



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 18-0174PF, **Version:** 1

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Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 and 2, Block A of Malone Estates, Located Approximately 960 Feet South of the Intersection of U.S. Highway 380 and Private Road 5312

**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:** November 6, 2018

**DEPARTMENT:** Planning

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

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

1. The applicant receive approval of the associated facilities agreement.
2. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct public streets, including the associated street lighting and sidewalks adjacent to the property.
3. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct sanitary sewer and water lines to the subject property and extend them to the adjacent property upstream.
4. The applicant receive variance to Section 142-105 (Improvements) of the Subdivision Ordinance allowing the use of individual septic systems.
5. The applicant receive a variance to the Storm Water Management Ordinance waiving the requirement to collect drainage in an underground storm water system.
6. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to allow lot to lot drainage.
7. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance requiring water systems to be of a sufficient size to furnish fire protection to all

lots.

**Prior to the issuance of a building permit:**

1. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist, attached.
2. The associated facilities agreement be filed with the county prior to filing the plat, subject to review and approval of the City Attorney.

**APPLICATION SUBMITTAL DATE:** June 5, 2018 (Original Application)  
June 29, 2018 (Revised Submittal)  
October 19, 2018 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to subdivide approximately 9.92 acres of land, located approximately 960 feet south of the intersection of U.S. Highway 380 and Private Road 5312 within the City of McKinney's Extraterritorial Jurisdiction (ETJ). Since the subject property is located within the City's ETJ, the regulations of the Zoning Ordinance do not apply to the subject property; however, regulations of the Subdivision Ordinance do apply.

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. Typically, preliminary-final plats are considered by the Planning and Zoning Commission. This preliminary-final plat has bypassed the Planning and Zoning Commission and is being considered by the City Council because the applicant has requested several variances to the requirements of the Subdivision Ordinance. Per the Subdivision Ordinance, only the City Council can grant a variance.

The applicant is requesting to subdivide the property into two lots. The subject property currently has one residence on the property. The applicant has indicated to Staff the desire to not construct or escrow for the typical required improvements, such as water, sanitary sewer, and roads; however, the applicant has agreed to provide the easements for said infrastructure, and to enter into a facilities agreement with the City of McKinney.

**PLATTING STATUS:** The subject property is currently unplatted. Subsequent to the approval of the preliminary-final plat, a record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk, prior to issuance of a building permit.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	City of McKinney Extraterritorial Jurisdiction	Single Family Residence
North	City of McKinney Extraterritorial Jurisdiction	Undeveloped Land

South	City of McKinney Extraterritorial Jurisdiction	Single Family Residence,
East	City of McKinney Extraterritorial Jurisdiction	U-Haul Self Storage
West	City of Frisco	Red Bud Estates Subdivision

**ACCESS/CIRCULATION:**

Adjacent Streets: Private Road 5312, 20' Private Access Easement

**TREE PRESERVATION ORDINANCE:** The applicant will not be responsible for complying with the Tree Preservation Ordinance.

**PUBLIC IMPROVEMENTS:**

Sidewalks: N/A

Hike and Bike Trails: N/A

Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the associated plat, unless otherwise specified in an approved facilities agreement.

**DRAINAGE:** The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance, which may require on-site detention, unless the requested variances are approved.

Road Improvements: The site is currently served by Private Road 5312 which is a 20-foot wide gravel private access easement. The applicant would be required to improve the access easement to and across their frontage by constructing a minimum 24-foot concrete curb & gutter driveway. The applicant has dedicated an easement for access and has requested a variance from construction requirements.

Future Independence Parkway will cross the western portion of the tract. Dedication of right-of-way and construction of this roadway would not be proportional to the impact of the development. The applicant has provided a no-build reservation for the future roadway and has requested a variance from right-of-way dedication and roadway construction requirements.

Water Improvements: The site is currently served by a private service line. The applicant would be required to construct a minimum 8-inch City of McKinney water line parallel to Private Road 5312 across their frontage, along with 1,000 feet of offsite water line capable of serving the site. The applicant is dedicating an easement for the future water line improvement and has requested a variance from the construction requirements.

The applicant would be required to construct a minimum 24-inch City of McKinney master planned water line parallel to Future Independence Parkway. Dedication of easements and construction of this water line would not be proportional to the impact of the development. The applicant has

provided a no-build reservation for the future water line and has requested a variance from easement dedication and water line construction requirements.

**Sewer Improvements:** The site has access to a City of McKinney sewer line, but is adequately sized to be served by individual septic systems. The applicant has requested a variance to allow continued use of an individual septic system.

**Drainage improvements:** The site receives drainage flows from agricultural, non-residential, and residential land upstream of the site. The applicant would be required to study the drainage area and provide adequate capacity for fully-developed flow through the site. The applicant is dedicating an easement for future drainage improvements and has requested a variance from the construction requirements.

**FEES:**

Roadway Impact Fees:	Not Applicable (Ordinance No. 2013-11-108)
Utility Impact Fees:	Applicable (Ordinance No. 2017-02-021)
Median Landscape Fees:	Not Applicable
Park Land Dedication Fees:	Not Applicable
Pro-Rata:	As Determined by the City Engineer

**CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP):** The proposed request does not conflict with the Master Thoroughfare Plan.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments in support of or opposition to this request.

**BOARD OR COMMISSION RECOMMENDATION:** This preliminary-final plat has bypassed the Planning & Zoning Commission and is being considered by the City Council because the applicant has requested variances to the requirements of the Subdivision Ordinance. Per the Subdivision Ordinance, only the City Council can grant a variance.