



**22-0049PF**

**TITLE:** Consider/Discuss/Act on a Preliminary-Final Plat for Calvin Boles Estates, Located in the ETJ of McKinney, Approximately 2,330 Feet North of County Road 325 and on the West Side of County Road 318

**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:** May 3, 2022

**DEPARTMENT:** Development Services - Planning Department

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

**APPLICATION SUBMITTAL DATE:** April 4, 2022 (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 5.00 acres into 3 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:
  - Installation of roadway improvements capable of providing adequate public and emergency services access intended for the safe, efficient, and orderly development of the City to all or any part of the Property, as required by Section 142-105 of the Subdivision Ordinance.
  - Installation of a water system capable of furnishing the domestic flow and fire flow and pressures intended to provide sufficient fire protection for the safe, efficient and orderly development of the City to all or any part of the Property, as required by Section 142-105 of the Subdivision Ordinance. As a condition of this variance, the landowner shall provide a fire suppression system acceptable to the county fire marshal.
  - Installation of a sanitary sewer system capable of servicing the domestic wastewater flow intended for the safe, efficient, and orderly development of the City to all or any part of the Property, as required by Section 142-105 of the Subdivision Ordinance.
  - Installation of an underground storm water system intended for the safe, efficient, and orderly development of the City to all or any part of the Property, as required by Section 142-105 of the Subdivision Ordinance.

**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](#)