



22-0631

**TITLE:** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Facilities Agreement for Lot 1, Block 1, New Hope Switchyard Addition, Located in the Extraterritorial Jurisdiction (ETJ) of McKinney, Texas, that is Situated on County Road 336 approximately 2,000 Linear Feet southeast of FM 2933

**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:** July 19, 2022

**DEPARTMENT:** Engineering

**CONTACT:** Matt Richardson, P.E., Development Engineering Manager  
Gary Graham, P.E., Director of Engineering

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of the proposed facilities agreement.

**ITEM SUMMARY:**

- The applicant is proposing to plat one lot as a 6.00 acre tract within the City of McKinney's Extraterritorial Jurisdiction (ETJ). The City has the authority to regulate platting within the ETJ in accordance with Chapter 212 of the Texas Local Government Code and Chapter 142 of the City of McKinney Code of Ordinances.
- Provision of adequate infrastructure, including roadway, water, sewer, and drainage systems, is a critical component of subdivision regulations and is highly dependent on land use. Determinations regarding these systems cannot be made without consideration of land use. Within city limits, the zoning ordinance provides the framework for making these determinations.
- 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 standards.
- The applicant has indicated to Staff the desire to not construct public improvements associated with the property and required by Chapter 142 of the

Code of Ordinances. This agreement would relieve or defer the public improvements that exceed the amount that is roughly proportional to the proposed development on the subject property, including:

- The requirement to construct a minimum twenty-four foot (24') wide concrete and gutter pavement section for County Road 336, including the associated street lighting, sidewalks, underground drainage systems, and other appurtenances; and
  - The requirement to construct on-site and, if necessary off-site, underground storm drainage facilities to capture storm water drainage upon and across the Property; and
  - The requirement to construct a minimum 12-inch diameter water line along County Road 366 including approximately two (2) miles of offsite 12-inch minimum diameter water line and appurtenances capable of supplying adequate domestic and fire flow to through the Property from the nearest City of McKinney water line; and
  - The requirement to construct a minimum 10-inch diameter sanitary sewer line to the Property together with approximately two (2) miles of offsite 15-inch and 21-inch minimum diameter sanitary sewer lines capable of serving the property.
- The City conditionally agrees to grant variances to the above requirements provided that the applicant agrees to certain additional requirements. This agreement establishes these requirements, including:
    - The use of Lot 1, Block 1 shall be limited to utility substations, electric transmission lines and associated appurtenances situated on the lot to be used for the provision and distribution of electrical power. The use of the Property shall otherwise conform to the requirements allowed in the RED-1 Residential Estates District as identified in Chapter 146 of the Code of Ordinances, except for uses which traditionally accommodate the public and/or create high traffic volumes, such exceptions being identified in the agreement.
    - The proposed plat shall dedicate easements and rights-of-way for future public infrastructure complying with Sections 142 of the Code of Ordinances.
  - If, in the future, the property is further subdivided or replatted, or the use of the property is altered from the use identified in the agreement, then the relief or deferrals allowed by the agreement shall terminate.

**BACKGROUND INFORMATION:**

- The Preliminary-Final Plat, Case No. PLAT2022-0057PF and Agenda Item No. 22-0057PF, was previously approved with conditions on May 17, 2022. One of the required conditions was the approval of this Facilities Agreement.

**FINANCIAL SUMMARY:**

- N/A

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Resolution](#)

[Agreement](#)

[Location Map & Aerial Exhibit](#)