



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 24-0065FP, **Version:** 1

Consider/Discuss/Act on a Final Plat for Sister Grove Regional Water Resource Recovery Facility, Located in the City of McKinney Extraterritorial Jurisdiction (ETJ), Located on the East Side of CR 2933 and Approximately 400 Feet North of CR 336

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: June 04, 2024

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Caitlyn Strickland, AICP, Planning Manager
Stewart Starry, Planner I

APPLICATION SUBMITTAL DATE: May 08, 2024 (Original Application)

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed Final plat with the following conditions:

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 Standard Conditions for Final Plat Approval Checklist; attached;
3. The applicant receive approval of a Facilities Agreement as specified in Section 302-A
4. The applicant receive a variance to Section 307-C (Improvements) of the Subdivision Ordinance waiving the requirement to install roadway improvements
5. The applicant receive a variance to Section 307-C (Improvements) of the Subdivision Ordinance waiving the requirement to install a water system
6. The applicant receive a variance to Section 307-C (Improvements) of the Subdivision Ordinance to not install a sanitary sewer system
7. The applicant receive a variance to Section 307-C (Improvements) of the Subdivision Ordinance to not install a storm water system

ITEM SUMMARY: The applicant is proposing to combine approximately 648.54 acres for development in the City of McKinney's Extraterritorial Jurisdiction (ETJ). The City has the authority to regulate subdivisions and platting within the ETJ in accordance with Chapter 212 of the Texas Local Government Code and Article 3 (Subdivision Regulations) of the City of McKinney Unified Development Code.

The applicant has indicated to Staff the desire to not construct or escrow for the public improvements associated with the property and required by the Subdivision Regulations.

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.

Given the fact that the Texas Local Government Code does not authorize the City to regulate land uses in the ETJ, if the applicant were required to extend public improvements to and through the property as required by the Subdivision Ordinance, it may open up other ETJ properties for development which may not be consistent with the vision outlined by the City's Comprehensive Plan. For this primary reason, Staff is comfortable entering into a Facilities Agreement which suspends the requirement to construct the public improvements referenced herein and as required by the Subdivision Regulations so long as the property is only used for the purposes outlined in the agreement.

Per the provisions of the City's Subdivision Ordinance, the proposed plat shall satisfy all requirements for a Final Plat. Items currently not satisfied for the proposed Final Plat are shown on the attachment to this report titled "Conditions of Approval Summary."

APPROVAL PROCESS: The City Council will be the final approval authority for the proposed Final plat.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has not received any comments either in opposition to or in support of the proposed Final plat.