



CITY OF MCKINNEY, TEXAS

Legislation Details (With Text)

File #: 25-2393 **Name:** Painted Tree LOMR Agreement
Type: Resolution **Status:** Approved
In control: City Council Regular Meeting
On agenda: 1/21/2025 **Final action:** 1/21/2025
Title: Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Facilities Agreement with JEN Texas 22 LLC in conjunction with GRBK Edgewood LLC, Drees Custom Homes, L.P., Bloomfield Homes, L.P., Cyrene at Painted Tree LLC, TSHH, LLC, and Cyrene at Painted Tree One LLC, for 24 Lots within the Painted Tree Subdivision, Located in the City of McKinney, Texas, Situated Approximately 950 Linear Feet North of US 380, between Lake Forest Drive and Hardin Boulevard, and south of Wilmeth Road

Indexes:

Attachments: 1. Resolution, 2. Facilities Agreement, 3. 1295 Cert. Forms

Date	Ver.	Action By	Action	Result
1/21/2025	1	City Council Regular Meeting		

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COUNCIL GOAL: Operational Excellence
(2B: Continuously provide a high level of customer service to our citizens.)

MEETING DATE: January 21, 2025

DEPARTMENT: Engineering

CONTACT: Kyle Odom, CFM, R.S., Environmental Engineering Manager
Matt Richardson, P.E., Assistant Director of Engineering
Gary Graham, P.E., Director of Engineering

RECOMMENDED CITY COUNCIL ACTION:

- Approval of the proposed Resolution.

ITEM SUMMARY:

- The applicant is proposing to plat 24 lots currently shown by the Federal Emergency Management Administration (FEMA) Flood Insurance Rate Map (FIRM) as within Special Flood Hazard Area (SFHA) or 100-year floodplain. The City has the authority to regulate platting within its City Limits in accordance with Chapter 212 of the Texas Local Government Code and Chapter 150 of the City of McKinney Code of Ordinances known as the Unified Development Code (UDC).

- The UDC regulations require a Preliminary Plat to provide a layout of lots, roads, utilities, drainage, and other public facilities and services in conformance with the requirements contained in the City's Engineering Design Manual (EDM).
- Section 4.2.B of the EDM prohibits residential and non-residential structures from being located within drainage easements and floodplains and strictly regulates proposed developments occurring within FEMA floodplain.
- Section 4.2.B of the EDM further requires a developer or property owner to obtain a Letter of Map Revision ("LOMR") from FEMA that redefines the FEMA floodplain as shown on the FIRM prior to the recording and filing the plat for a development.
- The applicant has indicated to Staff the desire to plat 24 residential lots currently encumbered by the FEMA floodplain prior to receiving a Letter of Map Revision from FEMA. This will allow them to submit a single LOMR request to FEMA for the entire development instead of multiple individual requests with each impacted phase.
- The applicant agrees to submitting to, and obtaining from FEMA a Letter of Map Revision based on fill (LOMRF) for each of the 24 lots prior to recording the 24 lots.
- Post grading of the 24 lots, the applicant agrees to submit a LOMR application to FEMA for the entire development to ensure the FIRM accurately depicts the FEMA floodplain or SFHA.
- The applicant agrees to escrow with the CITY an amount covering 120% of the total cost of contracts with the Engineering or Surveying consultant(s) necessary to complete both the LOMR application, as well as the platting amendment showing the corrected lots and floodplain.
- Based on the above, the applicant shall place in escrow with the city \$48,000 for the LOMR application, and an additional \$48,000 for the platting efforts.
- If in the event the applicant does not complete either or both the LOMR application or platting requirements, the CITY will use the money held in escrow to perform this effort.

BACKGROUND INFORMATION:

- Plats are included as an attachment to the agreement.
- A listing of the specific lots is included as an attachment to the agreement.

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- N/A