



22-0114PF

TITLE: Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 and 2, Block A, The Pratt Fam Addition, Located on the North Side of County Road 1029 and approximately 940 Feet West 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: Development Services - Planning Department

CONTACT: Jennifer Arnold, AICP, Director of Planning
Caitlyn Strickland, Planning Manager
Lexie Schrader, Planner I

APPLICATION SUBMITTAL DATE: June 20, 2022 (Original Application)

STAFF RECOMMENDATION: Staff recommends approval of the proposed preliminary-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 attached Standard Conditions of Approval for Preliminary-Final Plats Checklist, attached.
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; and
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 applicant receive a variance to Section 142-99 (Lots) of the Subdivision Ordinance waiving the requirement to have frontage on a public street; and
10. The associated facilities agreement be filed with the county prior to filing a record plat, subject to review and approval of the City Attorney.

ITEM SUMMARY: The applicant is proposing to subdivide approximately 3.024 acres into 2 lots, Lot 1 (1 acre) and Lot 2 (2 acres) 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.

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 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 if 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 preliminary-final plat. Items currently not satisfied for the proposed preliminary-final plat are shown on the attachment to this report titled "Conditions of Approval Summary."

APPROVAL PROCESS: The Planning and Zoning Commission is the approval authority for the proposed plat. In order to receive final approval of the plat, the applicant has the opportunity to make one resubmittal which addresses all items listed above.

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](#)