



19-0049PFR

TITLE: Consider/Discuss/Act on a Preliminary-Final Replat for Lot 3R, Block 1, of the Keene Estates Addition, Located in the ETJ of McKinney, Approximately 1,000 Feet East of Ivy Lane and on the North Side of County Road 168

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: July 7, 2020

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Kaitlin Gibbon, Planner I

APPLICATION SUBMITTAL DATE: March 14, 2019 (Original Application)
June 17, 2020 (Revised Submittal)

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed preliminary-final replat with the following conditions and variances:

1. The items currently marked as "not met" on the attached Conditions of Approval Summary be satisfied prior to issuing final plat approval; and
2. The applicant satisfy the conditions as shown on the attached Standard Conditions for Preliminary-Final Replat Checklist; and
3. The applicant enters into an associated Escrow Agreement; and
4. The applicant enters into an Escrow Agreement waiving the requirement to install roadway improvements, as identified in Section 142-105 (Improvements) of the Subdivision Ordinance; and
5. The applicant enters into an Escrow Agreement waiving the requirement to install a water system, as identified in Section 142-105 (Improvements) of the Subdivision Ordinance; and

6. 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; and
7. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to not install a sanitary sewer system; and
8. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to allow for use of septic systems; and
9. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to not install a storm water system; and
10. The associated Escrow Agreement be filed with the county prior to filing the record plat, subject to review and approval of the City Attorney; and

ITEM SUMMARY:

- The applicant is proposing to replat one lot (approximately 11.55 acres) for development in the City of McKinney's Extraterritorial Jurisdiction (ETJ). 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 things.
- The applicant is requesting to replat one lot for commercial/industrial uses. The applicant has indicated to Staff the desire to enter into an escrow agreement for the roadway and water system improvements associated with the property and required by Chapter 142 of the Code of Ordinances. Given that no new development is proposed to occur on the site and that the applicant has agreed to provide the necessary infrastructure easements as part of the platting process, Staff agrees with the granting of the variances outlined above and further described below in association with an approved and filed Escrow Agreement.

APPROVAL PROCESS: The City Council is the approval authority for the proposed plat.

PUBLIC IMPROVEMENTS

- The applicant has indicated to Staff the desire to not construct public improvements associated with the property and required by Chapter 142 of the Code of Ordinances. The variances granted and an associated Escrow Agreement would relieve the applicant from the following:
 - The requirement to construct the planned improvements to County Road 168 as a concrete road with curb and gutter, a distance approximately two hundred and thirty-two linear feet (232'); and
 - The requirement to construct a minimum 12-inch diameter water line along County Road 168, a distance approximately two hundred and thirty-two linear feet (232'); 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 8-inch diameter sanitary sewer line through the Property together with approximately two (2) miles of offsite 8-inch diameter sanitary sewer lines capable of serving 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](#)

[Letter of Intent](#)

[Location Map and Aerial Exhibit](#)

[Proposed Preliminary-Final Replat](#)

[Conditions of Approval Summary](#)