



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 20-0067PF, **Version:** 1

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Consider/Discuss/Act on a Preliminary-Final Plat for Milligan-Bixler Addition, Located in the ETJ of McKinney, Approximately 2,125 Feet South of County Road 408 and on the East Side of County Road 406

**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:** June 23, 2020

**DEPARTMENT:** Development Services - Planning Department

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

**APPLICATION SUBMITTAL DATE:** June 1, 2020 (Original Application)

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed preliminary-final plat 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 Plat Checklist; and
3. The applicant receive approval of a Facilities Agreement; and
4. 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, identified in a Facilities Agreement; and
5. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to install roadway improvements identified in a Facilities Agreement; and
6. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to install a water system, identified in a Facilities Agreement; and

7. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to not install a sanitary sewer system, identified in a Facilities Agreement; and
8. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to not install a storm water system, identified in a Facilities Agreement; and
9. The associated facilities agreement be filed with the county prior to filing the record plat, subject to review and approval of the City Attorney; and
10. The applicant receive a variance from the City of McKinney Fire Marshal's Office to not provide two points of approved fire apparatus access into the development, as required by Engineering Design Manual Section 2.6.E.

#### **ITEM SUMMARY:**

- The applicant is proposing to plat two lots (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 plat two tracts of land into two lots for an existing water tower and residential uses. The applicant has indicated to Staff the desire to not construct or escrow for the public 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 Facilities Agreement.

**APPROVAL PROCESS:** The Planning and Zoning Commission is the approval authority for the proposed plat. Variance requests are usually and primarily considered by the City Council; however, in the event that a City Council meeting does not occur within the timelines required pursuant to Texas Local Government Code Chapter 212, the variance request may be considered by the Planning and Zoning Commission. In order to receive final approval of the plat, the applicant has the opportunity to make one resubmittal which addresses all items listed above.

#### **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 would relieve the applicant from the following:

- The requirement to construct a twenty-four foot (24') wide concrete curb and gutter pavement section of County Road 406, 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 406 including approximately four (4.75) 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.

**OPPOSITION TO OR SUPPORT OF REQUEST:**

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