



## Legislation Details (With Text)

<b>File #:</b>	SUBD-23-0121	<b>Version:</b>	2	<b>Name:</b>	Lakehurst Drive Vacation ROW
<b>Type:</b>	Planning Case			<b>Status:</b>	Mayor's Office
<b>File created:</b>	10/19/2023			<b>In control:</b>	City Council
<b>On agenda:</b>	5/14/2024			<b>Final action:</b>	5/14/2024
<b>Title:</b>	Ordinance No. 24-36 vacating portions of public right-of-way known as Lakehurst Drive between Jet Wing and Colony Hills Circle consisting of 7,230 sq. ft. located at the southwest corner of Jetwing Dr. and Colony Hills Circle. (Legislative)				
	Presenter: Johnny Malpica, AICP, Planner II, Planning + Neighborhood Services. Peter Wysocki, Director, Planning + Neighborhood Services				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. SUBD-23-0121-Exhibit A - Legal Description-JM-04-22-2024, 2. SUBD-23-0121-Exhibit B - Vacation Plat - JPM, 3. SUBD-23-0121-ORDINANCE DRAFT-JM-04-22-2024, 4. SUBD-23-0121\_Staff Presentation\_CC\_JPM, 5. Signed Ordinance No. 24-36.pdf

Date	Ver.	Action By	Action	Result
5/14/2024	1	City Council	finally passed	Pass
4/23/2024	1	City Council	approved on first reading	Pass

Ordinance No. 24-36 vacating portions of public right-of-way known as Lakehurst Drive between Jet Wing and Colony Hills Circle consisting of 7,230 sq. ft. located at the southwest corner of Jetwing Dr. and Colony Hills Circle. (Legislative)

### Presenter:

Johnny Malpica, AICP, Planner II, Planning + Neighborhood Services.  
Peter Wysocki, Director, Planning + Neighborhood Services

### Summary:

Owner: Khaled Saadeddin  
Developer: N/A  
Representative: Khaled Saadeddin  
Location: East of Jetwing Drive, West of Colony Hills Circle

This request is on behalf of Khaled Saadeddin, owner of the adjacent unplatted parcel to the north, requesting to vacate an unused public right-of-way. The right-of-way to be vacated has no active roadway.

### Background:

The proposed vacation of City right-of-way requests to vacate unutilized land that is positioned south of a triangular 7,230 sq. ft. unplatted lot. The city right-of-way is undeveloped, and, prior to the submittal of this request, the applicant obtained confirmation from City Traffic Engineering that the

City has no intention of utilizing and/or developing this area of land. Furthermore, the natural land that is proposed to be vacated often accumulates refuse and debris, resulting in the imposition of an additional maintenance burden for the adjacent property owners. Under private ownership, the 7,230 sq. ft. of vacant land area will be better maintained.

The application review process included three agency review cycles, as well as a meeting with review agencies and the applicant. More specifically, the initial submittal of this application proposed to vacate a larger portion of land than what is presently being requested. This resulted in additional coordination between City Planning, relevant City review agencies, and the applicant. Upon the second submittal, the portion of land to be vacated was reduced to the 7,230 sq. ft. portion. Additionally, it was determined that the entire 60' area would be retained as a utility easement. In doing so, this will limit certain surface level structural development in the vacated area. Other review agency comments were negligible and have been addressed in the subsequent submissions.

Considering the aforementioned review, it is established that the proposal is consistent with the review criteria and procedures of City Code Section 7.5.522 and is well aligned with PlanCOS, the City's Comprehensive Plan. This property falls within the Midland, South Academy, and Pinehurst Master plan areas. After careful review of all three of these plans, it has been determined that the proposed vacated right-of-way is consistent with and poses no conflict to the intent of each of these master plans. Finally, the proposed transfer of ownership of this land area from public to private will not impact land use patterns for this area, which has been defined as a mature/redeveloping activity center under on the PlanCOS Vision Map.

For the above reasons, Staff finds the proposed right-of-way vacation to be in substantial compliance with PlanCOS and the review criteria of City Code Section 7.5.522.

**Review Criteria:**

The review criteria for Vacation Plats as set forth in City Code Section 7.5.522 (UDC) are noted below.

City Council shall approve the application only if it complies with the following criteria:

1. The right-of-way is no longer needed for public transportation purposes;
2. The vacation will not adversely impact use of the right-of-way for public utility and/or drainage purposes;
3. The vacation will not adversely impact the uniform width of the remaining portions of the public right-of-way along the block frontage for which vacation is sought;
4. Access to lots or properties surrounding the public right-of-way will not be adversely affected;  
and
5. The vacation is consistent with the purpose of this UDC and Staff finds that the proposed application meets the review criteria.

Staff finds that the proposed application meets the above criteria.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

According to Section 7.5.522 of the City Code, a request to vacate right-of-way is placed directly onto a City Council agenda for action after review by the administration. No review by a board or commission is required.

**Proposed Motions:**

Adopt Ordinance No. 24-36 vacating portions of public right-of-way known as Lakehurst Drive between Jet Wing and Colony Hills Circle consisting of 7,230 sq. ft. located at the southwest corner of Jetwing Dr. and Colony Hills Circle, based upon the finding that the request complies with the criteria as set forth in City Code Section 7.5.703

**..Summary of Ordinance Language**

An ordinance vacating portions of public right-of-way known as Lakehurst Drive between Jet Wing and Colony Hills Circle consisting of 7,230 sq. ft. located at the southwest corner of Jetwing Dr. and Colony Hills Circle.