



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 1, 2021

Re: *Fyfer's* Subdivision Plat No. 2 - Replat (Case #268-2021)

## Executive Summary

Approval will result in the combination of parts of two lots, containing a total of 0.35 acres, into a single legal lot to be known as *Fyfer's Subdivision Plat No. 2*. The subject property was previously shown as part of two previous attempts to obtain plat approval. The proposed replat creates a legal lot on a site that was previously improved with a single-family structure. The lot complies with the minimum 60-foot lot width of the R-MF district. The previous single-family structure occupying the site was addressed as 1617 University Avenue.

## Discussion

Crockett Engineering (agent), on behalf of Mark Stephenson (owner), is seeking approval of a replat to be known as "*Fyfer's Subdivision Plat No. 2*." The replat would combine portions of two R-MF (Multiple-Family Dwelling) zoned lots, into a single parcel in advance of redevelopment. The existing lots are known as Lots 17 & 18 of *Fyfer's Subdivision*, and are located on the north side of University Avenue at the High Street intersection. Concurrent requests (Cases #269-2021 & #270-2021) seek final plat approval on the adjacent properties to the west. Previous platting actions associated with this parcel have been denied by Council (B137-21, B222-21, and B223-21).

### **Background**

The subject parcel was included in a larger annexation in 1906 and was permanently zoned for single-family use; however, in 1957 much of the area was rezoned to R-3 (now R-MF) which permits multi-family housing. The original plat containing the subject acreage, Block 5 of *Fyfer's Addition*, platted 70-foot wide lots in this location. The current parcel configuration is the result of several deed transfers between adjoining lots that have occurred since 1907 following individual home construction. Given the property transfers were performed by deed there is no formal record of platting actions associated with the current lot configuration.

The current request, Plat No. 2, includes approximately the east half of Lot 17, and the west twenty feet of Lot 18. These dimensions create a lot roughly 67 feet in width. Given the overall area of property under ownership by the applicant, this proposed 3-lot arrangement (plats 2, 3, and 4 collectively) divides the property evenly and attempts to recreate the original 70-foot lots as faithfully as possible.

The past deed transfers that created the current properties at 1611, 1615, and 1617 University were common practice at the time. However, these land transfers are not recognized by the City when determining the legal lot status of the property. As such, final plat approval is required prior to issuance of a building permit for any redevelopment on either property.



## **Regulatory Considerations**

Per Section 29-5.2(d)(4) approval of a replat is subject to Council finding that:

- (1) The replat does not remove any conditions of the existing plat that have been relied upon by the City and neighboring property owners.
- (2) The replat is served by adequate infrastructure to meet the increased demand generated by the resubdivision.
- (3) The replat is not detrimental to other properties in the neighborhood or if alleged to be detrimental the public benefit outweighs the alleged detriment to the property in the neighborhood.

The proposed replat has been reviewed for subdivision compliance with the requirements of the Unified Development Code. It should be further noted that any redevelopment of the site will be required to comply with all UDC standards including bulk, density, setbacks, parking, screening and buffering, neighborhood protections, architectural design, and East Campus Urban Conservation Overlay (UC-O) standards. No formal development plans have been submitted for review; however, as a part of the previously submitted platting actions the applicant has indicated a desire to redevelop the property in compliance with the R-MF zoning standards.

Regarding the plat's compliance with the replat criteria, staff has been unable to find any restrictions exist or were to be relied upon by adjoining property owners pertaining to the subject site's redevelopment. It has been further determined that all utilities are in place and located within adequately sized utility easements to support the proposed redevelopment and that there are no infrastructure capacity limitations. Additionally, the platting action provides the standard 10-foot utility easements along all public right-of-way frontages (University Avenue and platted/unopened alley), will dedicate an additional 2.5-feet of right-of-way for the unopened alley to meet UDC standards, and that sidewalks are already in place along University Avenue.

Determination of the proposed platting action creating a detrimental impact upon the other properties within the neighborhood is a finding that is within the Council's sole discretion. A replat is required for the redevelopment of the parcel and the proposed lot to be created complies with the UDC's technical subdivision standards. Historically, consideration of platting action approvals has focused on compliance with the subdivision requirements not pre-existing zoning entitlements. While redevelopment of the proposed parcel will be impacted by the existing zoning entitlement there are controls in place that are designed to protect adjoining development from adverse impacts.

The replat has been reviewed by internal and external staff and has been found to be compliant with the subdivision standards of the UDC. Approval of the replat would recreate a lot generally consistent with the lot which was created by deed.

Locator maps and final plat are attached for review.



## Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Possible impacts could be public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
8/2/21	Defeated: Bill No. B 222-21 – Fyfer's Subdivision Plat No. 2, dated 7/2/2021
8/2/21	Defeated: Bill No. B 223-21 – Fyfer's Subdivision Plat No. 3, dated 7/2/2021
5/17/21	Defeated: Bill No. B 137-21 – Fyfer's Subdivision Plat No. 2, dated 3/19/2021

## Suggested Council Action

Approve "Fyfer's Subdivision Plat No. 2."