



20-0123

TITLE: Consider/Discuss/Act on a Facilities Agreement for Lots 1 & 2, Block A, James Gang Estates, Located in the ETJ of McKinney on the South Side of County Road 413 and 830 Feet East of Farm Road 2933 (Milrany Lane)

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: February 4, 2020

DEPARTMENT: Engineering

CONTACT: Matt Richardson, P.E., Development Engineering Manager
Gary Graham, P.E., Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Approval of the proposed facilities agreement.

ITEM SUMMARY:

- The applicant is proposing to subdivide an existing 3.357 acre tract within the City of McKinney's Extraterritorial Jurisdiction (ETJ) into two lots. The City has the authority to regulate subdivisions within the ETJ in accordance with Chapter 212 of the Texas Local Government Code and Chapter 142 of the City of McKinney Code of Ordinances.
- Provision of adequate infrastructure, including roadway, water, sewer, and drainage systems, is a critical component of subdivision regulations and is highly dependent on land use. Determinations regarding these systems cannot be made without consideration of land use. Within city limits, the zoning ordinance provides the framework for making these determinations.
- Chapter 212 does not authorize the City to regulate land use within the ETJ; however, it does authorize the City to enter into a Development Agreement with a property owner regarding the provision of infrastructure and land use, among other standards.

- The applicant has indicated to Staff the desire to not study or construct public improvements associated with the property and required by Chapter 142 of the Code of Ordinances. This agreement would relieve or defer the public improvements that exceed the amount that is roughly proportional to the proposed development on the subject property, including:
 - The requirement to construct a twenty-four foot (24') wide concrete curb and gutter pavement section of County Road 413, including the associated street lighting, sidewalks, underground drainage systems, and other appurtenances, along with dedication of offsite roadway from the nearest major roadway capable of servicing the Property; and
 - The requirement to construct on-site and, if necessary off-site, underground storm drainage facilities to capture storm water drainage upon and across the Property; and
 - The requirement to construct a minimum 12-inch diameter water line along County Road 413 including approximately four (4) miles of offsite 12-inch diameter water lines and appurtenances capable of supplying adequate domestic and fire flow to and through the Property from the nearest City of McKinney water line; and
 - The requirement to construct a minimum 8-inch diameter sanitary sewer line through the Property together with approximately four (4) miles of offsite 8-inch diameter sanitary sewer lines capable of serving the property.
- Additionally, the applicant has indicated to Staff the desire to not study or construct stormwater improvements associated with the property and required by Chapter 130, Article IV, of the Code of Ordinances. This agreement would relieve or defer the stormwater improvements that exceed the amount that is roughly proportional to the proposed development on the subject property, including:
 - The requirement to study the fully developed watershed conditions of the drainage system within and downstream of the Property; and
 - The requirement to evaluate and rehabilitate the privately owned dam on the Property.
- The City conditionally agrees to grant variances to the above requirements provided that the applicant agrees to certain additional requirements. This agreement establishes these requirements, including:
 - The use of the property shall be limited to uses allowed in the RED-1 Residential Estate District as identified in Chapter 146 of the Code of Ordinances, except for uses which traditionally accommodate the public,

including, but not limited to, bed and breakfasts, schools, country clubs, and parks.

- The proposed plat shall dedicate easements and rights-of-way for future public and stormwater infrastructure complying with Sections 142 of the Code of Ordinances.
- If, in the future, the property is further subdivided or replatted, or the use of the property is altered from the use identified in the agreement, then the relief or deferrals allowed by the agreement shall terminate.

BACKGROUND INFORMATION:

- The proposed Preliminary-Final Plat is also being considered on this agenda, item 19-00238PF2.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A

SUPPORTING MATERIALS:

[Proposed Facilities Agreement](#)