



CITY OF MCKINNEY, TEXAS

Legislation Text

File #: 22-0083PF, **Version:** 1

Consider/Discuss/Act on a Preliminary-Final Plat for Gonzalez-Carreon Addition, Located in the City of McKinney ETJ, at the Northeast Corner of Surrey Estates Road and FM 1827

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: June 21, 2022

DEPARTMENT: Development Services - Planning Department

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

APPLICATION SUBMITTAL DATE: May 16, 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; 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 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 5.2 acres into three lots: Lot 1 (approximately 1.82 acres), Lot 2 (approximately 1.5 acres), and Lot 3 (approximately 1.89 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."

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.