



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 16-746, **Version:** 1

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Consider/Discuss Potential Amendments to the 1999 Municipal Annexation Plan

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** July 25, 2016

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, Planning Manager  
Brian Lockley, AICP, CPM, Director of Planning  
Michael Quint, Executive Director of Development Services

**RECOMMENDED CITY COUNCIL ACTION:**

- Discuss and provide direction to Staff.

**ITEM SUMMARY:**

- This item is to discuss and provide direction on potential amendments to the City's Municipal Annexation Plan.
- The current Municipal Annexation Plan was adopted in 1999 and generally states, "*the City of McKinney has no plans or intent to annex any property that is required by law to be included in the 1999 Annexation Plan.*" The Plan goes on to state that the City reserves the right to involuntarily annex certain properties under the exemption clause of Texas Local Government Code.
- Since adoption of the 1999 Municipal Annexation Plan, the corporate limits of McKinney have grown from approximately 57 square miles to 67 square miles. In accordance with the Plan, this growth has predominately occurred through voluntary annexation proceedings.
- However, the ultimate area of McKinney is roughly 116 square miles. This means that almost 50 square miles of unincorporated land still currently sits within McKinney's extraterritorial jurisdiction (ETJ). While the city can exercise planning and subdivision authority within its ETJ, it cannot exercise land use control (i.e. zoning) or taxing authority over those unincorporated areas.
- As such, Staff is recommending that the City Council consider an amendment to the 1999 Municipal Annexation Plan that would identify certain properties to be annexed three years

after the date of the adoption of the Municipal Annexation Plan (per State Law).

- By amending the Municipal Annexation Plan, the City will be better able to protect the long term interests of the community related to orderly growth patterns, development quality, the provision of infrastructure and services, and fiscal stability.
- Areas identified on the Municipal Annexation Plan should be limited in nature and should generally only include those locations for which: (1) the city is unable to initiate involuntary annexations under the exemption clause of the Texas Local Government Code; (2) development patterns are not likely to change due to existing conditions that were created while the area was unincorporated; (3) the area has high development potential; and/or (4) the city is already providing (or contracts to provide) services to the area(s).

### NEXT STEPS

- Should the Council be comfortable amending the Municipal Annexation Plan, Staff recommends that the amendment include one of the two following locations:
  - Areas generally located at the northeast corner of US 380 and Custer Road; or
  - Areas generally north and east of US 380 and Airport Drive.
- At the Council's discretion, Staff will begin the process of amending the Municipal Annexation Plan. The first step in this process will be to notify property owners with recognized agricultural and wildlife designations of their right to enter into a development agreement with the city.
- Following the execution of development agreements with qualifying property owners, Staff expects to present a draft Municipal Annexation Plan for Council consideration in October of 2016.

### **BACKGROUND INFORMATION:**

- The annexation of land into a municipality's corporate limits is authorized and governed by Chapter 43 of the Texas Local Government Code.
- In accordance with Texas Local Government Code, there are generally three ways that annexations can occur:
  1. Annexation by Petition (Voluntary)  
A private property owner (or owners) requests to be annexed into a City's corporate limits. Historically speaking, the majority of land annexed in McKinney over the last 10 years has been voluntary.
  2. Annexations in accordance with a Municipal Annexation Plan (Involuntary)  
Properties that are to be involuntarily annexed over time are shown on a map that is published publicly. The map must be published for three years before annexation

proceedings may occur.

3. Annexations in Exception to a Municipal Annexation Plan (Involuntary)

Subsection 43.052(h) of the Texas Local Government Code indicates certain conditions and requirements that, if met, authorize a city to involuntarily annex property that is not shown on a Municipal Annexation Plan. The involuntary annexations that were approved in May 2015 and April 2016 were conducted under these exceptions.