



19-0741

TITLE: Consider/Discuss/Act on a Resolution Authorizing a Variance to the Requirements of Section 130-356 of the Code of Ordinances Deferring the Requirement to Rehabilitate the Existing Stock Pond Dam on Lot 5 of the 380 Towne Centre Addition

COUNCIL GOAL: Direction for Strategic and Economic Growth
(1C. Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

MEETING DATE: September 3, 2019

DEPARTMENT: Development Services / Engineering

CONTACT: Michael Hebert, PE, Assistant Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Approval of the Resolution

ITEM SUMMARY:

- McKinney SH II, Ltd. is constructing a commercial development at the southeast corner of US 380 and Hardin Boulevard as shown on the attached location map
- During project development, an on-site dam requiring rehabilitation to current standards was identified
- Section 130-356 of the Code of Ordinances requires that all existing dams located on a property to be developed shall meet current state dam safety standards, and if necessary the property owner shall upgrade existing dams to meet the criteria listed in Section 130-356(c) as well as current state standards
- McKinney SH II, Ltd., who is the developer of the McKinney Towne Centre Addition, has requested more time to address the requirements of the Storm Water Management Ordinance regarding rehabilitating an on-site dam
- Section 130-268 of the Code of Ordinances states that City Council may grant variances to the provisions to the ordinance and may attach such conditions to the granting of variances as it deems necessary to further the purposes of the ordinance
- The dam on the property is split between the McKinney Towne Centre property

and Raytheon's property, and this has complicated the ability of the developer to rehabilitate the structure to current standards

- In order to receive city permits without this variance for construction on Lot 5, the plans would need to include the rehabilitation or replacement of the existing dam including all associated permits
- In order to receive certificates of occupancy for Lot 5 without this variance, the on-site dam would need to be constructed per approved plans
- The developer does not currently have all required permits for the construction due to the conditions shown in the attached variance request letter
- The requested variance will only defer the requirement to rehabilitate the structure to allow time for the developer to receive the appropriate TCEQ and Corps of Engineers permits
- This variance is being considered since:
 - Not granting the variance would result in an exceptional hardship to the developer
 - The variance will delay improvement of, but will not alter, the current downstream floodplain conditions
- Recommended conditions of this variance are as follows:
 - Developer shall indemnify and hold harmless the City of McKinney for any disputes associated with this variance
 - The variance only applies to the first two CO requests on the lot, be it Building 5A, 5B or 5C as shown on the attached site plan, and the third CO will not be issued until the improvements are complete

BACKGROUND INFORMATION:

- The developer is proposing to construct retail, hotel and restaurant facilities on the lot which will provide services and facilities that are important to the community

FINANCIAL SUMMARY:

- This variance deferring the construction is not anticipated to cause any increases in costs to McKinney for government services

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Location Map - Hardin and 380 Variance Request](#)
[380 Towne Centre Stormwater Variance Request Letter](#)
[Proposed Resolution](#)