



**TITLE:** Conduct a Public Hearing to Consider/Discuss on the Request by JBI Partners, Inc., on Behalf of D.R. Horton – Texas, Ltd., a Petition to Annex Fewer than 4 Acres, Located Approximately 2,200 Feet West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway

**MEETING DATE:** March 18, 2013

**DEPARTMENT:** Planning

**CONTACT:** Michael Quint, Director of Planning  
Brandon Opiela, Planning Manager  
Samantha Gleinser, Planner I

**RECOMMENDED CITY COUNCIL ACTION:**

- Conduct the first of three public hearings regarding a voluntary petition for annexation.
- In accordance with the Texas Local Government Code, the City Council will hold this public hearing at the special meeting at 5:30 p.m., and a second public hearing is scheduled for the regular City Council meeting on March 19, 2013, at 6:00 p.m. Final action regarding the petition for annexation will be considered at the April 16, 2013 City Council meeting, concurrently with a proposed zoning request and a developer's agreement.

**ITEM SUMMARY:**

- The applicant has submitted a petition for voluntary annexation to the City of McKinney for an approximately 3.00 acre tract of land. The subject property is located approximately 2,200 feet west of Independence Parkway and 2,300 feet south of Virginia Parkway.
- The subject property is an out parcel that was a formerly a Texas Municipal Power Agency and Brazos Electric Power Cooperative tower site. The subject property is located within the developing area of the Reserve at Westridge Subdivision, with future phases currently underway on all sides of the property.
- The subject property, if annexed, will be zoned pursuant to a pending zoning case (13-030Z) that will be considered at the April 16, 2013 City Council meeting.

The associated zoning request will cover the same land area contained within the annexation petition.

- The applicant has requested to zone the subject property with the same space limitations as the surrounding parcels within the Reserve at Westridge Subdivision (Parcels 11A10 and 1406) in order to develop detached single family residential following the SF-2 regulations of “PD” – Planned Development District Ordinance No. 2006-04-044.
- The subject property is located in the Extraterritorial Jurisdiction (ETJ) of the City of McKinney. The purpose of the ETJ is to promote and protect the general health, safety and welfare of persons residing in and adjacent to the municipalities. The Subdivision Ordinance applies to properties within the ETJ; the Zoning Ordinance does not.
- The subject property is located within the Prosper Independent School District. Prosper ISD has been informed of the proposed annexation.
- Because this annexation is at the request of the property owner, the developer of the subject property will be responsible for extending adequate infrastructure to the subject property as the property is developed. The applicant has executed an agreement dealing with the provision of services associated with the proposed annexation. This agreement, along with the associated zoning request, will be considered for final action concurrently with the annexation request at the April 16, 2013 City Council meeting.

## **BACKGROUND INFORMATION:**

### **1. Annexation and City Services.**

- Due to the fact that the proposed annexation is voluntary, the City can annex the land even though it is not currently on the annexation plan (Texas Local Government Code §43.052 (h) (2)).
- The subject property that is proposed to be annexed is unpopulated.
- The McKinney Fire Department currently provides fire and medical emergency services in this area. Currently, police response is from Collin County. The Texas Local Government Code stipulates that police and fire services must be provided immediately upon annexation (Texas Local Government Code §43.056).

The Texas Local Government Code stipulates that solid waste collection must be provided immediately upon annexation (Texas Local Government Code §43.056).

## 2. Public Improvements.

- All necessary public improvements will be required at time of platting, unless specified in an approved facilities agreement.
- The developer's agreement specifies that upon development of the subject property, the applicant will be required to satisfy the requirements of the Zoning and Subdivision Ordinances.
- The developer's agreement includes a provision requiring the payment of a proportionality fee, which represents a roughly proportional amount necessary to offset the roadway infrastructure capacity needs of the subject property.
- This fee should be the same amount as the roadway impact fee assessed in the adjacent roadway impact fee service area.

### **FINANCIAL SUMMARY:**

- Annexation of additional property has financial implications for the City.
- Although the developer will be responsible for upgrading roads and extending utilities as development occurs, the long-term maintenance of these facilities will be the City's responsibility.
- The ISO rating determines insurance rates in McKinney. Poor availability of water resources in proposed annexed areas could have a negative impact on ISO ratings.
- An ISO rating is based on a 105 point system:
  - 40 points for water system (supply, distribution, fire flow, hydrants, maintenance, etc.)
  - 50 points for evaluation of the Fire Department itself
  - 10 points for alarm systems
  - 5 points for code enforcement, plan review, etc.
- The effects of additional annexation on ISO ratings are cumulative. The City's current ISO rating is 2 on a scale of 1 to 10, with 1 being the best and 10 being the worst (Plano's rating is 1, Allen's is 2). The latest evaluation was conducted in 2009. Typically, evaluations are conducted every 10-15 years.
- The Fire Department has indicated that the proposed annexation request will likely have no impact upon the City's ISO rating.
- Annexed parcels are subject to City property tax. This tract may currently have an agricultural valuation classification with Collin Appraisal District (CAD). An AG exemption is given to properties in active agricultural uses, which allows the

property to have a lower appraisal value and thus, lower taxes. When property with an AG exemption is developed, it is subject to rollback taxes for each of the previous five years. As such, the owner would be required to pay County, ISD, and City taxes which had been exempted during that five-year period. Whenever this proposed tract is developed, the City would receive rollback taxes if the property has such an exemption.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A