



**TITLE:** 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

**MEETING DATE:** March 5, 2013

**DEPARTMENT:** Development Services

**CONTACT:** Michael Quint, Director of Planner  
Brandon Opiela, Planning Manager  
Alex Glushko, Planner II

**RECOMMENDED CITY COUNCIL ACTION:**

- 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.

**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 3<sup>rd</sup> 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.

**BACKGROUND INFORMATION:**

- See attached Staff Report.

**FINANCIAL SUMMARY:**

- N/A

**BOARD OR COMMISSION RECOMMENDATION:**

- The proposed minor replat has not been considered by the Planning and Zoning Commission. Per Section 142-8 of the Subdivision Ordinance, if the applicant is requesting a variance requiring City Council approval, it is not required to be considered by the Planning and Zoning Commission prior to its consideration by City Council.