



22-0110PF

TITLE: Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1-4, Block A of the Willis Addition, Located in the McKinney ETJ at the Southeast Corner of County Road 123 and County Road 124

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: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Caitlyn Strickland, Planning Manager
Jake Bennett, Planner I

APPLICATION SUBMITTAL DATE: June 20, 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 approval; and
2. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist, attached; and
3. The applicant receive approval of a Facilities Agreement; and
4. 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
5. The associated facilities agreement be filed with the county prior to filing the record plat, subject to review and approval of the City Attorney.

ITEM SUMMARY:

- The applicant is proposing to subdivide approximately 13.55 acres into four lots 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 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. Further, the four lots proposed by the applicant may be adequately served by the public improvements currently available, provided that they are used solely for single family residential purposes.

APPROVAL PROCESS: The Planning and Zoning Commission is the primary approval authority for proposed preliminary final plats. However, 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 approximately 4000 linear feet of off-site, 15 inch 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](#)