



City Council
Agenda Memo

City Council
Meeting Date: 8/28/2014

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 Section 1, Corley Estates, at 3642 W. Lake Rd.

GENERAL INFORMATION

The Corley-Wetsel business, located at 3642 W. Lake Rd, is going through the development process currently. The preliminary site plan has been submitted for review and currently does not show for the provision of sidewalks along the Plum Street and W. Overland Trail. Section 3.2.13.5 (a) of the Land Development Code (LDC) requires for the provision of sidewalks along street frontages as part of a site plan. The applicant is requesting a waiver of the sidewalk requirement for this development along Plum Street and W. Overland Trail.

The City's ordinance recognizes that major streets, like Plum St & W. Overland Tr (the frontage road for I-20), provide connectivity for a larger area and thus are expected to provide sidewalks. The property is near the intersection of W. Lake Rd & I-20 which is designated as a Major Commercial/Business Center area on the City's Future Land Use Plan. The intersection will be a major retail/commercial node in the future and will generate pedestrian traffic.

While this particular development may not generate or encourage a substantial sidewalk need, sidewalks in this area would create and begin important sidewalk connections for the greater area (and likewise waiving sidewalks would create a significant gap in the future sidewalk system in this area). The subject property is on the I-20 frontage between a convenience store and 2 hotels on one side and a residential neighborhood on the other side. It appears that adequate space exists for proper installation of a sidewalk.

This request was reviewed by both the Planning Director and City Engineer. They determined that there was not reasonable justification for granting the waiver. Several justifications were provided in the applicant's letter; however, the justifications lacked sufficient substance to grant the waiver request:

- The first justification regarding an exemption for industrial zoning applies only to "local" streets and is therefore not applicable since the subject streets are a freeway frontage road and planned collector street.
- The second justification, while potentially applicable, is generally intended for larger areas of heavy commercial and industrial uses, not just one property that lies within an area that includes both residential and retail/hotel/restaurant development.

STAFF RECOMMENDATION

Based on the information provided by the applicant, the Planning Director and City Engineer both continue to recommend denial of the waiver of the sidewalks in the area.

ATTACHMENTS

Request for sidewalk waiver (June 23, 2014)
Staff response to request (July 28, 2014)
Appeal of denial of sidewalk waiver request (August 7, 2014)
Exhibit

Prepared by: Name: <u>Jon James</u> Title: <u>Planning Director</u> August 15, 2014	Item No. <u>7.3</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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June 23, 2014

City of Abilene
PO Box 60
Abilene, Texas 79604
Attn: Jon James & James Rogge, P.E.

Re: Section 1, Corley Estates

Dear Gentlemen:

Our client has requested that we submit this letter as a request for a waiver from sidewalk improvements along Plum Street and Overland Trail (I-20 frontage road).

Section 3.2.13.5(b)(5)(d) of the LDC, states that sidewalks are required for all street frontages except zones intended primarily for warehousing, manufacturing and industrial uses (Examples: HI, LI, PI). The proposed facility is within a HC zone and will be a heavy trucking maintenance facility and qualifies for this stated exception.

Section 3.2.13.6(a)(3) of the LDC, states that situations inherently adverse to pedestrian activity, such as harmful noise, dust creation and high volume of truck traffic, in certain areas, such as agricultural, heavy commercial and industrial developments. The proposed facility is zoned HC and will provide heavy truck maintenances and the site will experience a high volume of truck traffic.

Lastly, there is very limited residential development in the area and the likelihood of future residential development around a truck maintenance facility is doubtful.

Please contact me if you should have any questions.

Sincerely,

Enprotec / Hibbs & Todd

David Todd, P.E.
Executive Vice President

c: Project File:5969

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Environmental, Civil & Geotechnical Engineers

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www.e-ht.com

PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration Nos. 10011900 & 10007300



July 28, 2014

Enprotec/Hibbs & Todd
Attn: David Todd, P.E.
402 Cedar
Abilene, TX 79601

Re: Sidewalk Waiver Request for Section 1, Corley Estates

Dear Mr. Todd:

We are **denying** your request for a sidewalk waiver. The City's Land Development Code requires sidewalks for all new development on major streets. While there are criteria for waiving this requirement, we do not believe that your request meets any of these criteria.

The justifications provided in your letter are not sufficient to warrant a waiver of the sidewalk requirement for this property. The subject property is on the I-20 frontage between a convenience store and 2 hotels on one side and a residential neighborhood on the other side. If this entire area were developing with industrial and trucking uses, this justification might be sufficient, the presence and future possibility of additional retail and housing development in this area does not warrant a sidewalk waiver.

If you have any questions about this decision, please contact Jon James at 676-6237 or James Rogge at 676-6281. If you are not satisfied with this decision, you have the option of appealing this denial to the City Council. Such written appeal must be submitted to the Planning Director within 10 days of this denial and the appeal must provide justification for the requested waiver based on criteria described in Section 3.2.13.6 of the City's Land Development Code. In addition, an application fee of \$250 is required for an appeal to the City Council.

Sincerely,

Jon C. James, AICP
Planning Director

James Rogge, P.E.
Interim City Engineer



August 7, 2014

City of Abilene
P.O. Box 60
Abilene, Texas 79605
Attn: Mr. Jon James

Re: Sidewalk Waiver Request
Section 1, Corley Estates

Dear Mr. James:

Our client wishes to appeal the recent staff decision of a sidewalk waiver to the Abilene City Council.

Please contact me when this item will be placed upon the City Council agenda.

Sincerely,

Enprotec / Hibbs & Todd

David Todd, P.E.
Executive Vice President

c: Project File 5969

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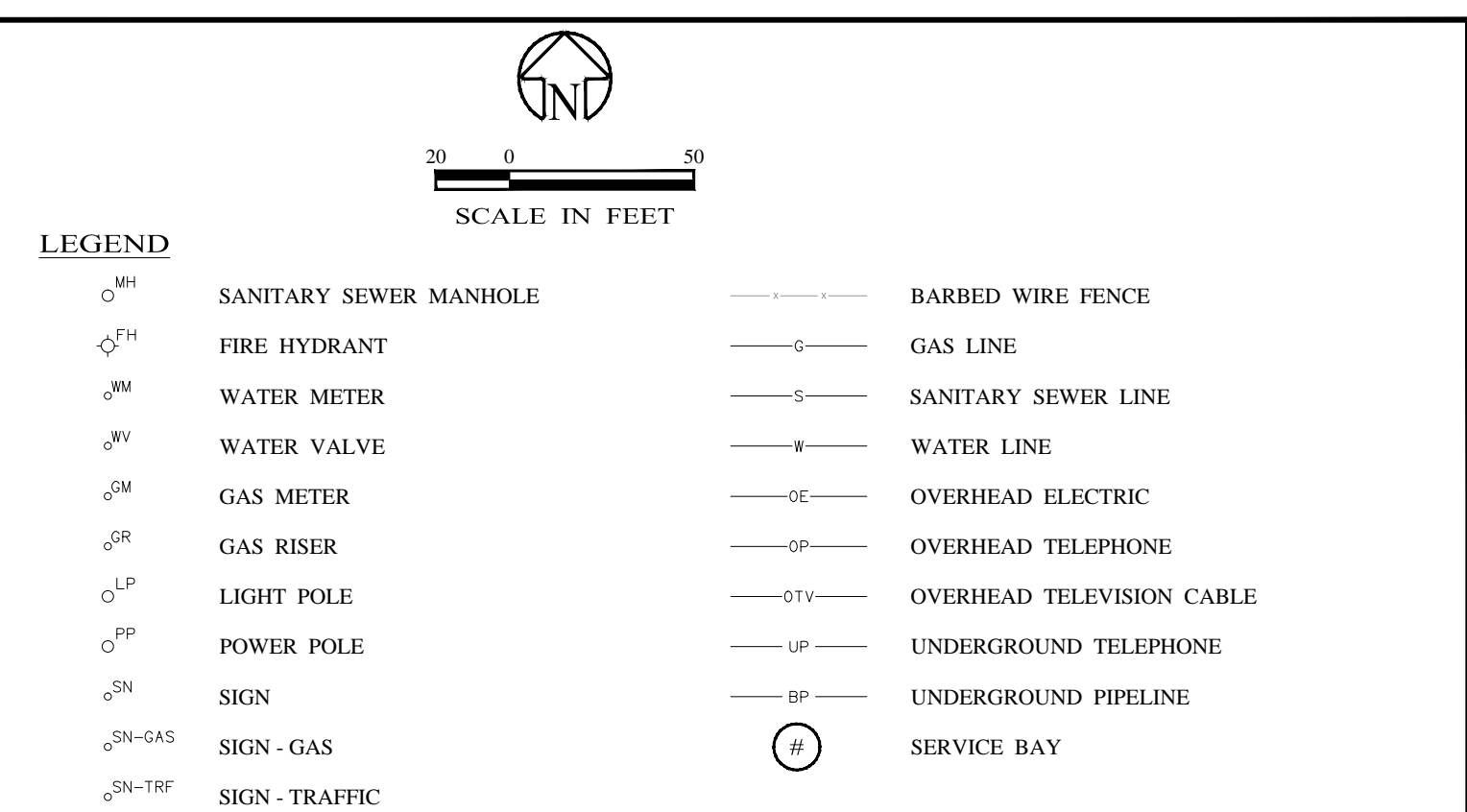
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FLOOD NOTE
AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 485450 0226 F, MAP NUMBER 48441C0226F, EFFECTIVE JANUARY 6, 2012 THIS PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD AREA.

SIDEWALK NOTE
SIDEWALKS AND CURB RAMPS IN PUBLIC RIGHT-OF-WAY MUST BE PERMITTED THROUGH ABILENE'S PUBLIC WORKS DEPARTMENT. A REQUEST FOR A SIDEWALK WAIVER HAS BEEN SUBMITTED TO THE CITY OF ABILENE.

EROSION CONTROL
A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) INCLUDING SILT FENCING WILL BE UTILIZED DURING THE DEVELOPMENT OF THE SITE. EROSION CONTROL DEVICES SHALL BE MAINTAINED AT ALL TIMES.

SITE LIGHTING
LIGHTING SHALL MEET ALL CITY OF ABILENE DESIGN STANDARDS. ALL LIGHTING SHALL BE FULLY SHIELDED AND SCREENED FROM RESIDENTIALLY ZONED PROPERTIES, PARKING, AND PUBLIC RIGHT-OF-WAYS.

REFUSE COLLECTION FACILITY
DUMPSTER, DUMPSTER PAD AND ENCLOSURE (INCLUDING GATES) SHALL COMPLY WITH ALL CURRENT CITY STANDARDS.

PERMIT NOTE
PERMITS MUST BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT FOR ALL WORK
DONE IN THE PARKWAY.


LANDSCAPE PLAN
A COMPLETE LANDSCAPE AND IRRIGATION PLAN MEETING ALL CITY REQUIREMENTS SHALL BE SUBMITTED TO PLANNING AND DEVELOPMENT FOR REVIEW AND APPROVAL. ALL LANDSCAPING SHALL BE COMPLETE PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.

UTILITY NOTES:

1. WATER METER CANNOT BE TAPPED OFF OF FIRE LINE.
2. WATER METER NEEDS TO BE IN PUBLIC RIGHT-OF-WAY.
3. SERVICE LINE SIZE FROM WATER METER TO BUILDING MUST BE 50 PERCENT LARGER THAN DESIRED METER.
4. WATER AND SEWER SERVICE LINES LOCATION, TYPE AND SIZE WILL NEED TO BE SHOWN TO THE WATER UTILITIES DEPARTMENT.
5. METER SIZE AND LOCATION WILL BE SHOWN TO WATER UTILITIES DEPARTMENT.
6. ALL UTILITY SERVICE LINES, SUCH AS ELECTRIC, PHONE, AND CABLE WILL BE INSTALLED UNDERGROUND OR IN A REAR EASEMENT.

MECHANICAL EQUIPMENT
MECHANICAL EQUIPMENT (EXCLUDING ROOF-MOUNTED EQUIPMENT) WILL BE SCREENED FROM VIEW OF STREET AND PARKING LOTS, BY MATERIALS CONSISTENT WITH BUILDING'S EXTERIOR.

IMPERVIOUS AREA
NEW IMPERVIOUS AREA IS 518,891 SQUARE FEET (11.91 ACRES). PROJECT WILL REQUIRED AN APPROVED DRAINAGE PLAN.

	ENPROTEC/HIBBS & TODD, INC. ENVIRONMENTAL AND CIVIL ENGINEERING 402 Cedar Street 252-698-5500		14-5969 PROJECT NO: 08/08/2014 DATE R.R.P. DESIGNED BY: 3K DRAWN BY: R.R.P. CHECKED BY: 1 OF 1
	CITY SITE PLAN FOR CORLEY - WETSEL ABILENE, TAYLOR COUNTY, TEXAS		
	PE Firm Registration No. 79601 PE Firm Registration No. 1151 PE Firm Registration No. 50103 RPLS Firm Registration Nos. 10011800 & 10007260		