



**23-0183FP**

**TITLE:**

Consider/Discuss/Act on a Final Plat for JMT Academy at Custer Addition, Located in the City of McKinney Extraterritorial Jurisdiction (ETJ), Located East of Farm to Market 2478 and approximately 300 feet South of County Road 126

**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:** October 2, 2023

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Jennifer Arnold, AICP, Director of Planning  
Caitlyn Strickland, AICP, Planning Manager  
Bhumika Thakore, Planner I

**APPLICATION SUBMITTAL DATE:** September 05, 2023 (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;
4. The applicant receive a variance to Section 301.E (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 307.C (Improvements) of the

Subdivision Ordinance waiving the requirement to install roadway improvements identified in a Facilities Agreement; and

6. The applicant receive a variance to Section 307.C (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 307.C (Improvements) of the Subdivision Ordinance to not install a sanitary sewer system, identified in a Facilities Agreement; and
8. The applicant receive a variance to Section 307.C (Improvements) of the Subdivision Ordinance to not install a storm water system, identified in a Facilities Agreement; and
9. The associated facilities agreement be filed with the county prior to filing the Final Plat, subject to review and approval of the City Attorney.

**ITEM SUMMARY:** The applicant is proposing to subdivide approximately 2.570 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 is the final approval authority for the proposed Final Plat.

**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 Final Plat](#)

[Conditions of Approval Summary](#)