



20-0083PF

TITLE: Consider/Discuss/Act on a Preliminary-Final Plat for the JBC Real Estate Addition, Located in the ETJ of McKinney, Approximately 1,600 Feet North of County Road 408 and on the East Side of Farm-to-Market Road 1827

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 21, 2020

DEPARTMENT: Development Services - Planning Department

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

APPLICATION SUBMITTAL DATE: June 29, 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 to not install a storm water system, 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 waiving the requirement to 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 use a properly permitted on-site sewerage facility (OSSF) that conforms to all requirements, 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.

ITEM SUMMARY:

- The applicant is proposing to plat one lot (approximately 4.99 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 one tract of land into one lot for commercial 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 City Council is the final approval authority of 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 would relieve the applicant from the following:
 - 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 Farm-to-Market Road 1827 including approximately three and one-half (3 ½) 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 and appurtenances capable of serving the Property from the nearest City of McKinney sewer line.

OPPOSITION TO OR SUPPORT OF REQUEST:

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

SUPPORTING MATERIALS:

[Standard Conditions Checklist](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Proposed Preliminary-Final Plat](#)

[Conditions of Approval Summary](#)