



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 18, 2023

Re: 3100-3109 Keene Court – Right of Way Vacation (Case # 223-2023)

Executive Summary

Approval of this request would vacate an approximate 381-foot portion of Keene Court west of Lots 11 and 12 of Keene Estates Plat No. 1 in advance of the future redevelopment of the right of way and adjoining vacant parcels addressed as 3100-3109 Keene Court with a new 4-story hotel. Concurrent requests seeking acceptance of a 50-foot utility easement (Case # 223-2023) and approval of a rezoning/redevelopment plan (Case #219-2023) will appear as separate business items on the Council's September 18 agenda. Acceptance of the new utility easement and the partial vacation of Keene Court are required prerequisites for approval of Case #219-2023.

Discussion

Crockett Engineering (agent), on behalf of Keene Court, LLC (owner), is seeking approval to vacate the western approximately 381-feet of Keene Court. The requested vacation is sought such that the right of way and the vacant adjoining lots addressed as 3100-3109 Keene Court, which they own, can be combined in advance of the overall 2.82- acre property being redeveloped with a new 4-story hotel. The proposed redevelopment of the overall acreage requires the property to be rezoned given the site's current M-N (Mixed-use Neighborhood) designation does not permit the hotel use.

The applicant submitted the required rezoning request (Case #219-2023) and sought approval of PD (Planned Development) zoning with a site-specific development plan. This request was reviewed and recommended for approval by the Planning Commission at its August 24, 2023 meeting. The rezoning matter will appear concurrently on the Council's September 18 agenda for consideration. Approval of the PD zoning application is contingent on approval of this partial vacation request.

The portion of Keene Court sought to be vacated no longer provides access to improved property. The lots adjoining the portion of Keene Court were previously improved with single-family dwellings which have demolished. On the eastern end of Keene Court there is an existing dental clinic and gravel parking area that would be served by the retain portion of Keene Court which also has frontage along Keene Street.

Keene Court, as shown on the attached PD plan, is to be reconstructed to serve not only the 2.82 acres that would accommodate the new hotel, but would also be improved between the existing dental clinic and gravel parking lot in the retained right of way. The current location of Keene Court is not centered within the existing right of way and is considered substandard with respect to its roadway classification as well as is not considered improved



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given it does not contain sidewalks or curb and gutter. Reconstruction of Keene Court will result in a fully compliant public street, shorter than presently exists, and will enhance the use of the lots at its eastern end given the reconstruction will center the roadway improvements with the right of way. The property owner of the dental clinic and gravel parking lot between which this new construction would occur voiced support of the proposed improvements during the Planning Commission public hearing.

In evaluating this request, it was determined that the right of way to be vacated contains an existing city sanitary sewer main as well as waterline. To ensure that these improvements remain accessible to the Utilities Department until their abandonment, a concurrent request to accept a 50-foot utility easement (Case # 223-2023) covering the same width as the right of way to be vacated has been prepared. This easement acceptance will appear on the Council's September 18 agenda for consideration. Acceptance of the easement dedication is necessary prior to approval of the requested partial right of way vacation.

The requested vacation has been reviewed by both internal and external agencies. With the exception of the need to dedicate, via separate document, a 50-foot utility easement to retain access rights to existing public utilities within the right of way this request is supported. If approved, the current substandard non-conforming condition of Keene Court will be resolved allowing for a new fully compliant city street to be constructed as well as provide an opportunity to facilitate the approval of a PD development plan allowing the construction of a new 4-story hotel on presently vacant lots.

Locator maps, PD Plan, and vacation legal description and exhibit are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated within the next 2 years. Reconstruction of Keene Court and extension/relocation of public infrastructure costs to be borne by the applicant.

Long-Term Impact: Future impacts may include increased costs associated with the provision of public safety, public infrastructure (sewer/water), and trash collection services as well as roadway infrastructure maintenance. Such increased costs may or may not be off-set by additional user fees or increased taxes.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Economic Development



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Legislative History

| Date | Action |
|------|--------|
| N/A | N/A |

Suggested Council Action

Approve the requested partial vacation of the western approximately 381-feet of Keene Court.