sewer easement, north of the existing 15' utility easement, along the entire southern boundary of proposed Lots 12R and 18. The exact location of said easement will be subject to the review and approval of the City Engineer.

**APPLICATION SUBMITTAL DATE:** January 14, 2013 (Original Application)  
January 28, 2013 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to subdivide approximately 10.84 acres of land, located on the north side of Bloomdale Road 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 replats are considered by the Planning and Zoning Commission. This preliminary-final replat 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 southwestern portion of the property (Proposed Lot 12R). This structure currently utilizes a septic system and substandard 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), with proposed Lot 12R being approximately 4.84 acres and proposed Lot 18 being approximately 6.00 acres. Each of the proposed lots have been laid out to have frontage along Bloomdale Road. The applicant has indicated the desire to not construct typically required infrastructure such as water, sanitary sewer, and roads, however the applicant has agreed to provide the easements for said infrastructure. As such, the applicant is requesting multiple variances from City Council.

**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 construct public streets including the associated street lighting and sidewalks adjacent to the property.
  - The City of McKinney's Master Thoroughfare Plan identifies Bloomdale Road as a future major arterial roadway. The City's Subdivision Ordinance requires that Bloomdale Road, where adjacent to the subject property (approximately 400 feet in length), be constructed by the applicant.
  - The development on the south side of Bloomdale Road (Heatherwood Residential Subdivision), located within the City's corporate limits, is responsible for the dedication of the full right-of-way for Bloomdale Road and construction of the eastbound lanes where adjacent to the Heatherwood subdivision.

- The requirement to construct adjacent master planned throughfares for a number of residential subdivisions within the ETJ (i.e. Parker Addition, Free Rein Addition, or Almosta Ranch Addition) have been previously waived by the City Council, as the construction was a significant distance from another improved section of said. It is important to note that in this particular case the subject property is located just north of the City limits, and should the applicant not be required to participate in the physical construction or escrow monies towards the construction of a portion of Bloomdale Road, this responsibility may become the responsibility of the City in the near future, as the improved roadway becomes necessary to accommodate additional traffic in the area.
2. 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 property upstream.
    - The Subdivision Ordinance requires sanitary sewer and water infrastructure to adequately service the subdivision and conform to the City of McKinney sewer and water plans. The sanitary sewer line is also required to be extended across both proposed lots of the subject property to the adjacent properties. 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 and the existing water line be utilized in place of the master planned line size. If properties are allowed to develop without the provision of adequate public infrastructure, it shifts the burden/cost of providing the master plan sized sanitary sewer and water lines across the site to the City and those seeking to develop upstream.
  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 the Storm Water Management Ordinance waiving the requirement to collect drainage in an underground storm water system.
  5. 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 proposed lots are served by the former Danville Water Supply Corporation (now maintained by the City of McKinney). However, the applicant is required to provide the required line sizes and fire hydrants for 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 former Danville Water Supply 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 City Council has the authority to grant variances as outlined in the Subdivision Ordinance 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 replat is approved with the variances requested by the applicant, the following condition of approval should also apply:***

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

Prior to filing the plat for record:

2. The applicant revise the plat to show a 15' wide sanitary sewer easement along the entire western boundary of proposed Lots 12R and 18. The exact location of said easement will be subject to the review and approval of the City Engineer.
3. The applicant revise the plat to show a 10' sanitary sewer easement, north of the existing 15' utility easement, along the entire southern boundary of proposed Lots 12R and 18. The exact location of said easement will be subject to the review and approval of the City Engineer.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: Unzoned – “ETJ” – Extraterritorial Jurisdiction

North	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Residences	Family
South	“PD” – Planned Development Ordinance No. 2010-09-032 (Single Family Residences) and Unzoned – “ETJ” – Extraterritorial Jurisdiction	Heatherwood Residential Subdivision and Undeveloped Land	
East	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Residences	Family
West	Unzoned – “ETJ” – Extraterritorial Jurisdiction	Single Residences	Family

**ACCESS/CIRCULATION:**

Adjacent Streets: Bloomdale Road, Variable Width Right-of-Way, Major Arterial

Discussion: The subject property currently has access to Bloomdale Road along the southern side of the subject property. Should the proposed lot configuration be approved, both of the proposed lots will be provided direct access to Bloomdale Road.

As discussed above, the Master Thoroughfare Plan indicates Bloomdale Road as a 6-lane major arterial roadway. The Heatherwood residential development to the south of Bloomdale Road is dedicating by plat all of the required right-of-way across from the subject property and building two eastbound lanes.

**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: Applicable (Ordinance No. 2008-10-174)

Median Landscape Fees: Not Applicable

Park Land Dedication Fees: Not Applicable

Pro-Rata: As determined by the City Engineer

**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 Replat Approval Checklist
- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Preliminary-Final Replat
- PowerPoint Presentation

---

**Action:**