



**22-0215PF**

**TITLE:** Consider/Discuss/Act on a Preliminary-Final Plat for BWB 168, Located in the McKinney Extraterritorial Jurisdiction (ETJ), Located on the North Side of County Road 168 and Approximately 511 Feet West of County Road 167

**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 8, 2022

**DEPARTMENT:** Development Services - Planning Department

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

**APPLICATION SUBMITTAL DATE:** October 17, 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 approval.
2. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist, attached, prior to the issuance of any necessary permits.
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 associated facilities agreement be filed with the county prior to filing a record plat, subject to review and approval of the City Attorney; and
10. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist, attached.

**ITEM SUMMARY:** The applicant is proposing to plat approximately 4.074 acres as Lot 1, Block A of BWB 168 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.

**APPROVAL PROCESS:** The Planning and Zoning Commission is the approval authority for the proposed plat. 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 received no comments in support of or opposition to this request.

**SUPPORTING MATERIALS:**

[Standard Conditions Checklist](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Proposed Preliminary-Final Plat](#)

[Conditions of Approval Summary](#)