

4097 FM 1461 - Luxe Locker

Appeal - Water Service Exception Application



City Council Meeting
January 21, 2025

Agenda



Background

- CCN Decertification
- Cessation Ordinance



4097 FM 1461 - Exception Application



Appeal & Staff Recommendation



Applicant Presentation

Background

CCN Decertification

- City established Extraterritorial Jurisdiction and Certificate of Convenience and Necessity (CCN) to guide development for the City and establish boundaries for providing Water and Wastewater Services.
- Changes in recent State legislation created development conditions in the ETJ that are unpredictable.
- **October 9, 2023** - McKinney petitioned the PUC to decertify portions of its CCN

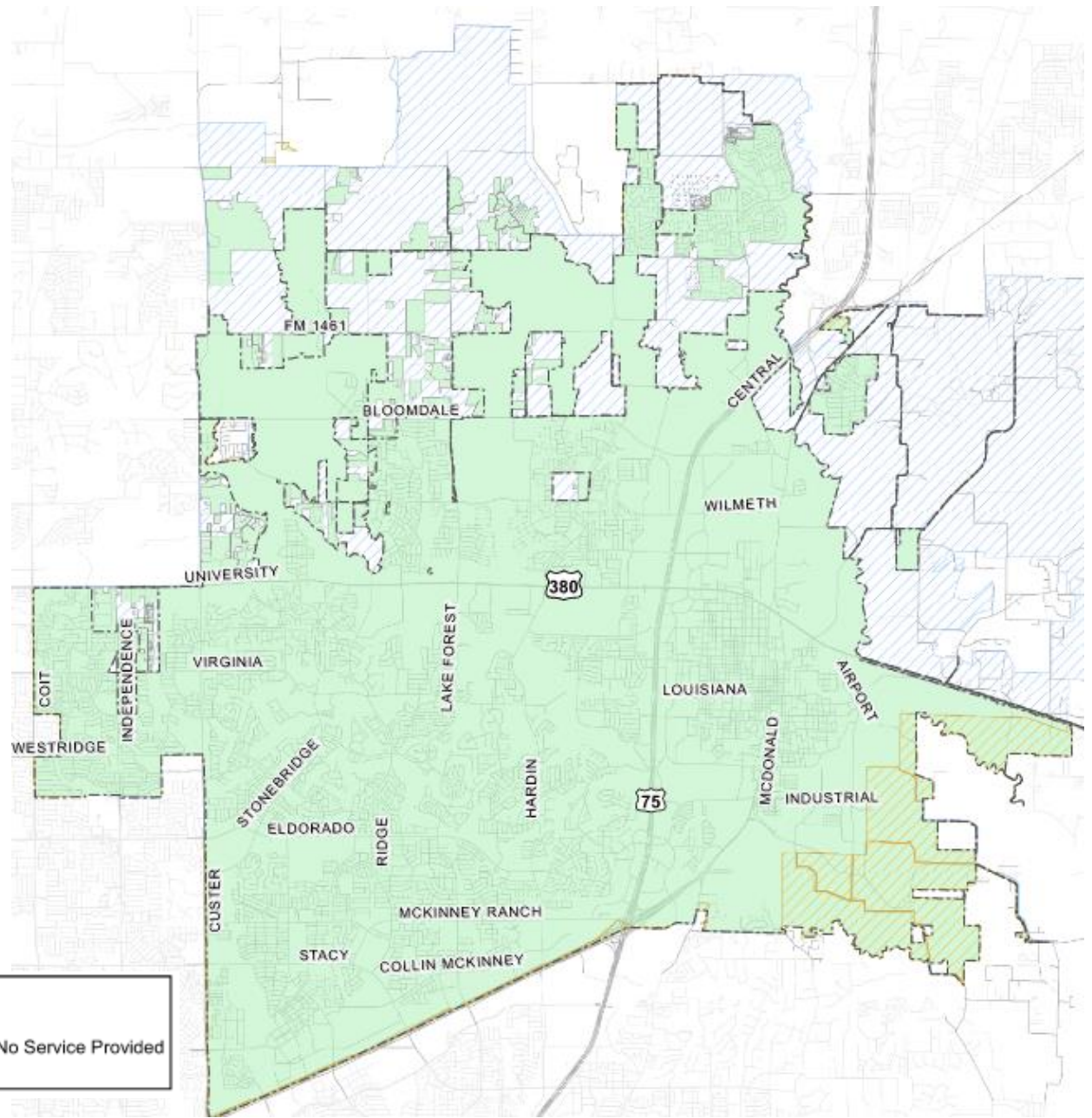
Temporary Cessation Ordinance

- **June 25, 2024** – City adopts Temporary Cessation Ordinance on any new water and wastewater connections (amended and restated in December 2024)
- Purpose is to limit water service expansion until PUC case is concluded.
- Ordinance is valid through **July 1, 2025**.

Background

Proposed Water CCN Boundaries

- City Limits
- McKinney Water CCN Expansion
- McKinney Water CCN Outside City Limits and No Service Provided
- McKinney Water Service Area



Project Information

Development: Luxe Locker

Address: 4097 FM 1461

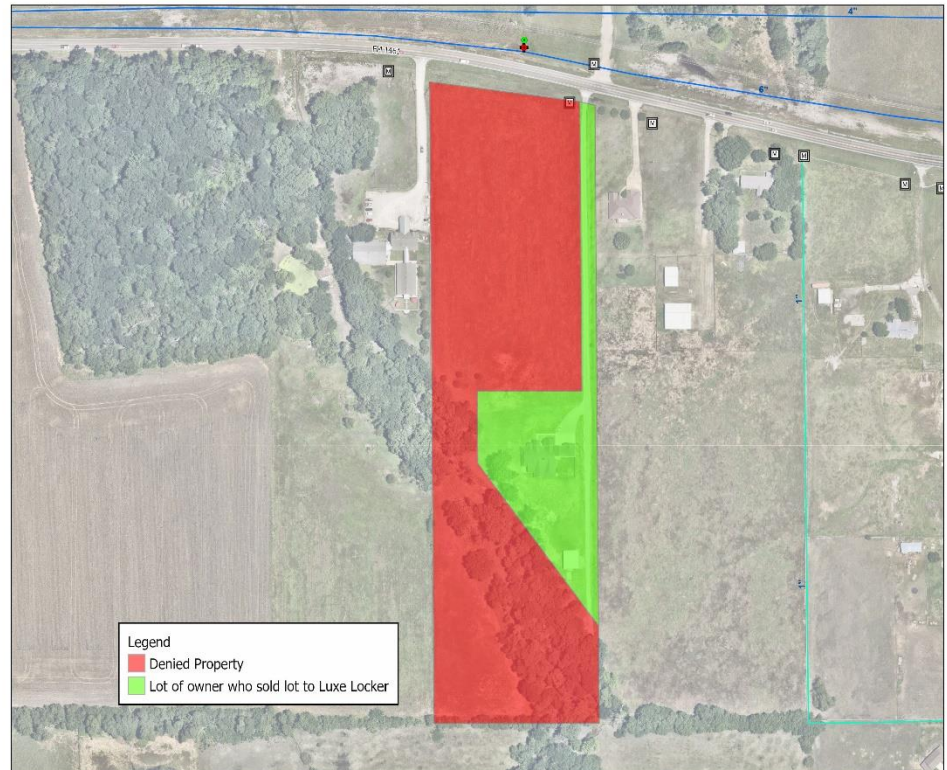
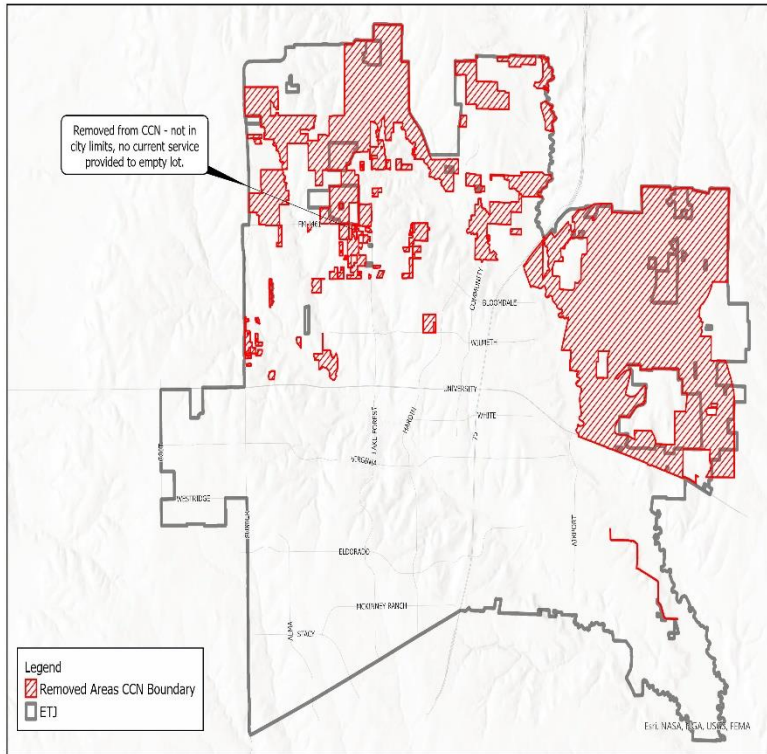
Proposed Use: 92 RV and Boat Storage Condominiums

ETJ: Located in McKinney's ETJ

CCN: Located in proposed decertification area

Water: Does not have water service

Sewer: Does not have sewer service



Timeline

Date	Event
8/15/2023	Property Owner notified that a Final Plat would be required to develop the property, and infrastructure would be evaluated with the Final Plat.
8/21/2023	Utility Verification Letter provided to Luxe Locker
9/12/2023	Conveyance Plat approved
12/6/2023	Conveyance Plat filed with the County
6/25/2024	Cessation Ordinance 2024-06-46 passed, amended by 2024-12-107
9/4/2024	Engineering pre-development meeting with Luxe Locker
9/11/2024	Engineering notified Luxe Locker of the required fire flow requirements
9/16/2024	Exception application filed by Luxe Locker
9/30/2024	Exception application denied by City
10/8/2024	Appeal filed by applicant
1/21/2025	Appeal considered by City Council

Cessation Ordinance 2024-12-107

Section 7. Exemptions, A

1. Ongoing Projects. The temporary cessation enacted by this ordinance does not apply to any project or property which has received any plan or permit approval from the City prior to the effective date of this Ordinance.

Applicant Evidence for “Ongoing Projects” and Analysis

1. Utility Verification Letter – (8/21/23) The utility letter identifies the types and sizes of utilities in the general area where the Property is situated.
2. Conveyance Plat – (12/6/2023) The utility plat is labeled “NOT FOR DEVELOPMENT.” A Conveyance Plat is for the purpose of sale or conveyance.
3. TXDOT Driveway Permit – (1/17/2024) This is not a City permit.

Staff Recommendation: Denial of exception application.

Additional Slides

Current CCN Boundaries

