



# CITY OF MCKINNEY, TEXAS

## Legislation Text

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**File #:** 17-064, **Version:** 1

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Consider/Discuss/Act on an Ordinance Amending the 1999 Municipal Annexation Plan

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

**MEETING DATE:** January 17, 2017

**DEPARTMENT:** Development Services - Planning Department

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

**RECOMMENDED CITY COUNCIL ACTION:**

- Staff recommends approval of the ordinance amending the 1999 Municipal Annexation Plan.

**ITEM SUMMARY:**

- The current Municipal Annexation Plan was adopted in 1999 by Ordinance No. 99-11-88 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 ... [an] 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 68 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 a proactive approach for addressing anticipated growth, Staff is recommending an amendment to the 1999 City of McKinney Municipal Annexation Plan (Annexation Plan) to provide more guidance in decision making, to aid in implementing the Comprehensive Plan, and to identify annexations that may occur in compliance with Section 43.052 of the Texas Local Government Code.

- In addition to identifying annexations that may occur in compliance with Section 43.052 of the Texas Local Government Code, the proposed amendment also outlines the purpose, intent and strategic goals of annexations in McKinney, as well as broad decision making criteria that provide city leaders and staff with guidance when considering annexations and other related issues in McKinney's extraterritorial jurisdiction.
- The updated Annexation Policy and associated Municipal Annexation Plan allows the City to better protect the long term interests of the community as it relates to orderly growth patterns, development quality, the provision of infrastructure and services, and fiscal stability.
- Next Steps:
  - Should City Council adopt the Municipal Annexation Policy and associated 2017 Annexation Plan, Staff will proceed in accordance with Texas Local Government Code by providing written notice to affected property owners and service providers and creating a Service Plan in preparation for the required public hearings in the Fall of 2017.
  - Properties identified on the 2017 Annexation Plan will be annexed in early 2020.

## **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. In accordance with Section 43.052 of the Texas Local Government Code, 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 properties that are not shown on a Municipal Annexation Plan.
- At the November 16, 2015 City Council Work Session, Staff received direction from the City

Council to work with City Attorney's office in drafting an amendment to City's Annexation Plan.

- At the July 25, 2016 City Council Work Session, Staff received direction from the City Council to move forward with the Draft Municipal Annexation Plan and identified two areas to include in the plan. As such, Staff began the process of amending the Municipal Annexation Plan, including negotiations and execution of development agreements with qualified property owners.
- At the November 1, 2016 City Council Meeting, Council tabled action on the Municipal Annexation Plan in order to allow Staff additional time to coordinate and offer development agreements with 8 property owners along Stickhorse Lane.
- Since the tabling at the November 1, 2016 City Council Meeting, Staff executed 3 additional development agreements (only 1 from Stickhorse Lane and 2 from Walnut Grove property owners who contacted us after 11/1).