Legislation Details (With Text)

File #:	2022-5077	**Name:**	
Type:	Public Hearing - Sworn	**Status:**	Agenda Ready
File created:	7/24/2022	**In control:**	City Council - Regular Session
On agenda:	8/23/2022	**Final action:**	
Title:	Public Hearing: Application #PL2021-348 - Vacation of Right-Of-Way, a portion of Right-Of-Way abutting 1100 SW 3rd Street; Schlagel & Associates, applicant.		
Sponsors:	Planning and Special Projects		
Indexes:			
Code sections:			
Attachments:	1. Staff Memo, 2. PC Minutes, 3. Staff Report, 4. Legal Description and Exhibit, 5. Neighborhood Meeting Summary, 6. Location Map, 7. Staff Presentation		

Date	Ver.	Action By	Action	Result
7/28/2022	1	Planning Commission	recommended for approval	Pass

Public Hearing: Application #PL2021-348 - Vacation of Right-Of-Way, a portion of Right-Of-Way abutting 1100 SW 3rd Street; Schlagel & Associates, applicant.

Issue/Request:
The applicant requests to vacate the subject right-of-way as part of the redevelopment of the old Pizza Hut site for the new Chipotle restaurant. The existing driveway located within the right-of-way solely provides shared access to the restaurant sites. The right-of-way serves no general public purpose and thus can be vacated. Access to both sites from SW McClendon Dr can be maintained via a private cross-access easement between the two lots.

Jeffrey T. Skidmore, P.E., Applicant Representative
Josh Johnson, Assistant Director of Plan Services

Recommendation: With the conditions of approval below and contained in the staff report, the application meets the requirements of the UDO and the Design & Construction Manual (DCM).

1. The vacation of right-of-way shall not become effective until such time as a cross-access easement is dedicated over the existing driveway from SW McClendon Dr shared between Lot 1, Pizza Hut Addition and Lot 1, Hardee's Addition.
2. A copy of the recorded cross-access easement shall be provided to the Development Services Department.

Committee Recommendation: On a motion by Mr. Kitchens, seconded by Ms. Rader, the Planning Commission unanimously voted on July 28, 2022, to recommend approval of Application #PL2021-348 - Vacation of Right-Of-Way, a portion of Right-Of-Way abutting 1100 SW 3rd Street; Schlagel & Associates, applicant, with the language "which shall be effective in perpetuity" added to Condition 1.