

STAFF REPORT



Meeting: April 20, 2015

To: Planning Commission

From: Patrick B. Howard, AICP
Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Staff Planner: Jeff Fisher
Planner

Request: A partial street right-of-way abandonment of the unimproved public right-of-way of Ben Ficklin Road

Location: A variable width portion of 10,182 square feet of the unimproved public right-of-way of Ben Ficklin Road, located approximately 930 feet northeast of the intersection of South Bryant Boulevard and South Jackson Street, and immediately east of a 1.04 acre tract within the H. Hornburg Survey #175, in south San Angelo.

Legal Description: Being an area of 10,182 square feet of land out of Ben Ficklin Road out of E. Hermes Survey 174, Abstract No. 349, City of San Angelo, Tom Green County, Texas and said 10,182 square feet tract also being adjacent to a certain 1.040 acre tract described and recorded in Volume 1076, Page 326, Official Public Records of Tom Green County, Texas.

Size: 0.238 acres (10,182 square feet)

General Information

Future Land Use: Commercial

Zoning: General Commercial/
Heavy Commercial (CG/CH)

Existing Land Use: Unimproved Street Right-of-Way of
Ben Ficklin Road

Surrounding Zoning/Land Use:

North:	Ranch and Estate (R&E)	Vacant Land
West:	General Commercial/ Heavy Commercial (CG/CH)	Calvert Collision, Vacant Land
South:	Ranch and Estate (R&E)	Vacant Land
East:	Ranch and Estate (R&E), Planned Development (PD14-02)	Vacant Land

District: SMD#1–Rodney Fleming

Neighborhood: Rio Vista Neighborhood

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), this portion of the unimproved street right-of-way of Ben Ficklin Road is identified to be constructed as a Local Street. A Local Street carries light neighborhood traffic at low speeds. This portion of Ben Ficklin Road requires a right-of-way of 50 feet and a paving width of 40 feet. The existing right-of-way is more than sufficient at 100 feet as this street was originally part of the old Highway 87 before TxDOT reconstructed it to its current location and alignment. However, the street is only paved to 32 feet. As a condition of approval, the applicants will have to submit a Replat

application which will address the required street paving.

Recommendation:

The Planning Division recommends **APPROVAL** of this request **subject to four (4) Conditions of Approval** listed below.

History and Background:

On March 13, 2015, the applicant submitted an Abandonment of Right-of-Way request for the subject property, being an unimproved 10,182 square feet portion of Ben Ficklin Road, north of South Jackson Street, and east of South Bryant Boulevard in south San Angelo. The purpose of the request is for the applicant to acquire the excess right-of-way to enlarge their existing vacant 1.040-acre commercial property immediately to the west which has frontage onto South Bryant Boulevard.

Engineering Services supports the right-of-way abandonment for the reason that Ben Ficklin Road has 100 feet of right-of-way, but as a Local Road only requires 50 feet and the proposed abandonment area is only 25 feet wide, leaving ample area for future road improvements. Their Staff indicated that this portion of Ben Ficklin Road was once Highway 87 before TxDOT reconstructed it to its current location west of the subject property, and as a result, it had a much wider right-of-way than what was needed. This portion of Ben Ficklin Road is now only a Local Road with a minimum required right-of-way of 50 feet. The current paving width is 32 feet, 8 feet less than the 40 feet required for Local Roads, but this additional paving width could be added in the future as part of a subdivision plat with ample right-of-way width remaining. In addition, there is a two-lane bridge approximately 320 feet north of the subject property. This would restrict any future widening north of the property as widening the bridge would be cost prohibitive.

Staff circulated the application to City departments and private utility companies in the area. No private utility companies indicated they had any interest or utilities on the subject property to be abandoned. The Water Utilities Division requires the applicant to retain the 10-foot sewer easement running along the applicant's property immediately west through the section of the abandonment area. There are no existing utilities in the proposed right-of-way abandonment area. This extension will have to be shown on a future Replat absorbing the subject property into the adjacent lot.

No other department had any comments pertaining to the abandonment request. It is noted the Fire Department may require fire hydrants and Fire Department

access depending on the proposed layout of buildings at the Site Plan review stage.

Planning Staff recommends approval of the proposed right-of-way abandonment request for several reasons. Ben Ficklin is a Local Road and the portion to be abandoned is unimproved and may never be improved given the substantial width of the street which once was Highway 87. Abandonment of this unimproved portion of Ben Ficklin Road would not appear to obstruct any future development in the area. The large retail store planned to the southeast would have direct access to South Bryant Street and the abandonment area does not appear to encroach or restrict access to that site's development. The additional area would allow the applicant on the property to the west to extend their holdings and be able to more efficiently construct a commercial facility. As a condition of approval, the applicant will be responsible for submitting a subdivision plat application absorbing the subject abandonment into the adjacent property immediately to the west, and delineating the extension of the 10-foot easement onto the area to be abandoned. They will also be required to remit payment for the assessment formula for unimproved streets outlined in the City's fee schedule.

Proposed Conditions:

1. Submit, obtain approval, and provide official recording of a subdivision Replat absorbing the subject property into adjacent lot(s) meeting all requirements of the Land Subdivision Ordinance, including delineating the continuation of the 10-foot easement through the section of the abandonment right-of-way.
2. Remit payment for assessment formula outlined in fee schedule, if abandonment is approved.
3. Retain a 10-foot sewer easement (a continuation of the existing east-west 10 foot easement) through the section of abandonment right-of-way.
4. Fire hydrants and fire department access may need to be provided, depending upon the proposed layout of buildings, and should be addressed as part of the site plan review process.

Notification:

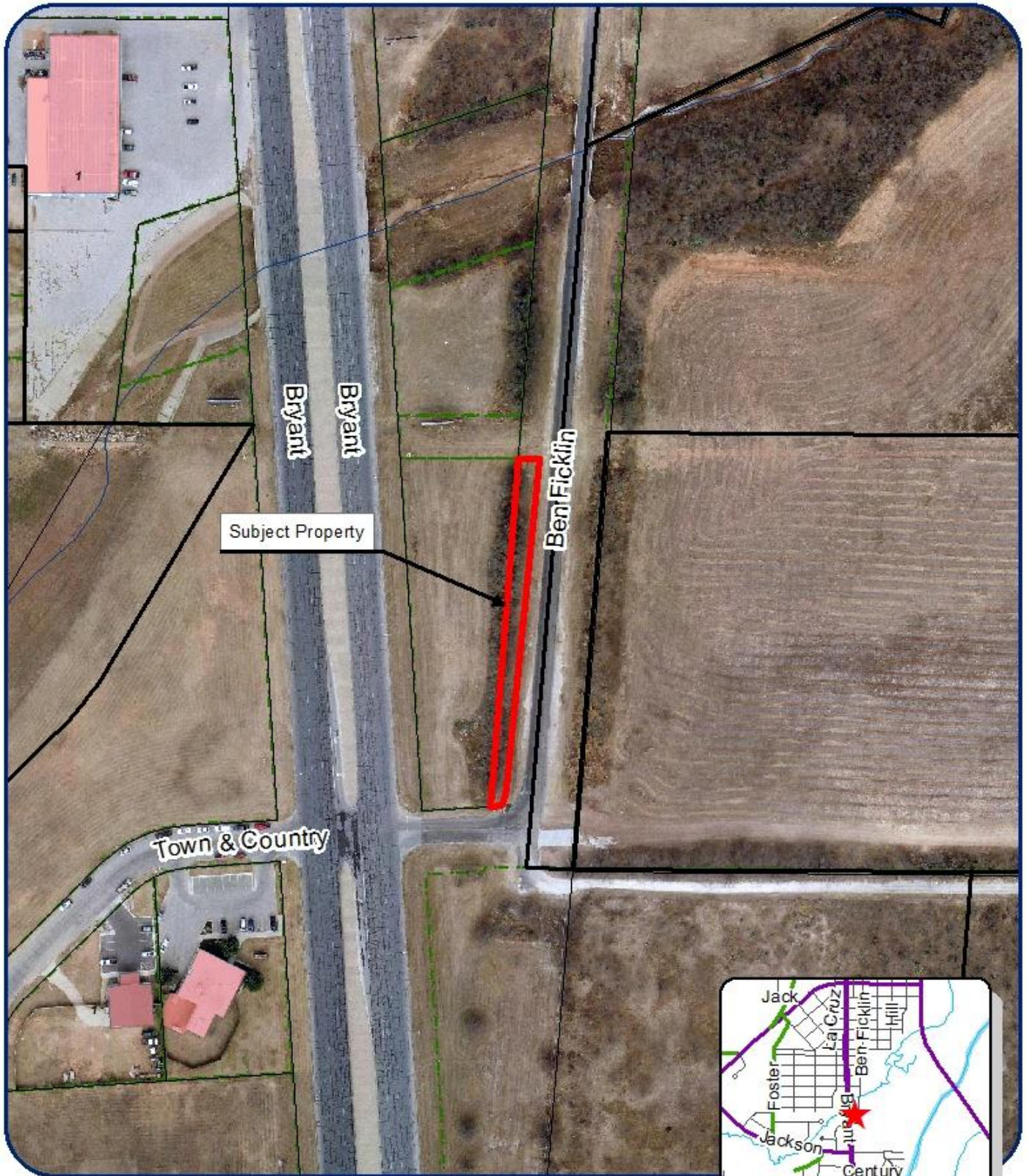
On April 7, 2015, 5 notifications were mailed out within a 200-foot radius of the subject site. As of April 15, 2015, there were 0 responses in favor and 0 responses in opposition of the request.

Action Requested:

The action requested is for the Planning Commission to **APPROVE** a partial street right-of-way abandonment on a variable width portion of 10,182 square feet of the unimproved right-of-way of Ben Ficklin Road, **subject to four (4) Conditions of Approval.**

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
200' Notification Map
Metes and Bounds Description of Property
Survey Plat of Property
Application



Abandonment Case File

Ben Ficklin - Hermes Survey ROW

Council District: Rodney Fleming (SMD#1)

Neighborhood: Rio Vista

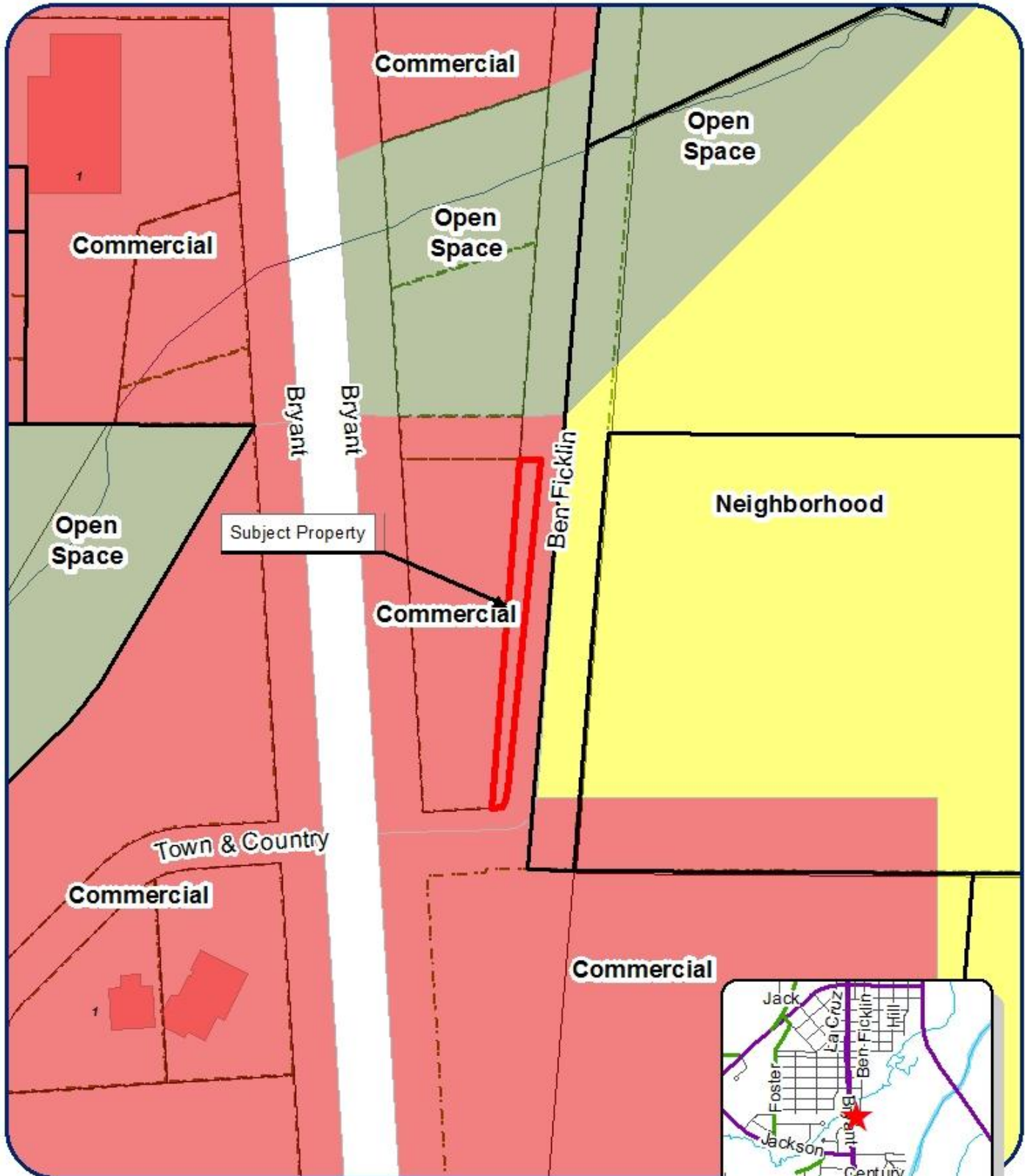
Scale: 1" approx. = 150 ft

Subject Property: 10,182 ft² E. Hermes Survey 174

Legend

- Subject Properties: —
- Current Zoning: R&E
- Requested Zoning Change: N/A
- Vision: Neighborhood





Abandonment Case File

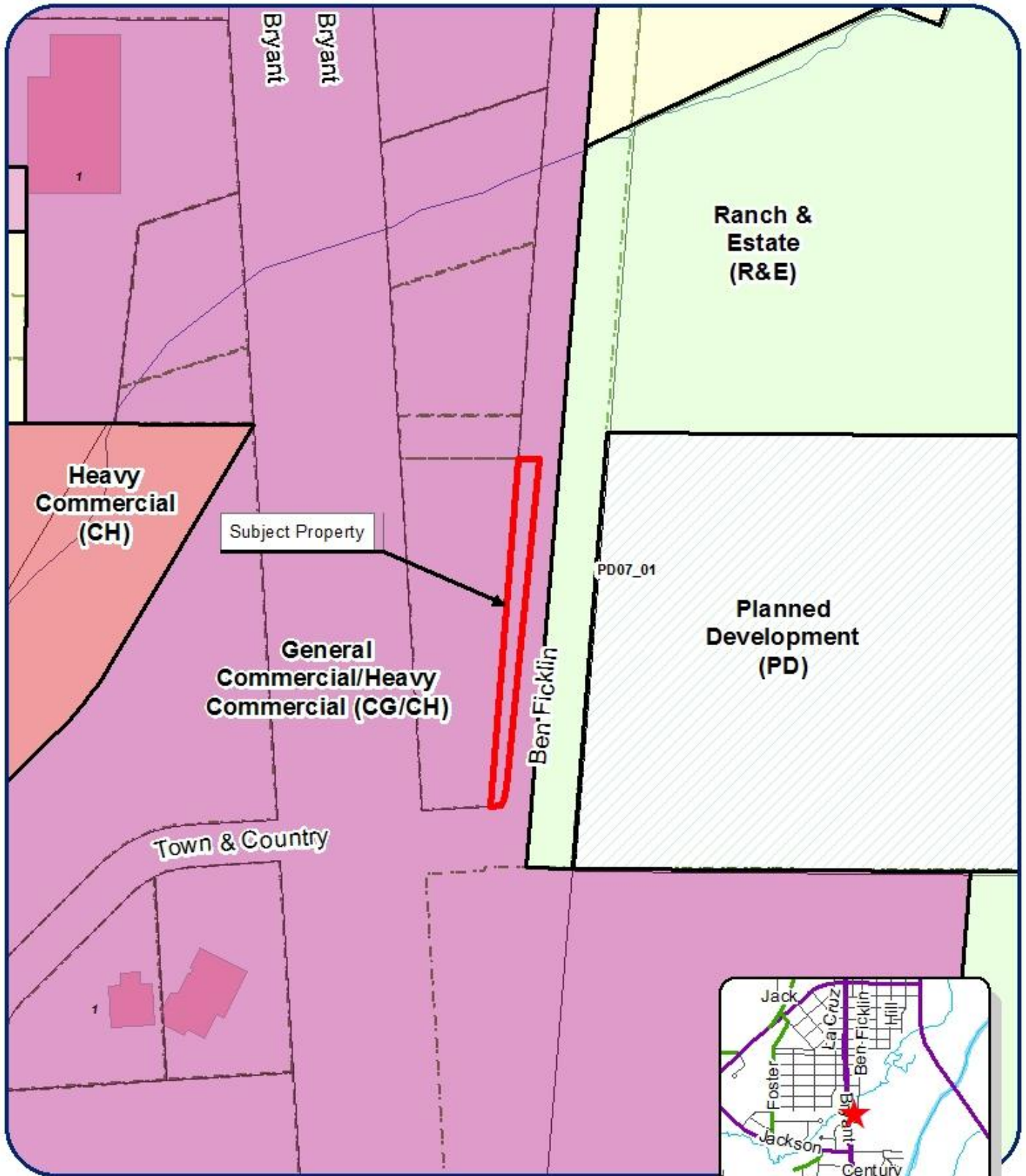
Ben Ficklin - Hermes Survey ROW

Council District: Rodney Fleming (SMD#1)
 Neighborhood: Rio Vista
 Scale: 1" approx. = 150 ft
 Subject Property: 10,182 ft2 E. Hermes Survey 174

Legend

- Subject Properties: —
- Current Zoning: R&E
- Requested Zoning Change: N/A
- Vision: Neighborhood

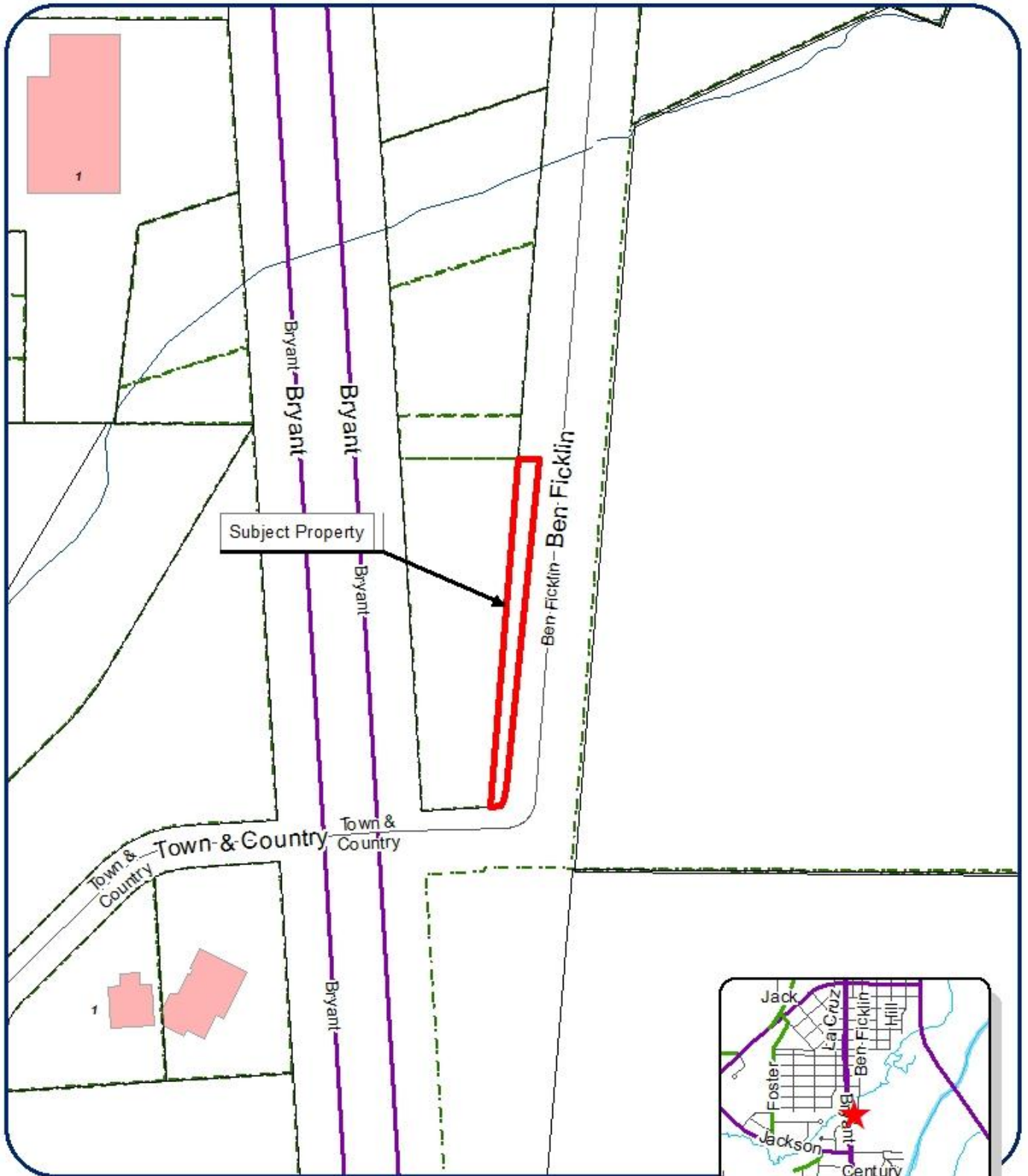




Abandonment Case File
Ben Ficklin - Hermes Survey ROW
 Council District: Rodney Fleming (SMD#1)
 Neighborhood: Rio Vista
 Scale: 1" approx. = 150 ft
 Subject Property: 10,182 ft2 E. Hermes Survey 174

Legend
 Subject Properties: —
 Current Zoning: R&E
 Requested Zoning Change: N/A
 Vision: Neighborhood





Abandonment Case File

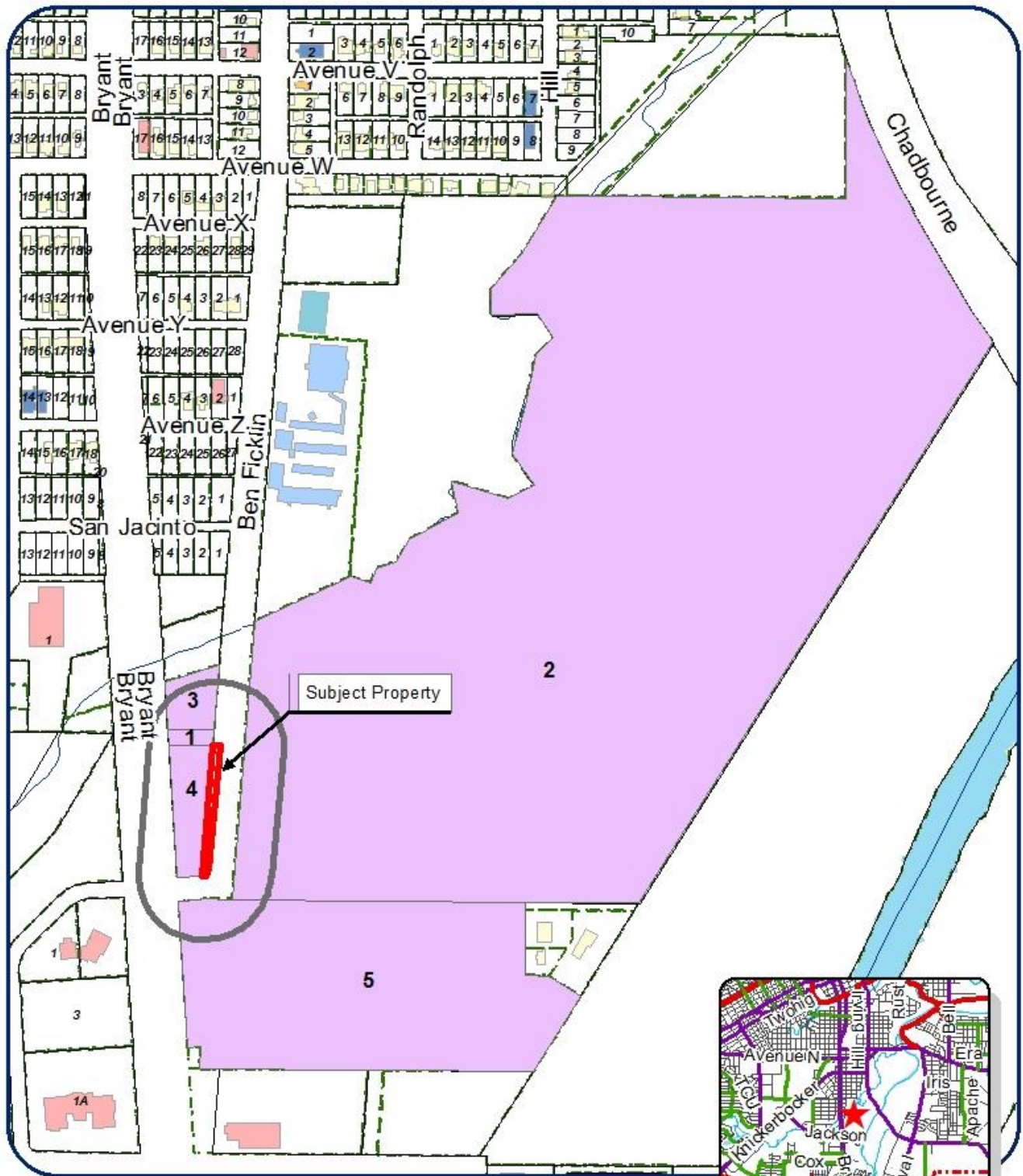
Ben Ficklin - Hermes Survey ROW

Council District: Rodney Fleming (SMD#1)
 Neighborhood: Rio Vista
 Scale: 1" approx. = 150 ft
 Subject Property: 10,182 ft² E. Hermes Survey 174

Legend

Subject Properties: 
 Current Zoning: **R&E**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**





Abandonment Case File
Ben Ficklin - Hermes Survey ROW
 Council District: Rodney Fleming (SMD#1)
 Neighborhood: Rio Vista
 Scale: 1" approx. = 400 ft
 Subject Property: 10,182 ft² E. Hermes Survey 174

Legend
 Subject Properties: —
 Current Zoning: **R&E**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood**



FIELD NOTES

10,182 Square Feet

March 13, 2015
15-S-0368

Being an area of 10,182 Square Feet of land out of Ben Ficklin Road out of E. Hermes Survey 174, Abstract No. 349, City of San Angelo, Tom Green County, Texas and said 10,182 Square Feet tract also being adjacent to a certain 1.040 acre tract described and recorded in Volume 1076, Page 326, Official Public Records of Tom Green County, Texas and said 10,182 Square Feet tract being more particularly described by metes and bounds as follows:

Beginning at the northwest corner of this tract in the west line of said Ben Ficklin Road and said beginning corner also being the northeast corner of said 1.040 acre tract;

Thence with the north line of this tract and across said Ben Ficklin Road, S. 89° 53' 38" E. 25.08 feet to the northeast corner of this tract;

Thence with the east line of this tract, S. 04° 37' 37" W. 391.58 feet to the southeast corner of this tract and the beginning of a curve to the right;

Thence with said curve to the right, having a radius of 20.00 feet, central angle of 81° 55' 38", arc length of 28.60 feet and whose long chord bears S. 45° 35' 26" W. 26.22 feet to the end of this curve;

Thence with the south line of this tract, S. 86° 33' 15" W. 7.89 feet to the southwest corner of this tract in the west line of said Ben Ficklin Road and the southeast corner of said 1.040 acre tract;

Thence with the west line of this tract and said Ben Ficklin Road and the east line of said 1.040 acre tract, N. 04° 37' 37" E. 410.51 feet to the place of beginning and containing an area of 10,182 Square Feet of land.

0 25 50 FEET 100 GRAPHIC SCALE 200

Fd. TxDOT Brass Mon. in conc.
REF.: Christoval Road Properties Inst. 721297
REF.: 19' Sewer Easement Vol. 501, Pg. 712 OPR
NE Cor. 1.040 Ac.

N03°26'46"W 197.52'
N89°53'38"W 139.05'
REF.: 10' Sewer Easement Vol. 501, Pg. 725 OPR

S89°53'38"E 25.08'

**E. HERMES SURVEY 174
ABSTRACT NO. 349**

REF.: Liberty Cafe, L.C. 1.040 Ac. Vol. 1076, Pg. 326 OPR

U.S. HWY. 87 (BRYANT BLVD.)
(ROW Varies)

Bearing Basis

N04°37'37"E 410.51'
10,182 S.F.
S04°37'37"W 391.58'

BEN FICKLIN RD.
(100' ROW)

S86°33'15"W 7.89'

S86°33'15"W 81.13'

L=28.60'
R=20.00'
Δ=81°55'38"
L.C.=S45°35'26"W 26.22'

REF.: City of San Angelo Vol. 828, Pg. 251 DR

S03°26'46"E 75.00'

Fd. 1/2" I.R.



SCALE: 1"= 50'

PLAT SHOWING 10,182 S.F. STREET ABANDONMENT OF BEN FICKLIN ROAD OUT OF E. HERMES SURVEY 174, ABSTRACT NO. 349, CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS.

Application to Abandon Right-of-way for Street(s) and/or Alley(s)

Name of Applicant(s): LIBERTY CAFE, L.C.

Owner Tenant Representative (affidavit required)

Mailing Address: 3619 S. Jackson Telephone: 325-949-2811

City/State/Zip: San Angelo, Texas Fax/other: 325-949-3705

Contact Email Address: mjas@wcc.net

Location

Subdivision Name: SURVEY & ABSTRACT E. HERMES SURVEY 174, ABS No 349

Lots and/or Blocks Affected*: SEE ATTACHED

General Description of Location*: BEN FICKLIN RD.

Reason for Abandonment*: EXCESS RIGHT OF WAY

* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct.

Signature: Mary Jane Steadman Date: 3-10-15
Mary Jane Steadman
Managing Member, Liberty Cafe, L.C.

OFFICE USE ONLY	
Date of application: <u>3/13/15</u>	Received by: <u>Santiago Arisolo</u>
Non-Refundable Fee: \$ <u>434</u>	Receipt Number: _____
Date of hearing by Planning Commission: <u>4/20/15</u>	Date of hearings by City Council: _____