

CITY COUNCIL MEETING OF 3/5/13 AGENDA ITEM #12-153MRP

AGENDA ITEM

TO: City Council

THROUGH: Michael Quint, Director of Planner
Brandon Opiela, Planning Manager

FROM: Alex Glushko, Planner II

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Boundary Solutions, on Behalf of Luis Jonathan Estrada and Jose Luis Estrada, for Approval of a Minor Replat for Lots 1 and 2, Block A, of the Estrada Addition, Being Fewer than 2 Acres, Located on the Southeast Corner of Greenville Road and Neilson Street

APPROVAL PROCESS: The City Council is the final approval authority for the proposed minor replat.

STAFF RECOMMENDATION: Staff recommends approval of the proposed minor replat, with the following conditions:

1. The applicant satisfy the conditions as shown on the Standard Conditions for Minor Replat Approval Checklist, attached.

Prior to filing the plat for record:

2. The applicant revise the plat to provide approximately 25' of right-of-way dedication for Gough Street (variable width in accordance with the centerline of the street), subject to review and approval by the City Engineer.
3. The applicant revise the plat to provide state plane coordinates tied to two points along the boundary of the plat, in accordance with the Subdivision Ordinance.

The applicant has requested three additional variances which Staff recommends denial of:

4. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct Gough Street and improve Neilson Street as well as sidewalks adjacent to the subject property.

5. The applicant receive approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to dedicate 11 feet of right-of-way for Neilson Street.
6. The applicant receive approval of a variance from Section 142-158 of the Subdivision Ordinance to waive the parkland dedication fee for one lot.

APPLICATION SUBMITTAL DATE: August 13, 2012 (Original Application)
February 11, 2013 (Revised Submittal)
February 18, 2013 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to replat the subject property in order to modify the location of a common lot line between two existing tracts of land. The subject property is approximately 1.81 acres, a portion of which is currently platted as Lot 10, Block 2, of the W.J.S. Russell's 3rd Addition and the remainder is currently unplatted. There is currently a single family residence located primarily on the platted lot (existing Lot 10); however, the eastern portion of the existing residence is situated over the common lot line onto a portion of the unplatted lot. The applicant has stated that they are platting in order to rectify this issue and that there are no immediate plans for development of the balance of land.

In order to move the common lot line so that the current residence is not situated over a lot line, a minor replat is required per the Subdivision Ordinance. Additionally, under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the associated plat. Therefore, the applicant is required to dedicate right-of-way for and improve/construct a segment of Gough Street to the south of the subject property, as well as dedicate right-of-way for and improve/construct a segment of Neilson Street to the west of the subject property. The applicant has indicated to Staff that they will provide the necessary right-of-way for Gough Street, but is requesting variances from the construction of Neilson Street and Gough Street, as well as the dedication of right-of-way along Neilson Street. Additionally, the applicant has requested a variance waiving the parkland dedication fee for the additional lot of record being created by this plat.

The City Council has the authority to grant variances as outlined in the Subdivision Ordinance such as, when there are special circumstances or conditions affecting the property in question, enforcement would deprive the applicant of a substantial property right, or that the variance, if granted, will not be detrimental to the public welfare. Pecuniary interests standing alone shall not be justification for granting a variance.

PLATTING STATUS: In order to replat the subject property, as proposed by the applicant, the following variances to the requirements of the Subdivision Ordinance are required:

1. The applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct Gough Street and improve Neilson Street as well as sidewalks adjacent to the subject property.

- Per the Subdivision Ordinance, the applicant is required to construct the approximately 125 linear foot segment of Gough Street adjacent to the south of the subject property, which is required to be a minimum of 27 feet in width. The applicant is also required to improve approximately 200 linear feet of Neilson Street adjacent to the west of the subject property, required to be a minimum of 27 feet in width. The applicant has requested a variance to not improve both of the aforementioned roadways. If properties are allowed to develop without the provision of providing public streets and associated infrastructure, it may shift the burden/cost of providing such streets to the City in the future. As such, Staff is recommending denial of this variance request.
2. The applicant receive approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to dedicate 11 feet of right-of-way for Neilson Street.
 - Per the Subdivision Ordinance, the applicant is required to provide approximately 11 feet of right-of-way dedication for Neilson Street along the western side of the subject property. The applicant has requested a variance to not to dedicate the associated right-of-way for Neilson Street. If properties are allowed to develop without the provision of dedicating adequate public right-of-way, it may shift the burden/cost of acquiring such right-of-way to the City in the future. As such, Staff is recommending denial of this variance request.
 3. The applicant receive approval of a variance from Section 142-158 of the Subdivision Ordinance to waive the parkland dedication fee for one lot.
 - Per the Subdivision Ordinance, all subdivisions are required to either dedicate parkland or to provide cash in lieu of parkland dedication when creating new residential lots, regardless of the size of the subdivision or the number of new residential lots created. To waive the cash in lieu of parkland dedication for the subject property could set a precedent that would negatively affect the City of McKinney's ability to provide parkland and open space for its citizens. In addition, according to Ordinance, pecuniary interests standing alone shall not be justification for granting a variance. Therefore, Staff recommends denial of the requested variance.
 - With one new lot being added, the land requirement is 0.02 acres. Collin Central Appraisal District (CCAD) currently values the subject property at \$37,500 an acre, which has been used in determining the parkland dedication fee estimate for the proposed lot. The applicant owes cash in lieu of parkland for the one new lot, currently estimated to be \$750. This estimate will be recalculated when the plat is ready to be filed and will be based on the Collin Central Appraisal District value at the time of plat filing.

ACCESS/CIRCULATION:

Adjacent Streets: Greenville Road, 60-Foot Right-of-Way, 4-Lane Town Thoroughfare

Gough Street, 40-Foot Right-of-Way, Residential Street

Neilson Street, 18-Foot Right-of-Way, Alley

Discussion: The entirety of the subject property has frontage on Greenville Road to the north. The existing platted lot (Lot 10, Block 2, of the W.J.S. Russell's 3rd Addition) also has frontage on Neilson Street, which currently has approximately 13 feet of pavement width adjacent to the west of the subject property. The unplatted remainder of the subject property (proposed Lot 2) has frontage on Gough Street adjacent to the south of the subject property, which has not been constructed.

SURROUNDING ZONING AND LAND USES:

Subject Property: "RS 60" – Single Family Residence District (Single Family Residence and Undeveloped Land)

North	"AG" – Agricultural District	City of McKinney (Old Settler's Park)
South	"RS 60" – Single Family Residence District	Single Family Residence
East	"RS 60" – Single Family Residence District	Single Family Residence and Undeveloped Land
West	"RS 60" – Single Family Residence District	Single Family Residence and Undeveloped Land

PUBLIC IMPROVEMENTS:

Sidewalks: Required along Greenville Road, Neilson Street, and Gough Street

Hike and Bike Trails: Not Required

Road Improvements: Required for Neilson Street and Gough Street

Utilities: All utilities necessary for this development, and as determined by the City Engineer

Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the associated plat, unless the requested variance is approved by the City Council.

FEES:

Roadway Impact Fees: Not Applicable (Ordinance No. 2008-10-173)

Utility Impact Fees: Not Applicable (Ordinance No. 2008-10-174)

Median Landscape Fees: Not Applicable

Park Land Dedication Fees: Applicable

Pro-Rata: Not Applicable

CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP): The proposed request does not conflict with the Master Thoroughfare Plan.

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

ATTACHMENTS:

- Standard Conditions for Minor Replat Approval Checklist
- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Minor Replat
- PowerPoint Presentation