



21-0181PF

TITLE: Consider/Discuss/Act on a Preliminary-Final Plat for Forest Grove Estates, Located in the ETJ of McKinney, on the Northeast Corner of FM 2933 and County Road 340

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: November 16, 2021

DEPARTMENT: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Caitlyn Strickland, Planning Manager
Sofia Sierra, Planner I

APPLICATION SUBMITTAL DATE: October 18, 2021 (Original Application)

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed Preliminary-Final Plat with the following conditions and variances:

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 attached Standard Conditions of Approval for Preliminary-Final Plats Checklist prior to the issuance of any necessary permit; and
3. The applicant receive approval of a Facilities Agreement; and
4. The applicant receive a variance to Section 142-6 (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 142-105 (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 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to install a water system, identified in a Facilities Agreement;
7. The applicant receive a variance to Section 142-105 (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 142-105 (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 the filing of the record plat, subject to review and approval of the City Attorney.

In order to receive final approval of the plat, the applicant has the opportunity to make one resubmittal which corrects the items currently not in conformance for plat approval.

ITEM SUMMARY:

- The applicant is proposing to subdivide approximately 14.84 acres into 5 lots in the City of McKinney's Extraterritorial Jurisdiction (ETJ). The applicant has indicated that lots will be used for residential uses. 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 Chapter 142 (Subdivision Regulations) of the City of McKinney Code of Ordinances.
- 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 supporting the requested variances and 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.

APPROVAL PROCESS: The Planning and Zoning Commission is the primary approval authority for proposed preliminary final plats. However, the plats that include variance requests are usually and primarily considered by the City Council. In the event that a City Council meeting does not occur within the timelines required pursuant to Texas Local Government Code Chapter 212, the variance request may be considered by the Planning and Zoning Commission. Subsequent to the action taken by the Planning and Zoning Commission or City Council, the applicant has the opportunity to make one resubmittal which addresses any conditions or items identified as a condition of approval or reason for disapproval.

PUBLIC IMPROVEMENTS:

- 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. The variances granted would relieve the applicant from the following:
 - The requirement to construct a minimum twenty-four foot (24') wide concrete curb and gutter pavement section for a Future Arterial Roadway, including the associated street lighting, sidewalks, underground drainage systems, and other appurtenances; and
 - The requirement to construct on-site and, if necessary, off-site storm drainage facilities to capture storm water runoff upon and across the property to the nearest waterway with adequate capacity; and
 - The requirement to construct a 12-inch diameter water line along FM 2933, together with approximately one (1) mile of offsite 12-inch minimum diameter water lines and appurtenances capable of supplying adequate domestic water service and fire flow to and through the property from the nearest City of McKinney water line; and
 - The requirement to construct an 8-inch diameter sanitary sewer line to the property together with approximately two and a half (2.5) miles of offsite 21-inch minimum diameter sanitary sewer lines and appurtenances capable of providing adequate wastewater service to and through the property from the nearest City of McKinney sewer line.

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

SUPPORTING MATERIALS:

[Standard Conditions Checklist](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Proposed Preliminary-Final Plat](#)

[Conditions of Approval Summary](#)