

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 Block Length for Director's Park Subdivision

GENERAL INFORMATION

A new plat is proposing a large subdivision that will exceed the maximum block length along the north boundary. The Land Development Code (LDC) restricts the maximum block length to not exceed 1,200 feet. However, in cases where physical barriers or limitations imposed by existing adjacent development or subdivisions creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic, and public safety. The applicant is requesting a waiver to the maximum length to not provide a street stub-out to the north for future connection with Central Park Blvd. The section requested to be waived is Section 3.2.7.8 (a).

The applicant is requesting the waiver based on the proposed streets being private and gated, Central Park Blvd not extending to the south boundary of the property to the north, and the future Memorial Drive being constructed approximately 500 feet to the west.

In review of the plat, staff made a comment that a street connection be provided to the north to allow for connection with Central Park Blvd. Although this does not resolve the block length to the east, it significantly improves the overall block length along the entire length of the north boundary. Based on the exhibit provided in the approved PD zoning, there was intent for connection to Central Park Blvd at one time and the connection would help with connectivity. Although the plat to the north shows that the street ended 12.4 feet from the south boundary, the remaining property to the south and west remains un-platted. A future plat for this property will require right-of-way dedication and construction of the remaining 12.4 feet of roadway. The purpose of the plat to the north was to dedicate a private street to the public and to subdivide lots for development on the east side of the street. As part of the approval process, improvements to the private street were required in order to be accepted by the City. A letter from the City Engineer outlined the needed improvements. This did not address future dedication and extension of the road from the remaining un-platted property to the west.

STAFF RECOMMENDATION

Staff recommends denial of the requested plat waiver.

P&Z RECOMMENDATION

The Planning and Zoning Commission recommends approval as requested 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
- Letter from City Engineer

Prepared by: Name: <u>Jon James</u> Title: <u>Planning Director</u> October 11, 2013	Item No. <u>7.7</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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August 22, 2013

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

Re: Preliminary Plat of Directors Park Subdivision

Dear Mr. James:

Comments received on the above mentioned preliminary plat required a stub-out street to the north as per Chapter 3, Article 2, Section 3.2.7.8(a) and a recommendation that the stub-out be Central Park Blvd. The developers of both Directors Park Subdivision and Antilley West Addition are requesting a waiver from subdivision requirements as per Chapter 1, Article 3, Division 4 – Petition for Waivers of the LDC.

Reasons for the petition are as follows:

1. The developer of Directors Park Subdivision is planning on the streets within his development to be private and gated. As with all gated communities, residents demand limited access into the development and the upscale development desired cannot be accomplished.
2. The developers of Antilley West Addition went to great lengths in 1996 to get this previously private street dedicated to the City of Abilene. The right-of-way with an additional cul-de-sac was platted and additional construction was required before acceptance by the City of Abilene. Right-of-way dedication was not continued to the south property line, indicating all parties agreed not to extend Central Park Blvd. to the south. There exists current City staff that were involved in this decision. Also, there are existing utilities that cross at the end of Central Park Blvd. that could require adjustment or relocation.

The developers believe that there has to be confidence from previous staff, boards and councils that decisions made in the past should be grandfathered and carried forward in future developments. They are opposed in continuing the street to the south and could jeopardize the commitment they and the City of Abilene have made to their existing and future clients and their ultimate development.

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



Mr. Jon James
August 22, 2013
Page 2

3. Both of these developers are part of the team that is dedicating and constructing Memorial Drive South. This street is being extended to provide the north/south connection required. This proposed road is just 500 feet west from Central Park Blvd. and is being constructed 3 feet wider than required by the LDC.

We feel that this waiver should be granted based upon the preceding facts and request that this petition for waiver be placed upon the next available Planning and Zoning Commission and City Council Agenda.

Please contact me if you should have any questions.

Sincerely,

Enprotec/Hibbs & Todd, Inc.

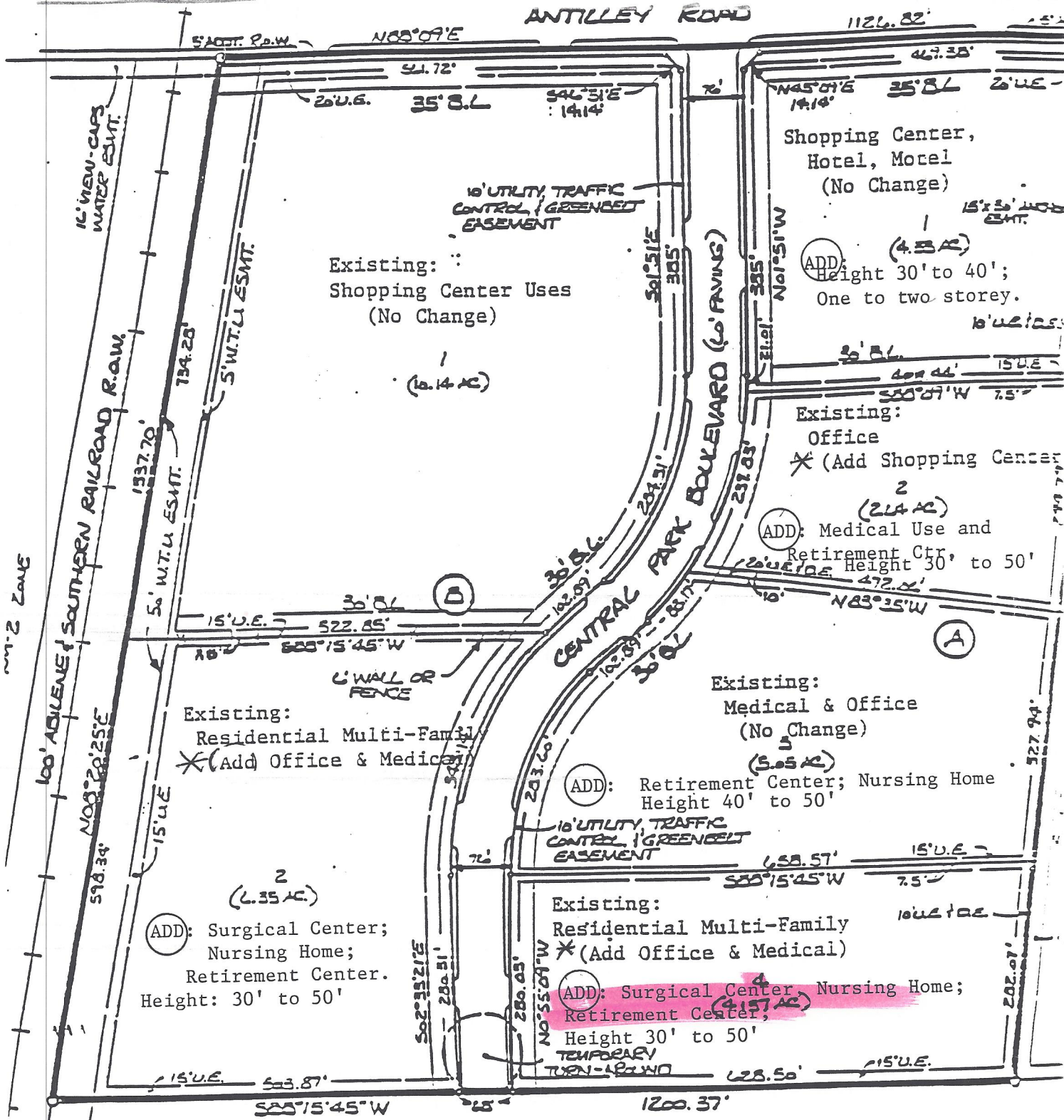
David Todd, P.E.
Executive Vice President

c: Chad Carter, P.E., City Engineer
T. Daniel Santee II, City Attorney
Scott Senter, Central Park – 91, LTD
Perry Stockard, Stockard Investments
Kris Seale, Funeral Directors Real Estate
Project File 5829

P:\Projects\Private Developers\13-5829 Stockard Investments - Directors Park\082213 City Letter.docx

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.



Z-09596

GLY SHAW - TRUSTEE
(UNPLATTED)
AG ZONE

(ADD) = Current (1996) Amendment

* 2nd AMENDMENT + 3rd AMENDMENT

SITE PLAN
CENTRAL PARK PLANNED DEVELOPMENT DISTRICT

SEARS METHODIST CENTERS, INC.
TRACT ONE, 17.34 ACRES
VOLUME 2902, PAGE 715,
OFFICIAL PUBLIC RECORDS

BEST TEXAS UTILITIES COMPANY
100' EASEMENT, 688' PLAT, PAGE 157,
DEED RECORDS

BEST TEXAS UTILITIES COMPANY
30' EASEMENT, 688' PLAT, PAGE 160,
DEED RECORDS

CENTURY PARK JV
VOLUME 2736, PAGE 237,
OFFICIAL PUBLIC RECORDS

CENTRAL PARK
BOULEVARD
(60' RIGHT-OF-WAY)

LOT 4, BLOCK A
ANTILLEY WEST ADDITION
CABINET 3, SLIDE 256
PLAT RECORDS

LOT 2, BLOCK B, SECTION 1
ANTILLEY SQUARE ADDITION
CABINET 1, SLIDE 567
PLAT RECORDS

DIRECTORS PARKWAY
(60' RIGHT-OF-WAY)

LOT 3, BLOCK B, SECTION 1
ANTILLEY SQUARE ADDITION
CABINET 1, SLIDE 567
PLAT RECORDS

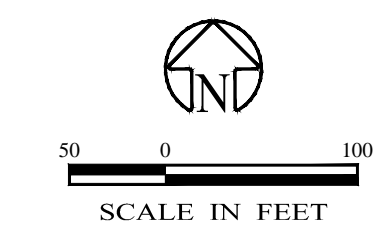


U.S. HIGHWAY 83/84
(RIGHT-OF-WAY VARIES)

LOT 1, BLOCK A
WESLEY COURT ADDITION
CABINET 1, SLIDE 623,
PLAT RECORDS

SUSAN PARKER MONTALVO et al
2011-27092
PROBATE

- NOTES**
- AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 485450 0332 F, MAP NUMBER 4844C032F, MAP REVISED: JANUARY 6, 2012 AND COMMUNITY PANEL NUMBER 485450 0335 F, MAP NUMBER 4844C035F, MAP REVISED: JANUARY 6, 2012, THIS PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD AREA.
 - THIS ADDITION IS LOCATED WITHIN THE CITY LIMITS OF ABILENE, TAYLOR COUNTY, TEXAS.



**PRELIMINARY PLAT OF
DIRECTORS PARK SUBDIVISION
ABILENE, TAYLOR COUNTY, TEXAS**

ENPROTEC/HIBBS & TODD, INC.
ENVIRONMENTAL AND CIVIL ENGINEERING
402 Cedar Street
322-698-5060
Abilene, Texas 79601
Firm Registration No. 1151

13-5829
07/08/2013

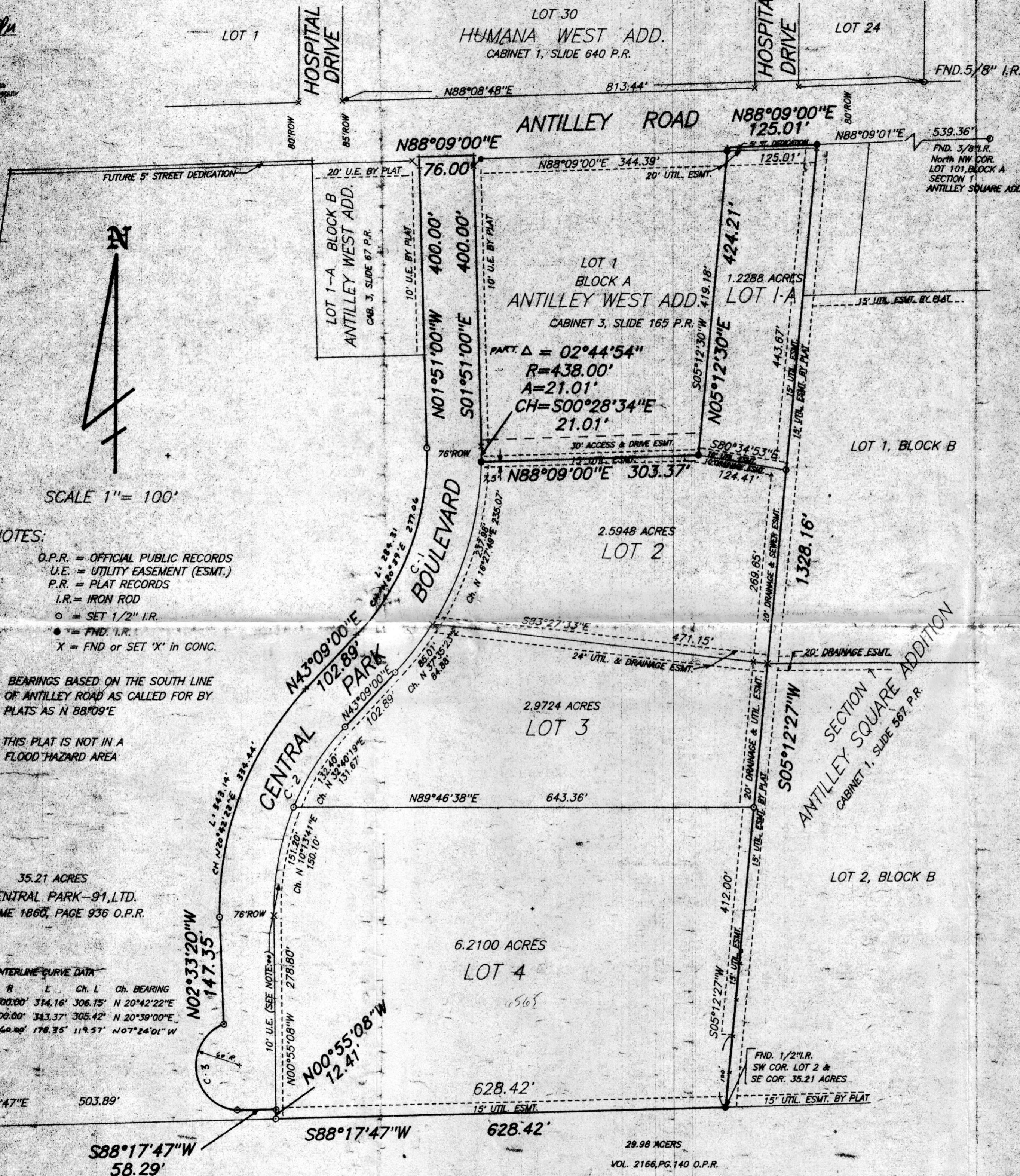
OWNER:
DIRECTORS REAL ESTATE
MANAGEMENT, LTD
P.O. BOX 5649
ABILENE, TEXAS 79608
(325) 695-3412

19862

FILED FOR RECORD

DEC 19 1996

ABILENE, TEXAS
County Clerk, Taylor County Texas



NOTES:
 O.P.R. = OFFICIAL PUBLIC RECORDS
 U.E. = UTILITY EASEMENT (ESMT.)
 P.R. = PLAT RECORDS
 I.R. = IRON ROD
 o = SET 1/2" I.R.
 • = FND. I.R.
 X = FND or SET 'X' in CONG.

BEARINGS BASED ON THE SOUTH LINE OF ANTILLEY ROAD AS CALLED FOR BY PLATS AS N 88°09'E

THIS PLAT IS NOT IN A FLOOD HAZARD AREA

35.21 ACRES
 CENTRAL PARK-91, LTD.
 VOLUME 1860, PAGE 936 O.P.R.

CENTERLINE CURVE DATA

NO.	Δ	R	L	Ch. L	Ch. BEARING
C-1	45°00'00"	400.00'	314.16'	306.15'	N 20°42'22"E
C-2	90°00'00"	100.00'	343.37'	305.42'	N 20°39'00"E
C-3	170°18'35"	60.00'	178.35'	119.57'	N 07°24'01"W

CENTRAL PARK-91, LTD.
 X SCOTT SENTER
 3401 CURRY LANE
 Abilene, Texas 79605
 915/695-8000

LOT 1-A THRU 4, BLOCK A
ANTILLEY WEST ADDITION
 ABILENE, TAYLOR COUNTY, TEXAS

7.7 PAGE 7
 Chase & Associates Surveying Co. Inc.
 141 So. Leggett Drive
 Abilene, Texas 79605
 (915) 677-8111

PLANNING COMMISSION
 THIS PLAT IS HEREBY APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF ABILENE, TEXAS AND THE COUNTY CLERK IS HEREBY AUTHORIZED TO FILE THIS PLAT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 273A, SECTIONS 1(b)(1) AND 1(b)(2) OF THE TEXAS CONSTITUTION AND ARTICLE 273A, SECTIONS 1(b)(1) AND 1(b)(2) OF THE TEXAS CONSTITUTION.

PLANNING DIRECTOR
 FILED WITH PLANNING DIRECTOR, CITY OF ABILENE, TEXAS
 12-23-96 DATE
 19802 FILE NUMBER
[Signature]
 PLANNING DIRECTOR

COUNTY CLERK
 I CERTIFY THAT THE SUBDIVISION PLAT DESCRIBED HEREIN HAS BEEN FILED FOR RECORD ON
 12-23-96 DATE
 19802 FILE NUMBER
[Signature]
 COUNTY CLERK
[Signature]
 COUNTY

DIRECTOR OF PUBLIC WORKS
 THE SUBDIVISION PLAT IS SUBMITTED WITH THIS PLAT IS HEREBY APPROVED BY ALL STREETS, ALLEYS AND PUBLIC AREAS SHOWN HEREON AND HEREBY ACCEPTED ON BEHALF OF THE PUBLIC BY THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF ABILENE, TEXAS.
[Signature]
 DIRECTOR OF PUBLIC WORKS

OWNER'S CERTIFICATE AND DEDICATION
 THE UNDERSIGNED OWNER OF THE HEREIN DESCRIBED REAL PROPERTY HAVE CAUSED SUCH PROPERTY TO BE SURVEYED AND PLATTED AND TO BE SUBDIVIDED INTO BLOCKS, LOTS, STREETS AND ALLEYS UNDER THE NAME OF
 AS SHOWN ON THE ATTACHED PLAT AND AS HEREBY DEDICATED TO THE PUBLIC FOREVER FOR ALL PUBLIC PURPOSES. THE STREETS, ALLEYS, LANEWAYS, PARKS AND OTHER PUBLIC LANDS SHOWN THEREON ARE LAYED OUT WITHIN SUCH PLAT OR SUBDIVISION AS DESCRIBED BY DEEDS AND GRANTS AS FOLLOWS:
 "SEE ATTACHED FIELD NOTES"

EXECUTED THE 27th day of Nov 1996
[Signature]
 OWNER

ACKNOWLEDGMENT
 THE STATE OF TEXAS
 COUNTY OF Taylor
 BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED
 KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED
 GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE
 DAY OF Nov A.D. 1996

NOTARY PUBLIC COUNTY TEXAS

THE STATE OF TEXAS
 COUNTY OF Taylor
 BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED
 KNOWN TO ME TO BE THE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACT OF THE SAID
 Abilene Equine, Inc. - General Partnership
 A CORPORATION AND THAT HE QUALIFIED THE SAME AS THE ACT OF SUCH CORPORATION FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED
 GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE
 DAY OF Nov A.D. 1996

NOTARY PUBLIC COUNTY TEXAS

GENERAL NOTES

SHEET 1 OF 1 SHEETS INCREASE 15.5361

SCALE 1" = 100' SMALLEST LOT 53,525 SQ FT LARGEST LOT 270,509 SQ FT

LOT WIDTH MIN 125.01' MAX 430.8' LOT DEPTH MIN 419.18' MAX 643.36'

CONCRETE MONUMENTS (SYMBOL) POLLS (SYMBOL) DOWN GUYE (SYMBOL)

SURVEYOR CERTIFICATE AND PLAT DESCRIPTION

CERTIFICATION:
 I HEREBY CERTIFY THAT THE PLAT SUBMITTED HEREWITH REPRESENTS A TRUE SURVEY MADE BY THE UNDERSIGNED OR UNDER MY SUPERVISION ON THE GROUND AND THAT NECESSARY MARKERS AND MONUMENTS HAVE BEEN SET AS INDICATED ON THE PLAT AND IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF ABILENE.

PLAT DESCRIPTION:
 BLOCK A, ANTILLEY WEST ADDITION
 OUT OF SUBDIVISION 3, ALFRED & MARY FASHBAUER
 SUBDIVISION OF SEC. 12, LUNATIC ASYLUM LANDS,
 ABILENE, TAYLOR COUNTY, TEXAS

JULY 30 1996 DATE
[Signature]
 SIGNATURE
 EDDIE CHASE, AMS 1961
 REGISTERED PROFESSIONAL LAND SURVEYOR



Together We Make A Difference

November 4, 1996

Central Park - 91 Ltd.
% Sentor Realtors
P.O. Box 6868
Abilene, Texas 79608

RE: Antilley West Addition

Dear Mr. Sentor:

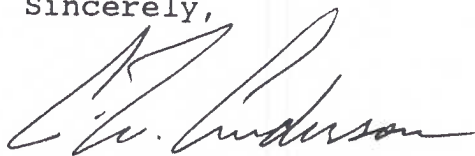
It is our understanding that you are in the process of submitting a final plat for the referenced development. A part of the process includes dedicating a previously constructed street to the City. We have investigated the current condition of the street, and listed below those items that have to be done to the street before we will recommend it's acceptance:

1. Take whatever steps may be necessary to remove the rock, dirt, grass and any other loose materials from the street so that it is clean for surface treatment of the pavement.
2. With a blade or stiff broom, remove as much of the rock from the last chip seal which still remains on the pavement as may be practical.
3. Install two courses of "fog seal" to the existing pavement. Such treatment consists of spraying thin layers of an emulsified asphalt to the existing pavement. Local contractors should be familiar with this process.

MR. SENTOR
NOVEMBER 4, 1996
PAGE TWO

Upon satisfactory completion of these items, we will recommend accepting the referenced street for maintenance by the City. Please let me know if you have any questions or comments.

Sincerely,



C.W. (Andy) Anderson
City Engineer

cc: Marva Pritchett, Director of Public Works
James Condry, Assistant Director of Public Works
Rick Myers, Street Superintendent
Bob Lindley, P.E., Construction Engineer
Wayne Herrington, ~~Plan Examiner~~