

City Council
Agenda Memo



City Council
Meeting Date: 10/24/2013

TO: Larry D. Gilley, City Manager
FROM: Jon C. James, AICP
Director of Planning and Development Services
SUBJECT: Plat Waiver to the Maximum Cul-de-Sac Length for Waldrop Estates

GENERAL INFORMATION

A new plat is proposing a 14-lot subdivision designed as a cul-de-sac. The Land Development Code (LDC) restricts the maximum length allowed for a cul-de-sac to not exceed 1,000 feet. It further restricts the total number of lots on a cul-de-sac to not more than 25 lots. Additionally, the LDC restricts the maximum block length to not exceed 1,200 feet. The overall depth of the property is approximately 1,230 feet. The applicant is requesting a waiver to: (1) the maximum length to allow for a cul-de-sac length of approximately 1,220 feet; and (2) the maximum block length to be greater than 1,200 feet. The sections requested to be waived are Sections 3.2.7.8 (a) and 3.2.7.8 (b).

The applicant is requesting the waiver based on the number of lots and the minimum lot size. All lots are to be larger than 1-acre in size. The applicant suggests that the reduced number of lots offsets the additional 220 feet in length for the cul-de-sac and the additional 230 feet for block length.

In review of the plat, staff provided a comment that a future street connection be provided to adjacent properties. This would reduce the length of the cul-de-sac and allow for inter-connectivity between this subdivision and future development.

STAFF RECOMMENDATION

Staff recommends denial of the requested plat waiver.

P&Z RECOMMENDATION

The Planning and Zoning Commission recommends approval as presented with 14 lots by a vote of 4 in favor (Bixby, Glenn, Rosenbaum, and McClarty), none opposed, and 1 abstained (Todd).

ATTACHMENTS

Request for plat waiver (August 22, 2013)
Criteria for Approval
Exhibits

Prepared by: Name: <u>Jon James</u> Title: <u>Planning Director</u> October 11, 2013	Item No. <u>7.6</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# _____ <input type="checkbox"/> Denied <input type="checkbox"/> Other _____ City Secretary
---	---------------------	--



August 22, 2013

City of Abilene
P O Box 60
Abilene, Texas 79604
Attn: Mr. Jon James

Re: Preliminary Plat of Waldrop Estates

Dear Mr. James:

The developers of Waldrop Estates are requesting a waiver from subdivision requirements as per Chapter 1, Article 3, Division 4 of the LDC. They are requesting a waiver from the maximum cul-de-sac length of 1,000 feet to approximately 1,220 feet.

The LDC stipulates a maximum of 1,000 feet and a maximum of 25 lots for cul-de-sac street, per Chapter 3, Article 2, Section 3.2.7.8 (a). This proposed development is 14 lots, all greater than 1 acre in size. It is our belief that reducing the number of lots from 25 maximum to 14 would offset the request for an additional 220 feet in length.

Please contact me if you should have any questions.

Sincerely,

Enprotec/Hibbs & Todd, Inc.

David Todd, P.E.
Executive Vice President

c: Chad Carter, P.E., City Engineer
T. Daniel Santee II, City Attorney
Caleb Ensor
Project File 5836

P:\Projects\Private Developers\13-5836 Caleb Ensor Waldrop Estates\082213 City Letter.docx

Environmental, Civil & Geotechnical Engineers

Abilene Office
402 Cedar
Abilene, Texas 79601
P.O. Box 3097
Abilene, Texas 79604
325.698.5560 | 325.691.0058 fax

Lubbock Office
6310 Genoa Avenue, Suite E
Lubbock, Texas 79424
806.794.1100 | 806.794.0778 fax

Granbury Office
2901 Glen Rose Hwy, Suite 107
Granbury, Texas 76048
817.579.6791 | 817.579.8491 fax

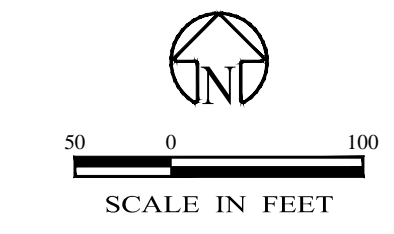
Plano Office
One Preston Park
2301 Ohio Drive, Suite 105
Plano, Texas 75093
972.599.3480 | 972.599.3513 fax

www.e-ht.com

PG Firm Registration No. 50103
PE Firm Registration No. 1151

Section 1.3.4.3 Criteria for Approval

- (a) The following criteria shall be applied in deciding a waiver:
- (1) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land such that the strict application of the provisions of this Chapter to the proposed use would create an unnecessary hardship or inequity upon or for the applicant, as distinguished from a mere inconvenience, in developing the land or deprive the applicant of the reasonable and beneficial use of the land;
 - (2) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
 - (3) The waiver is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
 - (4) Granting the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
 - (5) Granting the waiver will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property;
 - (6) The hardship or inequity is not caused wholly or in substantial part by the petitioner;
 - (7) The request for a waiver is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship;
and
 - (8) The degree of variation requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.
 - (9) Granting the waiver shall not violate a Council approved master plan.
 - (10) The requested waiver shall not be considered where an alternative appeal process already exists.
- (b) **Burden of Proof.** The petitioner bears the burden of proof to demonstrate that the application of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the petitioner.
- (c) **Decision.** The City Council, upon a recommendation by the Planning & Zoning Commission, shall consider the waiver petition and, based upon the criteria set forth in Subsection (a) above, shall take one of the following actions:
- (1) Deny the petition, and impose the standard or requirement as it is stated in this LDC;
or
 - (2) Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this LDC.



LOT 1, BLOCK "A",
SOUTH ABILENE SUBSTATION
CABINET 2, SLIDE 359-D,
PLAT RECORDS

WEST TEXAS UTILITIES
VOLUME 277, PAGE 501,
DEED RECORDS

WALDROP DRIVE
(46' RIGHT-OF-WAY BY USE)
S 89°14'51" E - 425.00'

N 0°32'26" E - 1217.39'

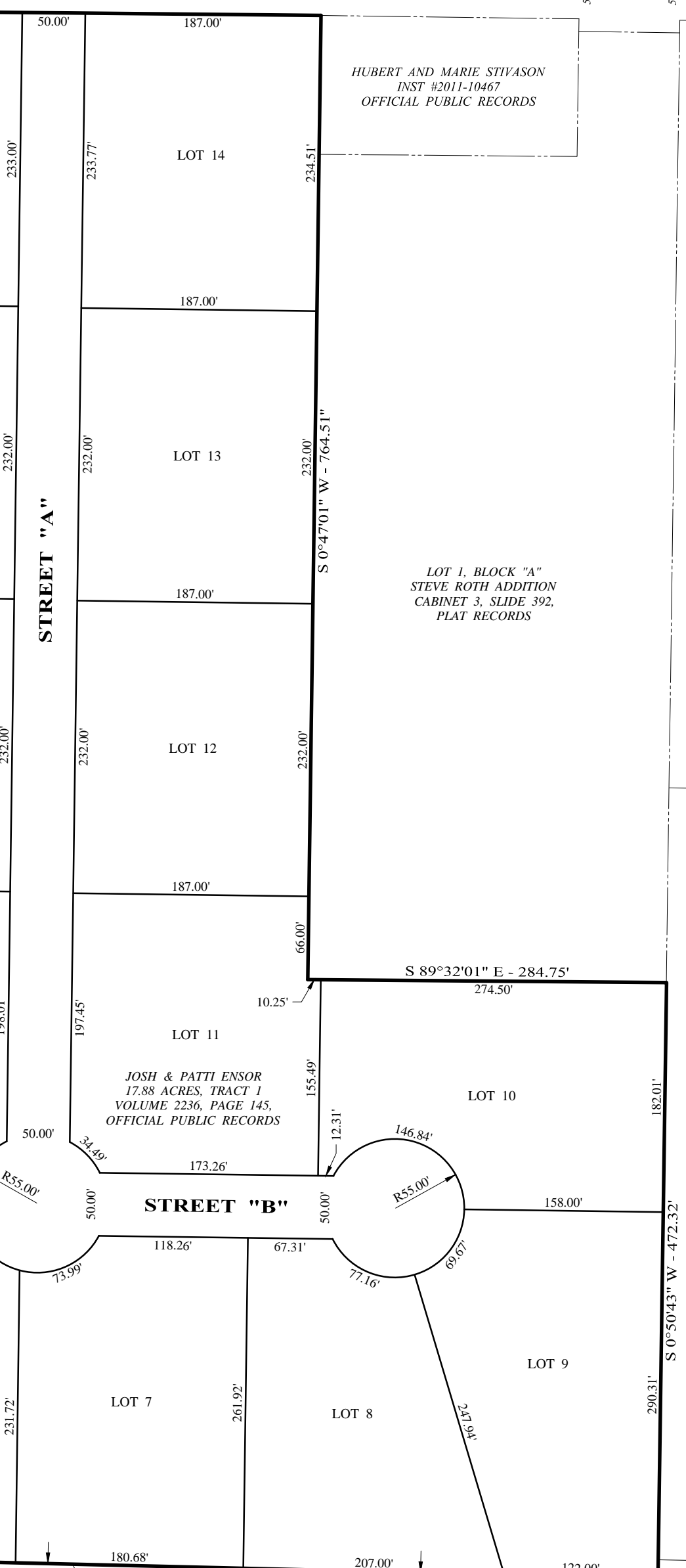
LOT 1
JOSH & PATTI ENSOR
20 ACRES, TRACT 2
VOLUME 228, PAGE 145,
OFFICIAL PUBLIC RECORDS

JOSEPH BRYLANSKI, JR
14.95 ACRES
DOC 2013-5783

OSCAR & JANIE FANNING
VOLUME 943, PAGE 185,
DEED RECORDS

LOT 1, BLOCK "A",
SNEED ADDITION
CABINET 3, SLIDE 172,
PLAT RECORDS

7.6 Page 4

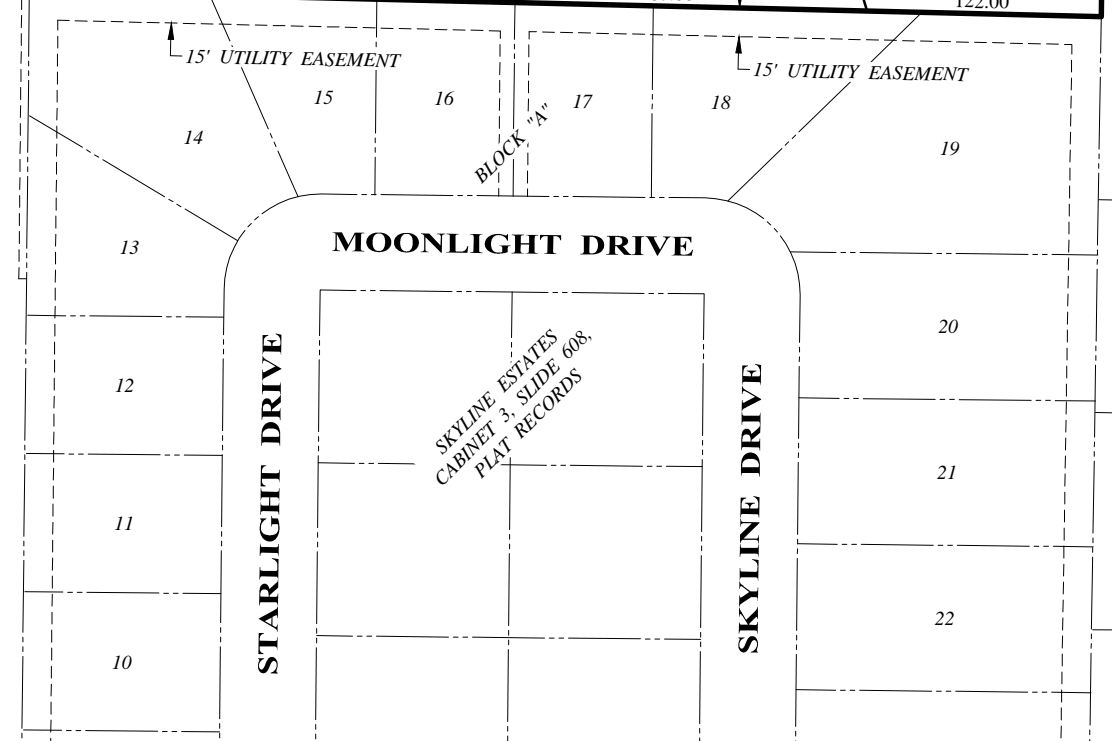


HUBERT AND MARIE STIVASON
INST. #2011-10467
OFFICIAL PUBLIC RECORDS

LOT 1, BLOCK "A"
STEVE ROTH ADDITION
CABINET 3, SLIDE 392,
PLAT RECORDS

JOSH & PATTI ENSOR
17.88 ACRES, TRACT 1
VOLUME 228, PAGE 145,
OFFICIAL PUBLIC RECORDS

MASON TRENDSETTERS
3.55 ACRES
DOC 2010-6979



NOTES

1. AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 485450 0355 F, MAP NUMBER 4844C0335F, MAP REVISED: JANUARY 6, 2012, THIS PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD AREA.
2. THIS ADDITION IS LOCATED WITHIN THE CITY LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.

EHT ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street Abilene, Texas 79601
325-698-9560 Firm Registration No. 1151

PRELIMINARY PLAT FOR WALDROP ESTATES ABILENE, TAYLOR COUNTY, TEXAS

13-5836
PROJECT NO.
08/05/2013
DATE
DESIGNED BY:
3K
DRAWN BY:
CHECKED BY:
1 OF 1