



19-0238PF2

TITLE: Consider/Discuss/Act on a Preliminary-Final Plat 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: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
David Soto, Planner I

APPLICATION SUBMITTAL DATE: December 30, 2019 (Original Application)

STAFF RECOMMENDATION: Staff recommends approval of the proposed preliminary-final plat with the following conditions:

1. The applicant receive approval of a Facilities Agreement; and
2. The applicant receive a variance to Section 142-6 (Improvements Required) of the Subdivision Ordinance to not escrow or construct Public Improvements and Stormwater Management Improvements, as identified in the approved Facilities Agreement; and
3. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to install roadway improvements as identified in an approved Facilities Agreement,
4. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to install a water system, as identified in an approved Facilities Agreement, and

5. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to not install a sanitary sewer system, as identified in an approved Facilities Agreement; and
6. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to not install a storm water system, as identified in an approved Facilities Agreement; and
7. The applicant receive a variance to Section 130-301 of the Stormwater Management Ordinance to not study the fully developed watershed conditions of the drainage system within and downstream of the Property, as identified in an approved Facilities Agreement; and
8. The applicant receive a variance to Section 130-356 of the Stormwater Management Ordinance to not evaluate and rehabilitate the privately owned dam on the Property, as identified in an approved Facilities Agreement.
9. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist, attached.
10. The associated facilities agreement be filed with the county prior to filing the record plat, subject to review and approval of the City Attorney.

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. With the approval of a Facilities Agreement, staff agrees with the granting of the variances outlined above and further described below.

PUBLIC IMPROVEMENTS

- 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. The variances granted would relieve the applicant from the following requirements:
 - 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.

STORM WATER IMPROVEMENTS:

- 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. The variances granted would relieve the applicant from the following requirements:
 - 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.

OPPOSITION TO OR SUPPORT OF REQUEST:

Staff has received no comments in support of or opposition to this request.

SUPPORTING MATERIALS:

[Standard Conditions Checklist](#)
[Location Map and Aerial Exhibit](#)
[Letter of Intent](#)
[Proposed Preliminary Final Plat](#)