

CITY COUNCIL MEETING OF 06-18-13 AGENDA ITEM #99-283MRP

AGENDA ITEM

TO: City Council

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

FROM: Samantha Gleinser, Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Waldo & Lee R. Turner, for Approval of a Minor Replat for Lots 765R, 766, and 777R of the McKinney Outlots, Being Less than 1 Acre, Located on the Southeast Corner of State Highway 5 (McDonald Street) and Watt 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 Checklist, attached.
2. The applicant receive approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to dedicate 5 feet of right-of-way and construct a 24 foot wide section of roadway with associated sidewalk, adjacent to the south side of the property.

Prior to filing the plat for record:

3. The applicant revise the plat to show "2013" on all signature block dates.
4. The applicant revise the plat to provide two state plane coordinates.
5. The applicant revise the plat to show the current right-of-way widths for all adjacent streets.
6. The applicant revise the plat to provide a note stating the purpose of the plat.
7. The applicant revise the plat to provide the filing information for the 10' Street Dedication along Watt Street and Railroad Street previously dedicated.

8. The applicant revise the plat to provide the filing information for both of the 15' corner clips previously dedicated.

APPLICATION SUBMITTAL DATE: November 16, 1999 (Original Application)

ITEM SUMMARY: The applicant is proposing to subdivide two existing lots (Lots 765 and 777) into three lots for future commercial use.

Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the associated replat such as dedicating and constructing right-of-way and sidewalks to the south of the property. The applicant has requested a variance waiving the requirement to provide these improvements.

Minor replats are typically approved by the Planning and Zoning Commission; however, the variances requested can only be approved by City Council. The City Council has the authority to grant variances as outlined in the Subdivision Ordinance such as when there are special circumstances or conditions affect the property in question, enforcement would deprive the applicant of substantial property right, or that the variance, if granted, will not be detrimental to the public welfare. Pecuniary interests standing along shall not be justification for granting a variance.

PLATTING STATUS: The subject property is currently platted as Lots 765 and 777 of the McKinney Outlots. In order to replat the subject property as proposed by the applicant, variances to the requirements of the Subdivision Ordinance have been requested with regard to right-of-way dedication and construction of associated roadways and sidewalks. Prior to the issuance of a Certificate of Occupancy, the minor replat must be filed for recordation with the Collin County Clerk.

SURROUNDING ZONING AND LAND USES:

Subject Property: "MTC" McKinney Town Center District – Transit Village Core (Commercial Uses)

North	"BG" – General Business District (Single Family Residential and Commercial Uses)	Single Residences Insurance Services	Family Residences
South	"MTC" McKinney Town Center District – Transit Village Core (Single Family Residential Uses)	Single Residences Undeveloped	Family Residences and
East	MH" – Heavy Manufacturing District (Industrial Uses)	Undeveloped Land	
West	"MTC" McKinney Town Center District – Downtown Core (Church Uses)	St. James Church	Methodist Church

ACCESS/CIRCULATION:

Adjacent Streets: McDonald Street (State Highway 5), 100' Right-of-Way, Major Arterial
Unnamed Street, 30' Right-of-Way, Collector
Watt Street, 40' Right-of-Way, Collector
Railroad Street, Right-of-Way, Collector

Discussion: The two existing lots currently have one access point via McDonald Street (State Highway 5) to the west, three access points via Watt Street to the north, and one access point via Railroad Street to the east. The unnamed street to the south of the property does not provide access to either of the existing lots; however, there is one lot to the south of the subject property that takes sole access from said road, thus it cannot be abandoned. Prior to the applicant filing the replat for record, Staff recommends the applicant revise the plat to show the current right-of-way widths for all adjacent streets.

TREE PRESERVATION ORDINANCE: The applicant will be responsible for complying with the Tree Preservation Ordinance, and for submittal of a tree survey or tree preservation plan, as determined by the City Arborist. The applicant will be responsible for applying for all necessary permits for any tree removal that is to occur on site.

PUBLIC IMPROVEMENTS:

Sidewalks: Existing Along McDonald Street (State Highway 5), Watt Street, and Railroad Street
Required Along Unnamed Street
Hike and Bike Trails: Not Applicable
Road Improvements: All road improvements necessary for this development, and as determined by the City Engineer
Utilities: All utilities necessary for this development, and as determined by the City Engineer

Discussion: The applicant has requested that the City Council grant a variance to the requirement of the Subdivision Ordinance listed below:

1. The applicant receive approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to dedicate 5 feet of right-of-way and construct a 24 foot wide section of roadway with associated sidewalk, adjacent to the south side of the property.

- Per the Subdivision Ordinance, the applicant is required to dedicate 5 feet of right-of-way and construct a 24 foot wide roadway (approximately 250 feet long) adjacent to the south side of the subject property. In addition, the applicant is required to construct a sidewalk along the approximately 250 linear foot segment of the unnamed right-of-way. Engineering Staff has indicated that the proposed lots have frontage and access to public utilities through Watt Street on the north side of the property; therefore, it is unnecessary to dedicate right-of-way for or construct the roadway within the right-of-way to the south of the subject property. Engineering Staff has also indicated that it is not currently possible to abandon said right-of-way due to the fact that a lot on the south side would not have access without the right-of-way in place. As such, Staff supports the requested variance.

DRAINAGE: The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance, which may require on-site detention. Grading and drainage plans are subject to review and approval by the City Engineer, prior to issuance of a building permit.

FEES:

Roadway Impact Fees:	Applicable (Ordinance No. 2008-10-173)
Utility Impact Fees:	Applicable (Ordinance No. 2008-10-174)
Median Landscape Fees:	Not Applicable
Park Land Dedication Fees:	Not Applicable
Pro-Rata:	Not Applicable

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has not received any comments either in opposition to or in support of the proposed minor replat.

ATTACHMENTS:

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