

City Council
Agenda Memo



City Council
Meeting Date: 11/18/2010

TO: Larry D. Gilley, City Manager

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

SUBJECT: Appeal of a denial of a sidewalk waiver for property located at 6449 Buffalo Gap Road.

GENERAL INFORMATION

The Hamil Family Funeral Home is in the site plan process for their property, which has triggered sidewalk construction per the City's Sidewalk Master Plan and the Land Development Code. Per the appeal provisions, the owner's agent sought a waiver of the sidewalks along Champions Drive, along the north boundary of the property. This request was reviewed by both the Planning Director and City Engineer and both were in agreement that there was not reasonable justification for granting the waiver along Champions Drive. The following briefly addresses staff response to each of the applicants concerns, as expressed in their original request letter:

1. **Existing obstructions:** Existing trees and light poles cited do not constitute a sufficient barrier prohibiting the required sidewalks. Similarly, the existing mailbox by itself is insufficient to warrant complete elimination of the requirement when balanced against the public health and safety benefits of sidewalks. City standards provide flexibility to relocate sidewalks on a site when potential barriers exist within the right-of-way. A sidewalk could be located within the landscape area adjacent to or near the curb of the parking lot.
2. **Existing concrete entrance drives that are non-ADA/TAS compliant:** The City of Abilene is committed to providing adequate public infrastructure for its citizens including those with mobility impairments. Deviations from normal sidewalk designs may be needed to accomplish this goal. City sidewalk regulations however allow for such flexibility.

This property does have the option to request a deferral of the sidewalk construction to some time in the future.

STAFF RECOMMENDATION

Staff continues to recommend denial of the waiver of the sidewalk along Champions Drive.

ATTACHMENTS

Request for sidewalk waiver (October 7, 2010)
Staff response to request (October 19, 2010)
Letter appealing decision to the City Council (October 22, 2010)

Prepared by: Name: <u>Jon James</u> Title: <u>Planning Director</u> November 5, 2010	Item No. <u>7.1</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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October 7, 2010

Planning and Development Services
City of Abilene
555 Walnut Street
Abilene, Texas 79601
Attn: Ben Bryner, Planning Manager

**Re: Hamil Family Funeral Home Building and Parking Expansion
6449 Buffalo Gap Road, Abilene, Texas 79606
Request for Waiver of Specific City Site Plan Requirements**

Dear Mr. Bryner:

This project site was originally developed during 2004-2005 for its current use as a funeral home facility. The facility's design and construction plans were subject to the City's rules and regulations at that time for site development and the original project was constructed accordingly. The building and exterior site improvements (i.e. drainage, work in the right-of-way, etc.) were approved and accepted by the City upon completion. Since 2005, the City has implemented new site development rules and standards for design affecting all new development projects.

The currently proposed project at the above mentioned site involves the construction of an additional 16,784 square feet (SF) of parking, a small addition to the building and a covered front drive. The total new impervious area created by the proposed expansion projects is 19,293 SF. The Site Plan Report received on September 17, 2010 contained several requirements including the construction of sidewalks along Champions Drive, a requirement to replace the existing driveways along Champions Drive per current City Standards and to provide a Landscaping Plan in accordance with the current Land Development Code. As the original site development was not designed with the new land development rules in mind, several existing features currently incorporated at the site are posing significant obstacles to meeting the new development requirements listed in the 2010 Site Plan Report. Due to the physical constraints and obstructions discussed below, we are requesting a full waiver from the sidewalk construction requirements along Champions Drive, the requirement to re-build the existing entrance drives off of Champions Drive to meet current City design standards and from the requirement to submit a General Landscaping Plan.

Sidewalks:

There are two specific existing conditions at the site which will make the installation of sidewalks along Champions Drive extremely impractical. Refer to the photographs attached as Exhibit "A".

Environmental, Civil & Geotechnical Engineers

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Abilene, Texas 79604
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Lubbock Office
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Plano Office
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1. Existing Obstructions. The Champions Drive Right-of-Way is 60 feet wide with 40 feet of road paving and 10 feet of parkway space on either side of the road. Including the 10 foot parkway width, the total distance between the back of curb along Champions Drive to the back of curb in the parking area is 16 feet. As can be seen in the photographs, the parkway is lined with trees (11 total trees spaced at approximately 23 feet on centers). The trunks of these trees average 4 to 5 inches in diameter and are located approximately 6 feet from the back of the curb along Champions Drive with drip lines extending approximately 3 feet out from each tree trunk. Due to the positioning of the trees, it is not possible to locate the required sidewalk at the right-of-way line per the City Design Standards without relocating these trees, which could potentially damage or kill the trees in the process. Other obstructions in the 16-foot space in between the parking area and the roadway include several light poles (located on both sides of the row of trees) and an existing sanitary sewer collection line running parallel with Champions Drive approximately 4 feet behind the road curb.
2. Existing Concrete Entrance Drives. The most severe obstacles to sidewalk construction are the two existing 30-foot wide concrete entrance driveways. These two entrance drives were constructed as part of the original 2004 project and were approved by the City at that time. As-built, the western drive is sloped at approximately 8.20 percent while the eastern drive is sloped at approximately 4.90 percent. Both driveways greatly exceed the maximum 2.0 percent cross slope allowed by ADA/TAS rules and regulations for accessible travel routes. In order to build a sidewalk that is compliant with all ADA/TAS requirements, the existing entrance drives will have to be demolished, removed and re-built with a section appropriately sloped to accommodate a sidewalk crossing. While the eastern drive could potentially be re-built within the confines of the 10-foot parkway space to meet both ADA/TAS and the City requirements for cross slope, re-constructing the western drive will create additional problems. In order to meet all cross slope requirements, the existing 10-foot drive will either have to be lengthened or lowered at the property line where it currently terminates into the asphalt parking area. Lengthening or lowering the drive will likely require a portion of the existing asphalt paving in the parking lot to be removed, the subgrade soils to be re-graded and compacted, and re-paved in order to preserve smooth transitions between the entrance drive and parking area. Lowering the drives could also potentially affect the established site drainage patterns and create flow paths that would allow storm water to discharge un-mitigated from the site instead of draining into the detention pond as required by the approved drainage plan.

Between the existing landscaping, trees, and other noted obstructions and the non-ADA/TAS compliant driveways, constructing a sidewalk at the minimum width of 4 feet along Champions will be extremely difficult and impractical and will likely result in significant additional cost to the Owner. The existing driveways have been approved and accepted under the previous site development rules and therefore, should be "grandfathered" to remain exempt from the requirements in the current Land Development Code.

The Site Plan Report also noted that all commercial driveways are required to have 15-foot turning radii (minimum) to facilitate vehicular movements in and out of parking areas. The existing concrete drives were granted an alternative "flair" design and not built with 15-foot turning radii. Again, these drives were designed and built in 2004 with the original site development and were accepted and approved by the City of Abilene and should remain exempt from the requirements in the current Land Development Code.



Mr. Ben Bryner
October 7, 2010
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Per the Land Development Code, Section 4.2.2.2.(a), a General Landscaping Plan meeting the landscape requirements of Division 2-Landscaping shall be provided for all developments which result in an increase of 20,000 SF, or 50 percent or more, of the gross floor area of buildings on a site. The existing facility has 7,774 SF and the proposed project will add 1,716 SF of floor space to the site, well below the 20,000 SF or 50 percent threshold, therefore no landscaping plan is required.

If you should have any questions or comments, please do not hesitate to contact our office at 325-698-5560.

Sincerely,

Enprotec / Hibbs & Todd, Inc.

BJ Prichard, P.E.

Encl: Exhibit A

c: Project File 5009

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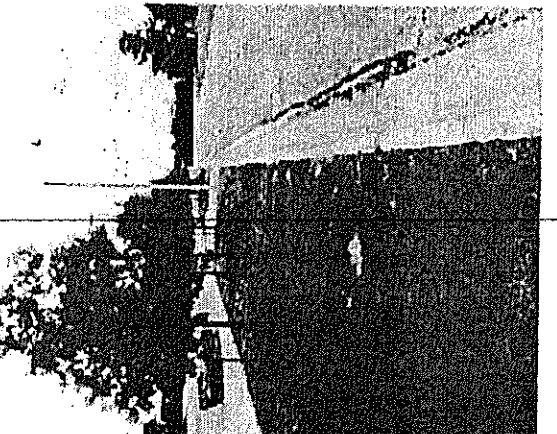
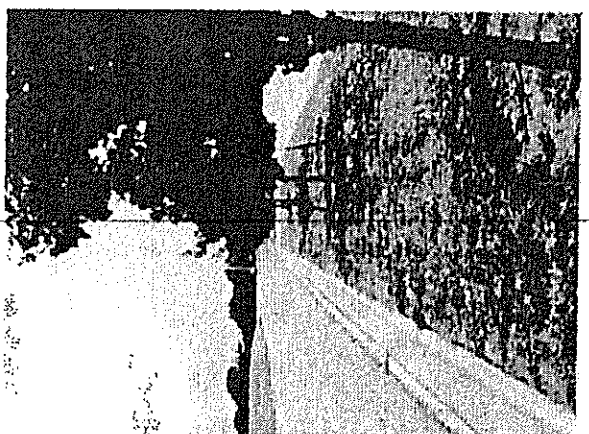
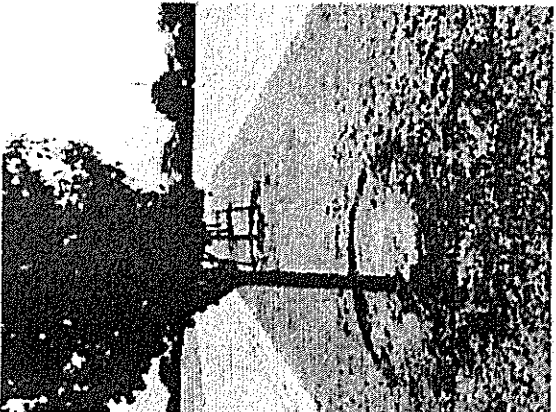
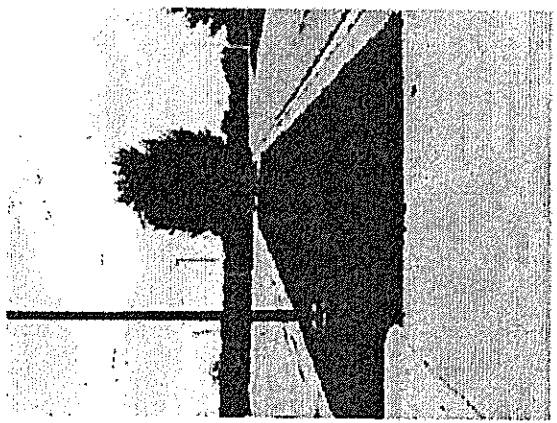


Exhibit A – Photographs of Existing Construction



CITY OF
ABILENE

Together We Make A Difference

October 19, 2010

BJ Prichard, P.E.
Enprotec / Hibbs & Todd
402 Cedar
Abilene, Texas 79601

Re: Sidewalk Waiver Request for Hamil Family Funeral Home at 6449 Buffalo Gap Road.

Dear Mr. Prichard:

We have reviewed your request for a waiver of the sidewalk requirement for the above referenced site. Based on the information provided in your request, the site plan, and a site visit by City staff, your request does not meet any of the approved criteria.

Existing trees and light poles cited do not constitute a sufficient barrier prohibiting the required sidewalks. Similarly, the existing mailbox by itself is insufficient to warrant complete elimination of the requirement when balanced against the public health and safety benefits of sidewalks. City standards provide flexibility to relocate sidewalks on a site when potential barriers exist within the right-of-way. A sidewalk could be located within the landscape area adjacent to or near the curb of the parking lot.

The City of Abilene is committed to providing adequate public infrastructure for its citizens including those with mobility impairments. Deviations from normal sidewalk designs may be needed to accomplish this goal. City sidewalk regulations however allow for such flexibility. City staff is available to assist you if needed.

If you have any questions about this, please contact Jon James at 676-6237. You may appeal this denial to the City Council by submitting a written appeal to the Planning Director within 10 days of the date of this letter. Any such appeal must include a justification for the requested waiver based on criteria described in Section F.1 of the City's Sidewalk Master Plan (attached). An application fee of \$250 is required. Finally, please note that this decision is in regards to the Sidewalk Waiver Request only.

Sincerely,

Jon C. James, AICP
Planning Director

Chad Carter, P.E.
City Engineer

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October 22, 2010

City of Abilene
PO Box 60
Abilene, Texas 79604
Attn: Mr. Jon C. James, AICP
Planning Director

**Re: Sidewalk Waiver Request for Hamil Family Funeral Home
6449 Buffalo Gap Road, Abilene, Taylor County, Texas**

Dear Mr. James:

Our client, Hamil Family Funeral Home, wishes to appeal staff's decision to deny a sidewalk waiver to the City Council. This appeal request is based upon Section F.1.b of the City's Sidewalk Master Plan.

Please inform us when this item will come before the Abilene City Council.

Please contact me if you have any questions.

Sincerely,

Enrotec / Hibbs & Todd, Inc.



BJ Prichard, P.E.

c: Project File 5009

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