



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 19, 2020

Re: MPC Station #94 – Final Plat (Case #151-2020)

Executive Summary

Approval of this request would result in the creation of a 2-lot final plat to be known as *MPC Station #94* that includes new right of way and easement dedications for public use. This request is also being considered concurrently with a request to approve two design adjustments from the requirements of the UDC relating to structures (i.e. a parking lot) over a lot line and corner lot truncation.

Discussion

Cochran Engineering (agent), on behalf of Midwest Petroleum Company (owner), is seeking approval of a two-lot final plat on property zoned M-DT (Mixed Use-Downtown) to be known as *MPC Station #94*. This request also includes two associated design adjustments from the Sections 29-5.1(f)(3) and Appendix A.6(b) of the UDC relating to platting a property line through a structure (i.e. a parking lot) and to waive the required lot corner radius at the site's Cherry Street and Providence Road corner, respectively. The 0.77-acre property is located at the northeast corner of Providence Road and Locust Street, is currently improved with a vacant commercial building and ZX Gas Station addressed as 104 and 126 S. Providence Road.

The final plat will create 2 legal lots on property that was previously included as Market Square of the Original Town subdivision allowing for the future redevelopment of the site. Additional right of way for Providence Road will be dedicated to provide a total half-width of 53 feet. A concurrent request for two design adjustments were also submitted to allow a new lot line over current pavement, and to waive a required corner lot truncation. The Council Report discussing these adjustments is presented under separate cover on the October 19 Council agenda.

In addition, a private access easement through Lot 2 was required to allow vehicular access to Lot 1 due to access restrictions on Providence Road. Given that the plat received a negative recommendation at the Planning Commission, the applicant has deferred the recording of this easement until the final design of the plat has been settled. Recoding of the easement may occur prior to the final reading of the plat, but if it does not, the plat cannot be recorded until the easement has been recorded.

As noted above, associated with this final plat are two design adjustments being considered concurrently by Council as a separate agenda item. The original request reviewed by the Planning and Zoning Commission included an additional design adjustment request to Section 29-5.1(c)(4) and Appendix A.3 (Street Widths) to allow right of way dedication less



than the required 53; however the request was withdrawn following the Planning and Zoning Commission meeting. The attached final plat has been prepared assuming approval of both remaining design adjustments which:

1. Allow platting of a property line through a structure (i.e. a parking lot); and
2. Waive the requirement to round the corner of a lot at a street intersection.

The Planning and Zoning Commission considered this request at their September 10, 2020 meeting. Staff presented its report and a representative for the applicant gave an overview of the request. No other member of the public spoke during the public hearing.

Following discussion of the requested design adjustments, and limited discussion on the final plat, **a motion to recommend approval of the final plat failed (0-9)**, due to the fact that the plat was not in conformance with UDC standards as a result of the design adjustment seeking right of way reduction failing to be approved. As noted, this is the design adjustment has since been withdrawn and the plat now complies with the required half-width right of way dedication. A full discussion of the requested design adjustment and the Planning and Zoning Commission's vote upon them is provided in the concurrent Design Adjustment Council report.

Given the applicant's withdrawal of the street width dedication design adjustment, the applicant has revised the submitted plat to provide the minimum amount of right of way along Providence Road. The revised plat is attached to this report and is dated 10/12/2020. A conceptual site plan has also been submitted by the applicant showing a potential redevelopment plan for the site. It should be noted that staff has not fully reviewed the site plan since it has not been submitted along with a site or building permit application.

The Planning Commission staff report, locator maps, design adjustment worksheets, conceptual site plan (dated 8/11/20), final plat (dated 9/3/20), revised final plat (dated 10/12/20), revised conceptual site plan (dated 9/18/20), and meeting minute excerpts are attached.

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: Public infrastructure maintenance such as roads and sewers 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
NA	NA

Suggested Council Action

The proposed 2-lot final plat has been revised since reviewed by the Planning and Zoning Commission which recommended denial of the plat given its non-compliance with the UDC standards as related to right of way dedication. Given the revision to include required right of way dedication and the Planning Commission's approval of the remaining two design adjustment (see separate Design Adjustment report) the plat is now in conformance with the UDC regulations.

Should Council choose to approve the plat it may do so by simple majority. The UDC requirement of a 2/3 majority vote to override a Planning Commission design adjustment denial is unnecessary given the design adjustment resulting in the Commission's denial of the plat has been withdrawn.