

City Council
Agenda Memo



City Council
Meeting Date: 5/19/2014

TO: Larry D. Gilley, City Manager

FROM: Jon James, AICP
Director of Planning and Development Services

SUBJECT: First reading on an Ordinance for Case No. TC-2014-04, a request from Danielle Delhomme to abandon Fair Drive south of E. Highway 80; and setting a public hearing for June 12, 2014.

GENERAL INFORMATION

The applicant constructed a building on a parcel adjacent to Fair Dr. To fully utilize her property, she was required to plat the property, which required her to make improvements to Fair Dr where her parcel is adjacent to it. Ms Delhomme had requested abandonment of Fair Dr at that time. However, instead of abandoning the road the improvements were deferred by the City Council in September of 2007 until such time that the development would generate in excess of 240 trips in the peak hour.

Ms Delhomme is again requesting the abandonment of Fair Dr in order to be able to better maintain the right-of-way area. The abandonment of Fair Dr would create a cul-de-sac at the end of Sandy St of approximately 1,100 feet. In most cases, including areas that have industrial zoning such as this one, the maximum cul-de-sac length permitted by the Subdivision Regulations is 600 feet, although 1,000 feet is permitted in AO and RS districts. Approval of this request would leave Sandy St substandard regarding maximum cul-de-sac length.

PLAT REVIEW COMMITTEE

The Plat Review Committee recommends denial of the proposal. Although not currently on the ground, Fair Drive will provide needed circulation as this area develops in the future. Schaffner Rd alone would not be adequate. Additionally, if abandoned, the resulting cul-de-sac of Sandy St west of Schaffner Rd would be approximately 1,100 feet, or almost twice the maximum length allowed by the Land Development Code in commercial/industrial areas. If approved, the Plat Review Committee recommends that the areas of both rights-of-way be kept as Open Drainage and Utility Easements.

STAFF RECOMMENDATION

Staff recommends denial of the requested ROW abandonment per the Plat Review Committee recommendations.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends denial by a vote of 5 in favor (Bixby, Calk, Ellinger, McClarty, and Famble) and 1 opposed (Glenn).

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> May 6, 2014	Item No. <u>6.7</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ _____ City Secretary
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ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 19th day of May, A.D. 2014.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of April, 2014, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 12th day of June, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: Fair Drive south of E. Highway 80.

All Public Right of Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. Area of right-of-way be kept as open Drainage and Utility Easements.
2. The property must be replatted within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

-END-

ZONING CASE TC-2014-04

STAFF REPORT



APPLICANT INFORMATION:

Danielle Delhomme

HEARING DATES:

Planning & Zoning Commission: May 5, 2014

City Council 1st Reading: May 19, 2014

City Council 2nd Reading: June 12, 2014

REQUESTED ACTION:

Abandon Fair Dr south of E. Highway 80

SITE CHARACTERISTICS:

The right-of-way for Fair Drive exists but no street improvements have been made to the roadway. The applicant owns property on the east side of Fair Dr. Sandy St is a substandard east-west street at the end of the right-of-way for Fair Dr. Schaffner Rd is the only improved right-of-way connecting E. Highway 80 with Sandy St in this area. It is located approximately 1,100 feet to the east of Fair Dr. All of the lots served by Sandy St west of Schaffner Rd are vacant except for one parcel that has a house owned by Stuart Lindley, located at the corner of Fair Dr and Sandy St. Mr. Lindley owns three parcels all of which are accessed only via Sandy St or Fair Dr. The remaining parcels along the two subject rights-of-way are part of properties that have frontage on E. Highway 80.



REQUEST ANALYSIS:

The applicant constructed a building on a parcel adjacent to Fair Dr. To fully utilize her property, she was required to plat the property, which required her to make improvements to Fair Dr where her parcel is adjacent to it. Ms Delhomme had requested abandonment of Fair Dr at that time. However, instead of abandoning the road the improvements were deferred by the City Council in September of 2007 until such time that the development would generate in excess of 240 trips in the peak hour.

Ms Delhomme is again requesting the abandonment of Fair Dr in order to be able to better maintain the right-of-way area. The abandonment of Fair Dr would create a cul-de-sac at the end of Sandy St of approximately 1,100 feet. In most cases, including areas that have industrial zoning such as this one, the maximum cul-de-sac length permitted by the Subdivision Regulations is 600 feet, although 1,000 feet is permitted in AO and RS districts. Approval of this request would leave Sandy St substandard regarding maximum cul-de-sac length.

RECOMMENDATIONS:

Plat Review Committee: The Plat Review Committee recommends denial of the proposal. Although not currently on the ground, Fair Drive will provide needed circulation as this area develops in the future. Schaffner Rd alone would not be adequate. Additionally, if abandoned, the

resulting cul-de-sac of Sandy St west of Schaffner Rd would be approximately 1,100 feet, or almost twice the maximum length allowed by the Land Development Code in commercial/industrial areas. If approved, the Plat Review Committee recommends that the areas of both rights-of-way be kept as Open Drainage and Utility Easements.

Staff Recommendation: Denial. The request would create a dead end street that would be longer than permitted and the abandonment of Fair Dr would eliminate needed future circulation.

PLANNING AND ZONING COMMISSION:

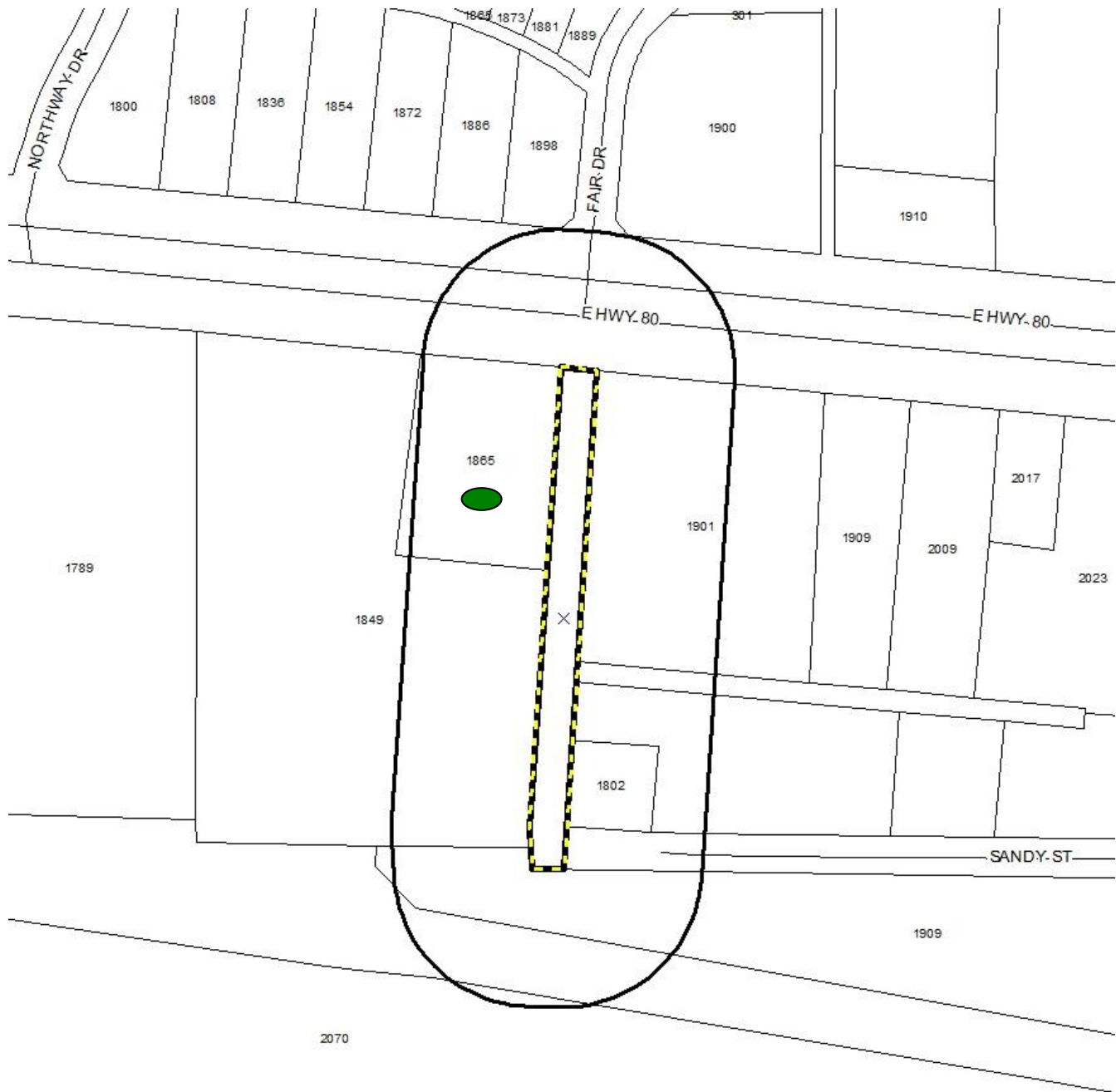
The Planning and Zoning Commission recommends denial by a vote of 5 in favor (Bixby, Calk, Ellinger, McClarty, and Famble) and 1 opposed (Glenn).

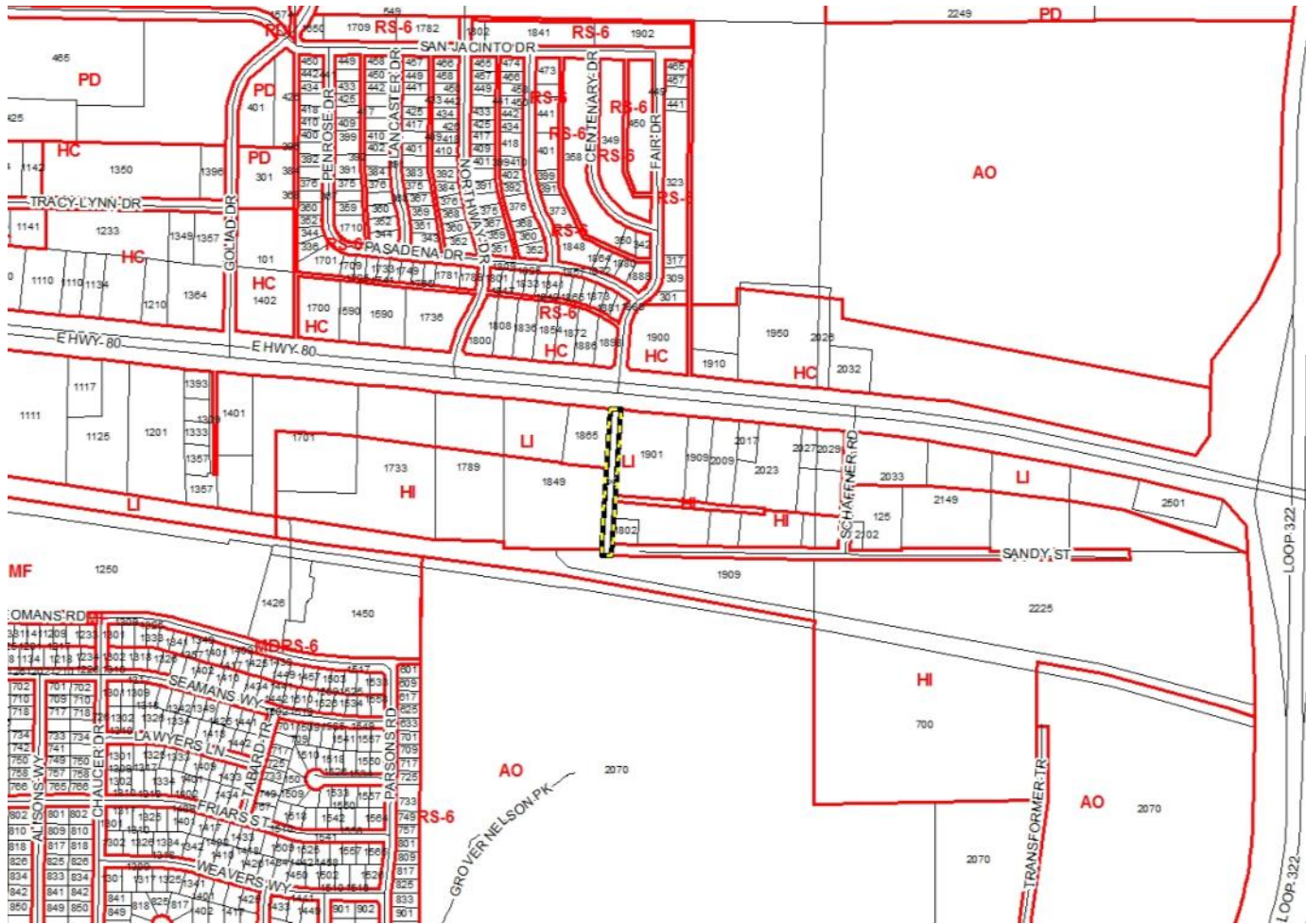
NOTIFICATION:

Property owners within the 200’ of the subject rights-of-way were notified.

OWNER	ADDRESS	RESPONSE
CITY OF ABILENE	2070 ZOO LN	
LINDLEY STUART D & JENNY L	1802 SANDY ST	
CLINTON CHARLES & PAULETTE	1865 E HWY 80	In Favor
DELHOMME DANIELLE D	1901 E HWY 80	
LINDLEY STUART D & JENNY L		
GENESIS CRUDE OIL L P	1849 E HWY 80	
T & P RY CO		
LINDLEY STUART D & JENNY L		
[NO OWNER LISTED]	1909 SANDY ST	

1 in Favor- **Y**
0 Opposed- **N**









CI ELECTRIC MOTOR INC.

1865 E HWY 80
ABILENE, TEXAS 79602
OFFICE 325-672-4642 * FAX 325-672-4601

My name is Charles Clinton, owner of C. I. Electric Motor at 1865 E. Hwy 80. The current property being discussed today is adjacent connecting to my east side. It is an eyesore, it is a fire hazard, it is providing brush protection for thieves and drug addicts to enter my property and steal to support their addictions. I have been to Fire Marshals office and am on record of trying to get this mess cleaned up. I have been out considerable dollars trying to clean it up and have contributed to this \$1,500.⁰⁰ charge to get Fair Street Closed. Closure # TC-2014-04. Business owners like myself and my neighbor are in favor of making their neighborhoods better for us and Abilene. Please close this un-needed street and lets clean it up.

Owner since
1989

Thank You
Charles Clinton