



CITY OF MCKINNEY, TEXAS

Legislation Details (With Text)

File #: 18-582 **Name:** ETJ Facilities Agreement - Cambridge Meadows
Type: Agenda Item **Status:** Regular Agenda Item
In control: City Council Regular Meeting
On agenda: 8/6/2018 **Final action:** 8/6/2018
Title: Consider/Discuss/Act on a Facilities Agreement for 331 Single Family Residential Lots and 9 Common Areas (Cambridge Meadows), Located at the Southwest Corner of County Road 412 and County Road 409

Indexes:

Attachments: 1. 7.17.18 CC Minutes (DRAFT), 2. Location Map & Aerial Exhibit, 3. City Proposed Facilities Agreement, 4. Applicant Proposed Facilities Agreement, 5. Proposed Agreement (Applicant Changes), 6. Presentation

Date	Ver.	Action By	Action	Result
8/6/2018	1	City Council Regular Meeting	Denied	Pass
7/17/2018	1	City Council Regular Meeting	Tabled to Another Meeting	Pass

Consider/Discuss/Act on a Facilities Agreement for 331 Single Family Residential Lots and 9 Common Areas (Cambridge Meadows), Located at the Southwest Corner of County Road 412 and County Road 409

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: August 6, 2018

DEPARTMENT: Planning

CONTACT: Matt Robinson, AICP, Planning Manager
Jennifer Arnold, AICP, Interim Director of Planning

RECOMMENDED CITY COUNCIL ACTION:

- Disapproval of the applicant's revised facilities agreement.

ITEM SUMMARY:

- On July 24, 2018 City Council voted 6-1-0 to table the item and associated plat (17-0021PF) to the August 6, 2018 meeting in order for the applicant to discuss with their client on how they would like to proceed regarding the facilities agreement. Since that time, Staff has not received any feedback from the applicant regarding their stance on moving forward with the City's original facilities agreement.
- City staff prepared a facilities agreement and provided it to the applicant in an effort to address

the applicant's objections to the City's platting requirements and protect the City ("Original Agreement").

- The applicant disagreed with certain of the conditions contained in the Original Agreement and has submitted its own revised facilities agreement for your consideration ("Applicant's Revision").
- The applicant is proposing to subdivide approximately 82.5 acres of land into 331 single family residential lots with nine common areas, including a wastewater or sanitary sewer package plant and a community center building and pool, located in the far northeastern area of the City of McKinney's Extraterritorial Jurisdiction (ETJ) at the southwest corner of County Road 412 and County Road 409.
- 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.
- The applicant has indicated to Staff the desire to not construct or escrow for the typical required improvements, such as the extension of water, sanitary sewer, and roads; however, the applicant has agreed to provide the onsite easements for said infrastructure. The applicant has also agreed to enter into the Applicant's Revision (of a facilities agreement) with the City of McKinney. The applicant does not plan to obtain easements and right-of-way for off-site improvements to tie in to the City's water and sanitary sewer systems or improve the roadway access to the property. Consequently, the applicant is requesting multiple variances to the plat approval process from the City Council.
- The Original Agreement was intended to limit the use on the properties to a single family detached home on each residential lot and certain other limited uses allowed within the RED-1 -Residential Estates District to avoid over-burdening the proposed infrastructure.
 - However, the Applicant's Revision changed the zoning classification to be applied from the RED-1-Residential Estates District to RS-60-Single Family Residence. The use of the RS-60-Single Family Residence classification is problematic in that it allows dormitories as a use and should be limited in that regard.
- The Original Agreement allows the applicant to temporarily connect to North Collin Special Utility District's system ("North Collin") for the provision of potable water provided the applicant can prove to the City's satisfaction that there is sufficient water capacity from North Collin to provide both the required domestic flows and the required fire flows to serve the Cambridge Meadows subdivision.
 - However, the Applicant's Revision attempts to eliminate the foregoing requirement by including the following statement: "Such satisfaction of the City for the provision of potable and fire flow water has been confirmed by City staff."

- In reality, City staff has been provided correspondence from North Collin that indicates potable domestic and fire flow water service can be provided IF (1) the applicant ties in to both an 8-inch and a 10-inch diameter water line, and (2) the applicant also makes significant off-site improvements to North Collin's potable drinking water system.
- City staff has not seen any agreements by and between the applicant and North Collin whereby the applicant has agreed to make the necessary improvements to North Collin's system to provide the required potable and fire flow water service to the Cambridge Meadows subdivision. In fact, the documentation provided to date plainly indicates that the potable and fire flow water service required to serve the Cambridge Meadows subdivision simply does not currently exist in the North Collin system.
- The Original Agreement allows for the temporary use of a private wastewater plant for the handling of sanitary sewer generated by all of the lots within the Cambridge Meadows subdivision.
- The City's water and wastewater master plans call for the City to extend services to this area within the City's certificated area in the future.
- The Original Agreement requires all of the lots within the Cambridge Meadows subdivision to tie in to the City's future transmission lines for potable water and sanitary sewer services within 180 days after each such future transmission line becomes operational and is available to serve the Cambridge Meadows subdivision.
- The Original Agreement contained provisions through which the applicant requested that the City reserve capacity in and size its water and sanitary sewer systems to serve the Cambridge Meadows subdivision and provide service to the Cambridge Meadows subdivision at such time as the future transmission lines are extended. The Original Agreement also required the applicant or its successors in interest to pay to the City of all then applicable tap fees, connection fees, meter fees, impact fees, pro rata fees and/or service fees at the time all or any part or portion of the Cambridge Meadows subdivision or the underlying property connected to the City's potable water system and/or sanitary sewer system. The Original Agreement required the applicant to record a deed restriction for the property and the Cambridge Meadows subdivision notifying future lot purchasers that each owner of a lot within the Cambridge Meadows subdivision would be required to connect to each such future transmission line for potable water or sanitary sewer, at no cost to City, within 180 days after each such future transmission line is extended to the subdivision and becomes operational.
 - The Applicant's Revision deleted each of these requirements and conditions.
- Both the Original Agreement and the Applicant's Revision would relieve or defer the public improvements that exceed the amount that is roughly proportional to the proposed development on the subject property, including:

- Construction of a minimum 24' wide concrete curb and gutter roadway with underground drainage, sidewalk, street lighting, and other appurtenances for County Road 412 and County Road 409.
- Construction and extension of a minimum 12-inch water line from the closest City potable water line capable of supplying domestic water supply and adequate fire flow to the property.
- Construction of a minimum 8-inch sewer line through their property together with such offsite lines capable of serving the site and upstream areas as required to extend to and tie in to the City's sanitary sewer system.
- If in the future, the property is further subdivided or replatted, or the use changes or enlarges from the allowed uses listed in the agreement, both the Original Agreement and the Applicant's Revision would terminate.

BACKGROUND INFORMATION:

- Please see associated agenda item, 17-0021PF

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A