

**City Council
Agenda Memo**



**City Council
Meeting Date: 8/14/2014**

TO: Larry D. Gilley, City Manager

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

SUBJECT: Final reading and public hearing on an Ordinance for Case No. TC-2014-05, a request from the City of Abilene to abandon Campus Court north of Garfield Ave.

GENERAL INFORMATION

A request to rezone the property to the east was considered last year. The P&Z Commission recommended denial of the zoning. Concerns of traffic through the neighborhood led to the item being denied. Part of the concern was the designation of Campus Ct as a ‘collector’ road. The P&Z Commission recommended a change to the Master Thoroughfare Plan of re-designating Campus Ct from a ‘collector’ street to a ‘local’ street. The City Council agreed and approved the change to the plan. A request to rezone the property again has been submitted. Although the designation on the Master Thoroughfare Plan was changed, the ROW still exists for Campus Ct to connect to the interstate. The P&Z Commission has asked for a Thoroughfare Closure request placed on the agenda for consideration.

The abandonment of Campus Ct would create a block that is significantly larger than the maximum block allowed, being 1,600 feet along arterial streets and in non-residential areas and 1,200 feet elsewhere. Campus Ct is the only public street ROW between Judge Ely Blvd and Cedar Creek connecting the neighborhood to the interstate. The block is approximately 2,600 feet without the Campus Ct connection. Campus Ct would provide a needed connection to the interstate without the need to go the Judge Ely Blvd or W. Lake Rd for access to the interstate. In addition to connectivity, a water line currently exists along the east side of the ROW. A Utility Easement would be needed or the water line relocated.

PLAT REVIEW COMMITTEE

The Plat Review Committee recommends denial of the proposal. Although not currently on the ground, Campus Ct will provide a needed connection to the interstate, especially as the area adjacent to the interstate develops in the future. Additionally, if abandoned, the resulting block length between Judge Ely Blvd and Cedar Creek would be approximately 2,600 feet. A water line exists along the east side of the ROW. If approved, the Plat Review Committee recommends that an adequate portion of the area be kept as Open Drainage and Utility Easements as well as an Access Easement for pedestrian and non - motorized vehicles.

STAFF RECOMMENDATION

Denial. The request would create a block that would be larger than permitted and the abandonment of Campus Ct would eliminate needed future connection to the interstate. If approved, staff recommends including an access easement for future bicycle & pedestrian connectivity.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval from a line 450 feet south of the frontage road ROW southward to the north line of the ROW for Garfield Ave and requiring easements for drainage & utilities within the abandoned ROW by a vote of 5 in favor (Bixby, Ellinger, Glenn, Rosenbaum, and Famble) and 1 opposed (Calk).

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> August 1, 2014	Item No. <u>7.15</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 24th day of July, 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 20th day of June, 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 14th day of August, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: a portion of Campus Court from a line 450 feet south of the frontage road right-of-way (ROW) southward to the north line of the ROW for Garfield Ave.

All Public ROW as indicated and shown in the map below within the solid (red) area:



With the following conditions:

1. Drainage & Utility Easements shall be required within the abandoned ROW.
2. The property must be replatted within 12 months. The replat must not create any non-conforming lots.

-END-

RECOMMENDATIONS:

Plat Review Committee: *The Plat Review Committee recommends denial of the proposal. Although not currently on the ground, Campus Ct will provide a needed connection to the interstate, especially as the area adjacent to the interstate develops in the future. Additionally, if abandoned, the resulting block length between Judge Ely Blvd and Cedar Creek would be approximately 2,600 feet. A water line exists along the east side of the ROW. If approved, the Plat Review Committee recommends that an adequate portion of the area be kept as Open Drainage and Utility Easements as well as an Access Easement for pedestrian and non - motorized vehicles.*

Staff Recommendation: *Denial. The request would create a block that would be larger than permitted and the abandonment of Campus Ct would eliminate needed future connection to the interstate. If approved, staff recommends including an access easement for future bicycle & pedestrian connectivity.*

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommends approval from a line 450 feet south of the frontage road ROW southward to the north line of the ROW for Garfield Ave and requiring easements for drainage & utilities within the abandoned ROW by a vote of 5 in favor (Bixby, Ellinger, Glenn, Rosenbaum, and Famble) and 1 opposed (Calk).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
GENTRY KIM ELLEN	2689 GARFIELD AV	
GENTRY KIM ELLEN	2693 GARFIELD AV	
TAYLOR CHARLES R & DIANA L	2685 GARFIELD AV	
PRAIRIE SONG LLC		
PRAIRIE SONG LLC	2668 GARFIELD AV	
CARTER TIMOTHY G	2660 ROUNTREE DR	
SOUTHWEST HOUSING PROVIDERS LLC		
CAMPUS CREST AT ABILENE LP	2702 N JUDGE ELY BL	
ABILENE CHRISTIAN SCHOOLS	2550 N JUDGE ELY BL	

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







