

<b>AGENDA ITEM</b>
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**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Senior Planner

**FROM:** Abra R. Nusser, Planner

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of LINFER, L.L.C., for Approval of a Right-of-Way Vacation (Bevoe Street), Approximately 0.08 Acres, Located Between State Highway 5 (McDonald Street) and Wilcox Street.

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to City Council for consideration at the July 20, 2010 meeting.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed right-of-way vacation.

**APPLICATION SUBMITTAL DATE:** May 10, 2010 (Original Application)

**ITEM SUMMARY:** The applicant is requesting that the City vacate an approximately 20-foot wide right-of-way (Bevoe Street), approximately 166 feet in length, located between McDonald Street and Wilcox Street. The entire portion of Bevoe Street proposed to be vacated is an unimproved gravel surface. The unimproved street is not necessary to access any of the adjacent lots, and the two property owners adjacent to the section of Bevoe Street proposed to be vacated have signed a petition in agreement with the request.

The adjacent properties to the north and south of the subject property are challenging to redevelop as independent parcels without modification to the current zoning standards for each property due to limited lot depths and landscape set backs required by the Zoning Ordinance. Should the right-of-way vacation be approved, it would allow for the two adjacent properties to be combined, creating a contiguous parcel of land that is more conducive to redevelopment, potentially without further rezoning requests.

When evaluating alley abandonment and street right-of-way vacation proposals, Staff relies on the criteria outlined in the 1976 report, "Restructuring Street and Alley Space McKinney, Texas." The reduction in the amount of street and alley space in the developed portions of McKinney located east of U.S. Highway 75 can reduce city costs and result in a more efficient use of land which could result in an improvement in the City's revenue base. Essentially, if there is no need for the alley or street to exist, it is generally considered beneficial to abandon or vacate it.

The report goes on to outline a checklist to be reviewed as a basis for each decision concerning a street or alley change. The items include impact on circulation system, drainage, utilities, local access, relation to adjacent property owners, and municipal objectives and operations. After a review of these items, Staff is recommending approval of the proposed right-of-way vacation.

### **SURROUNDING ZONING AND LAND USES:**

Subject Property: Existing Public Right-of-Way (Bevoe Street)

North	"BN" – Neighborhood Business District	Vacant Structure
South	"BN" – Neighborhood Business District	D&J Pottery
East	"RS 60" – Single Family Residence District	Single Family Residence and Templo Calvario De Dios
West	"PD" – Planned Development District Ordinance No. 2008-04-032 (Government Complex, Historic Preservation, Farmers Market, and Indoor Reception Uses) and "H" – Historic Preservation Overlay District	Chestnut Square
	"BN" – Neighborhood Business District (Commercial Uses)	Retail Building

### **ACCESS/CIRCULATION:**

Adjacent Streets: State Highway 5 (McDonald Street), Variable Width Right-of-Way, Major Regional Highway

Wilcox Street, 40-Foot Right-of-Way, Local Street

Discussion: The streets and residential blocks in close proximity to McKinney's downtown were designed in a traditional grid pattern, made up of multiple primary and secondary streets, which provide a network of cross streets and street intersections improving pedestrian and vehicular circulation throughout the area.

The lots adjacent to the street section, which is proposed to be vacated, have direct access to Wilcox Street, McDonald Street, and/or Anthony Street. The street section in question is unimproved and is not necessary to provide access to the adjacent lots. Staff feels that vacating this section of Bevoe Street should not adversely impact local access or circulation.

In the past, Staff has been generally comfortable supporting vacations of rights-of-way where primary access to a lot is not being removed, the street or alley being vacated has not been improved, and there is limited vehicular or pedestrian circulation on said rights-of-way. That is the case with the proposed right-of-way vacation, and as such, Staff recommends approval of the proposed right-of-way vacation.

**MISCELLANEOUS:** Should the right-of-way vacation be approved by the City Council, it will be necessary for both the applicant and the other owner adjacent to the vacated right-of-way to enter into a quit claim deed, exclusive of City involvement, in order to determine an appropriate new alignment of the property lines. Until an executed quit claim deed is filed for record with the County Clerk's office, the two adjacent property owners will have equal rights to the entire portion of the vacated street section.

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

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received an Alley/Street Closing Petition (attached) with all of the adjacent property owners indicating support of the proposed right-of-way vacation. Staff has received no other comments in support of or opposition to the request.

**ATTACHMENTS:**

- [Location Map](#)
- [Aerial Exhibit](#)
- [Letter of Intent](#)
- [Alley/Street Closing Petition](#)
- [Property Owner Notice](#)
- [Property Owner Notification List](#)
- [Right-of-Way Vacation Exhibit](#)
- [Metes and Bounds Exhibit](#)

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**Action:**