

**AGENDA ITEM**

**TO:** City Council

**FROM:** Michael Quint, Senior Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Rockbrook Development, L.L.C., for Approval of a Preliminary-Final Replat for Lots 1-4, Block A, of the Rose Addition, Approximately 0.16 Acres, Located on the Northeast Corner of Tennessee Street and Walnut Street.

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

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**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 construct portions of Walnut Street located adjacent to the subject property.

Prior to filing the plat for record:

3. The applicant revise the plat to provide a notation indicating that the proposed common area will be owned and maintained by a homeowners' association.
4. The applicant revise the plat by labeling Common Area A-1 as a drainage easement.

**The applicant is also requesting approval of the variances indicated below. Staff recommends denial of these variances.**

1. The applicant receive approval of a variance to Section 142-105 of the Subdivision Ordinance waiving applicable storm water detention requirements.
2. The applicant receive approval of a variance to Section 142-105 of the Subdivision Ordinance allowing a 4 inch sanitary sewer line to serve the proposed lots.

3. The applicant receive approval of a variance to Section 142-157 of the Subdivision Ordinance waiving the requirement to dedicate park land or pay cash in lieu of a park land dedication.

**APPLICATION SUBMITTAL DATE:** September 12, 2011 (Original Application)  
October 10, 2011 (Revised Submittal)  
October 24, 2011 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to subdivide approximately 7,023 square feet of land into four attached single family residential lots, located on the northeast corner of Tennessee Street and Walnut Street.

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 several variances to requirements 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 2D, Block 20 of the Shorts Addition. 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 issuance of a building permit. A record plat (12-002RP) has been submitted and is currently under review by the Director of Planning.

**SURROUNDING ZONING AND LAND USES:**

Subject Property: "PD" – Planned Development District Ordinance No. 2011-12-082  
(attached single family residential uses)

North	"BN" – Neighborhood Business	Single Family Residence
South	"BN" – Neighborhood Business	Single Family Residence
East	"BN" – Neighborhood Business	Single Family Residence
West	"BN" – Neighborhood Business	Single Family Residence

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

**ACCESS/CIRCULATION:**

Adjacent Streets: Tennessee Street, Approximately 60' Right-of-Way, Collector Street

## Walnut Street, 20' Right-of-Way, Residential Street

Discussion: While the subject property has frontage on both, Tennessee Street and Walnut Street, vehicular access to the proposed lots will only be gained via a mutual access easement from Walnut Street. The applicant has provided each lot with adequate access to an existing street as required by the Subdivision Ordinance.

**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 Arborist. The applicant will also be responsible for applying for all necessary permits for any tree removal that is to occur on site.

### **PUBLIC IMPROVEMENTS:**

Sidewalks: Required along Tennessee Street and Walnut Street

Hike and Bike Trails: Not Required

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: 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.

Section 142-105 of the Subdivision Ordinance requires that public streets be constructed of concrete per the Street Design Manual. The applicant is not proposing to upgrade the pavement of the adjacent section of Walnut Street from asphalt to concrete per the requirements of the Ordinance. If the applicant was required to reconstruct the portion of the right-of-way adjacent to the subject property in concrete, there would be approximately 75 linear feet of concrete in an otherwise asphalt road. Walnut Street is in good condition and the Engineering Department does not believe it needs any improvements. The Engineering Department **supports** the applicant's request for approval of a variance to Section 142-105 of the Subdivision Ordinance waiving the requirement to construct portions of Walnut Street located adjacent to the subject property.

Section 142-105 of the Subdivision Ordinance states all public sanitary sewer lines shall be a minimum of 8 inches in size except in locations where 6 inch lines are deemed acceptable by the City Engineer. The applicant is proposing to construct a 4 inch public sanitary sewer line to the west of the proposed buildings that will connect to an existing sanitary sewer line in Walnut Street. The Engineering Department **does not support**

the applicant's request for approval of a variance to Section 142-105 of the Subdivision Ordinance allowing a single 4 inch sanitary sewer line to serve the four proposed lots.

**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.

The Storm Water Management Ordinance prohibits lot to lot drainage unless it is in a drainage easement. The proposed development of the proposed lots includes lot to lot drainage but no drainage easement is currently indicated on the plat. Prior to filing a plat for record, Staff recommends the applicant revise the plat by labeling Common Area A-1 as a drainage easement. Additional drainage easements may be necessary as this project moves through the review of civil improvement plans.

Section 130-302 of the Storm Water Management Ordinance states that either downstream improvements are required or detention is necessary for new development. If detention is not provided, development must show capacity and non-erosive conditions to nearest major receiving stream. Section 142-105 of the Subdivision Ordinance states that "an adequate storm sewer system consisting of inlets, pipes and other underground drainage structures with approved outlets shall be constructed where the runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities, and as required by the storm water management ordinance." The applicant is not proposing any drainage improvements, underground or at-grade, with the development of the subject property. The subject property is currently undeveloped and all storm water runoff sheet flows across the property. Once developed, the site will be mostly covered by impervious surfaces (building, driveways, sidewalks) increasing the amount of storm water runoff during a storm event. Staff feels that the downstream system is already undersized and detention should be required on all new construction on undeveloped lots. The Engineering Department **does not support** the applicant's request for approval of a variance to Section 130-302 of the Storm Water Management Ordinance and Section 142-105 of the Subdivision Ordinance waiving applicable storm water detention requirements.

**FEES:**

Roadway Impact Fees:                   Applicable (Ordinance No. 2008-10-173)

Utility Impact Fees:                    Applicable (Ordinance No. 2008-10-174)

Median Landscape Fees:               Not Required

Park Land Dedication Fees:           Applicable

Pro-Rata:                                 Not Required

Discussion: Section 142-157 of the Subdivision Ordinance states that if any subdivision results in an increase in the number of allowed dwelling units on a platted lot, the developer shall pay the difference as a fee in lieu of land dedicated to be paid prior to the filing of the replat.

Because the subject property is currently platted as a lot, park land dedication fees would only be applicable for 3 of the 4 proposed lots totaling approximately \$7,393.68. The applicant has requested that all applicable fees, including park land dedication fees, be waived. Because the proposed development will add demand to the parks in the area, the Parks, Recreation, and Open Space Department **does not support** the applicant's request for approval of a variance to Section 142-157 of the Subdivision Ordinance waiving the requirement to pay cash in lieu of a park land dedication.

**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