



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: June 7, 2021

Re: Burnside Drive Right-of-Way Vacation (Case #133-2021)

## Executive Summary

Approval of this request would vacate the existing right-of-way previously dedicated for Burnside Drive, and return the property to the adjacent property owners. It will also vacate the corresponding standard utility easements that are directly adjacent to the right-of-way, and dedicate a new utility easement along Bull Run Drive.

## Discussion

Allstate Consultants (agent), on behalf of EquipmentShare.com Inc. (owner), is seeking approval to vacate previously dedicated right-of-way (ROW) for Burnside Drive and the associated 20-foot utility easements along that portion of Burnside Drive, lying between Lots 11 and 12 of Eastport Centre Plat 2-A. The portion of Burnside Drive sought to be vacated is south of Bull Run Drive and is approximately 715 feet long by 66 feet wide (47,190 total square feet).

Redevelopment of the lots adjoining the platted right-of-way has been proposed to accommodate a new corporate headquarters for EquipmentShare, Inc. and the right-of-way for Burnside Drive is desired as part of the redevelopment. In addition to the right-of-way vacation request, the applicant has also submitted a request (Case #123-2021) to rezone Lots 10, 11, and 12 of Eastport Centre Plat 2-A from a combination of PD (Planned Development) and M-C (Mixed Use-Corridor) to M-BP (Business/Industrial Park) to facilitate the development of all three lots, including the Burnside ROW, into a headquarters-style development. The attached conceptual site plan illustrates what the final development may look like with the Burnside ROW vacated and the site replatted into one lot. The Planning and Zoning Commission approved the rezoning request (7-0-1) with one recusal at their May 6, 2021 meeting.

Prior to this memo, staff submitted a report to Council on May 3, 2021 seeking direction on how to proceed with the request and what, if any, specific terms may be appropriate to include in a future vacation ordinance. Council's direction was to proceed with the vacation as requested by the applicant.

The existing portion of Burnside that is requested to be vacated extends southward from the ROW for Bull Run Drive on the north to where the street exits the Eastport Centre subdivision and enters into the Eastport Village Plat 3 subdivision, which is generally at the location where Burnside Drive has been constructed. The vacation of this portion of ROW would eliminate the possibility of Burnside Drive connecting to Bull Run, which would eliminate some connectivity possibilities. However, the subdivision to the south would still be able to access



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Bull Run via the currently constructed Port Way to the west. Burnside may also be connected to Solar Road, east of the existing subdivision, in the future if constructed via platted stub streets. Solar Road, if constructed, would also connect to Bull Run.

It should be noted that vacation of the requested Burnside right of way will result in the creation of a terminal street without a cul de sac. Per Appendix A.7 of the UDC, the future resubdivision of the applicant's property will require that the stub street created by this vacation be properly terminated. The applicant has indicated that they intend to submit a resubdivision of the property in the near future. At the time of such submission, the applicant may request approval of a design adjustment seeking relief from this requirement.

Also worth noting is that while a portion of Bull Run Drive has been constructed, no street has been constructed within the Bull Run Drive ROW to its intersection with Burnside. Development of any lots adjacent to unbuilt streets would trigger the construction of Bull Run eastward to the eastern boundary of the Eastport Centre Plat 2-A subdivision. Such construction would intersect with a previously platted north-south right of way (Solar Road) acquired for a future collector street on the western boundary of the Truman Solar property.

In addition to the vacations of the right-of-way and easements, a new easement will be dedicated for a standard utility easement along Bull Run Drive. If the right-of-way is vacated, there will be a short gap in the easement along Bull Run Drive, and the new easement will fill the gap.

The requested vacation has been reviewed by relevant staff and found to meet all the standards of the UDC and is recommended for approval by staff.

Locator map, conceptual site plan, vacation graphic, easement dedication document, and Eastport Centre Plat 2-A (08/15/2005) are attached.

## Fiscal Impact

Short-Term Impact: None.

Long-Term Impact: None.

## Strategic & Comprehensive Plan Impact

### [Strategic Plan Impacts:](#)

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

### [Comprehensive Plan Impacts:](#)

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



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## Legislative History

Date	Action
8/15/2005	Approved final plat of Eastport Village Plat 2-A (Ord. #18634)
8/06/2001	Approved annexation and C-P & C-3 zoning (Ord. #016976)

## Suggested Council Action

Approve the right-of-way and easement vacations for Burnside Drive and accept the dedication of a new 20-foot utility easement along Bull Run Drive.