

AGENDA ITEM

TO: City Council

THROUGH: Brandon Opiela, Planning Manager

FROM: Alex Glushko, Planner II

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of Fangio Revocable Trust, for Approval of a Preliminary-Final Replat for Lots 4R1 and 4R2, Block A, of the Power House Business Park Addition, Being Less than 1 Acre, Located Approximately 200 Feet South of Power House Street and on the West Side of Mercury Circle

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

STAFF RECOMMENDATION: Staff recommends approval of the proposed preliminary-final replat with the following conditions:

1. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Replat Approval Checklist, attached.
2. The applicant receive approval of a variance to Section 142-105 of the Subdivision Ordinance waiving the requirement to extend a public water line to proposed Lot 4R1 of the subject property.

Prior to filing the plat for record:

3. The applicant revise the plat to modify the title block, purpose statement, and “review purposes only” note to reference a preliminary-final replat.
4. The applicant revise the plat to provide the filing information for existing Lot 4.

APPLICATION SUBMITTAL DATE: December 10, 2012 (Original Application)
December 20, 2012 (Revised Submittal)
December 26, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to subdivide less than one acre of land into two lots, located approximately 200 feet south of Power House Street and on the west side of Mercury Circle.

The subject property is currently platted as one lot which has two existing buildings on it. The applicant is proposing to subdivide the lot into two lots, each with one building, in order to sell one of the buildings. In order to achieve this, the applicant is required to provide each lot with access to public utilities, or gain approval by City Council via a variance to the Subdivision Ordinance to not provide access to public utilities. Both of the buildings will have access to a public sewer line, however the applicant is proposing not to extend a public water line to the western building. Instead, the applicant is proposing to utilize the existing private 2" water line alongside the northern property line, within a private water line easement, in order to serve the western lot with public water.

Typically, preliminary-final replats are considered by the Planning and Zoning Commission. This preliminary-final replat has bypassed the Planning and Zoning Commission and is being considered by the City Council instead because the applicant has requested a variance to a requirement of the Subdivision Ordinance. Per the Subdivision Ordinance, only the City Council can grant a variance.

PLATTING STATUS: The subject property is currently platted as Lot 4, Block A of the Power House Business Park Addition. In order to subdivide the subject property as proposed by the applicant, a variance to the requirements of the Subdivision Ordinance will be needed in order to waive the requirement to provide a public water line to the newly created lot and is detailed further in the "Public Improvements" section of this report.

Subsequent to the approval of the preliminary-final plat, a record plat or plats, subject to review and approval by the Director of Planning, must be filed for recordation with the Collin County Clerk prior to the sale of either proposed lot.

SURROUNDING ZONING AND LAND USES:

Subject Property: "ML" – Light Manufacturing District (Industrial Uses)

North	"ML" – Light Manufacturing District (Office Use)	Trinity Credit Services
South	"ML" – Light Manufacturing District (Industrial Use)	John Deere Landscapes
East	"ML" – Light Manufacturing District (Industrial Use)	Fasteners First and Undeveloped Land
West	"ML" – Light Manufacturing District (Institutional Use)	Texas Department of Public Safety

Discussion: The proposed lots meet the minimum size requirements of the governing zoning district.

ACCESS/CIRCULATION:

Adjacent Streets: Mercury Circle, 60' Right-of-Way, Collector Street

Discussion: The subject property currently has frontage on Mercury Circle. The proposed subdivision will allow continued frontage for proposed Lot 4R2 on Mercury Circle; however, proposed Lot 4R1 will have access through two mutual access easements, via proposed Lot 4R2 from the east and via existing Lot 5R from the south.

PUBLIC IMPROVEMENTS:

Sidewalks: Existing along Mercury Circle

Hike and Bike Trails: Not Required

Road Improvements: Not Required

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 otherwise specified in an approved facilities agreement or waived by the City Council via a variance.

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.

Section 142-105 of the Subdivision Ordinance requires that water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots, and conform to the city master water plan. The applicant is requesting a variance from extending a 6" public water line to proposed Lot 4R1, through proposed Lot 4R2, as there is already an existing 2" private water line running through proposed Lot 4R2 alongside the northern property line that serves the building located on proposed Lot 4R1.

Additionally, the applicant is proposing to provide a 5' wide private water line easement on proposed Lot 4R2, in order to ensure that proposed Lot 4R1 has access for maintenance of said line all the way to the public water line currently in Mercury Circle right-of-way. The City Engineer has reviewed the request and is comfortable supporting the variance request to waive the requirement of installing a new public water line and to allow proposed Lot 4R1 to utilize the existing 2" water line currently serving the building. In order to ensure that the private water line easement remains in place

indefinitely, the applicant will be required to file an irrevocable water line easement on proposed Lot 4R2, subject to the review and approval of the City Attorney, prior to the filing of an associated record plat.

FEES:

Roadway Impact Fees: Not Required

Utility Impact Fees: Not Required

Median Landscape Fees: Not Required

Park Land Dedication Fees: Not Required

Pro-Rata: Not Required

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 Preliminary-Final Replat Approval Checklist
- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Preliminary-Final Replat
- PowerPoint Presentation