



22-0147PF2

TITLE: Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1 and 2, Block A of the McKinney Bluff Addition, Located in the McKinney Extraterritorial Jurisdiction (ETJ), On the East Side of FM 1827 and Approximately 550 Feet North of Surrey Estates Road

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: August 23, 2022

DEPARTMENT: Development Services - Planning Department

CONTACT: Kaitlin Sheffield, CNU-a, Senior Planner
Caitlyn Strickland, Planning Manager
Jennifer Arnold, AICP, Director of Planning

APPLICATION SUBMITTAL DATE: July 25, 2022 (Original Application)
November 22, 2022 (Revised Submittal)

RECOMMENDED CITY COUNCIL ACTION: 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; and
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; 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; 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.

ITEM SUMMARY: The applicant is proposing to subdivide approximately 5.1 acres as Lot 1, Block A (approximately 3.1 acres) and Lot 2, Block A (approximately 2 acres) of the McKinney Bluff Addition 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.

The proposed plat was previously considered for disapproval at the August 23, 2022 Planning and Zoning Commission meeting. Since that time, the applicant has worked with staff to address the noted plat deficiencies and staff is now recommending approval of the proposed preliminary-final plat.

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 City Council will be the final approval authority for the proposed preliminary-final plat.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments in support of or opposition to this request.

BOARD OR COMMISSION RECOMMENDATION: On August 23, 2022, the Planning and Zoning Commission voted 7-0-0 to recommend disapproval 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](#)