



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: September 19, 2022

Re: Westwinds Drive Right-of-Way Vacation (Case # 274-2022) - Report

Executive Summary

A request has been received seeking the vacation of a portion of the public right-of-way dedicated for Westwinds Drive. This request is in conjunction with a recently submitted and Planning & Zoning Commission-reviewed preliminary plat seeking to divide the adjacent property into two-lot residential lots and construct an International Fire Code (IFC) compliant turnaround.

Discussion

Overview

A Civil Group (agent), on behalf of Sonya Andreassen-Henderson (owner), seeks approval to vacate an approximately 322-foot long portion of the Westwinds Drive right-of-way located along the owner's south property line. The right-of-way to be vacated is located at the southwest corner of the Westwinds Manor subdivision.

The requested right-of-way vacation was included in a proposal for a new preliminary plat (attached) referred to as *Hidden Haven* (Case #216-2022) that was recently reviewed by the Planning Commission. The preliminary plat reflects the vacation of the right-of-way and its incorporation into the southern boundary of the proposed lots as shown on the plat. The existing 10-acre parcel currently is zoned R-1 (Single-family Dwelling) and includes two existing residential structures. One structure is a non-conforming multi-unit residential building and the other is a single-family dwelling. The applicant has stated that their intent is to remove the multi-family building, and construct a new single-family home on Lot 1, while retaining the occupied dwelling located on Lot 2.

The preliminary subdivision plat was reviewed by the Planning and Zoning Commission on August 4, 2022, and was recommended for approval; however, the right-of-way vacation will require a separate ordinance to be considered by the City Council. In keeping with recent practice, this report seeks Council input prior to the introduction of a right-of-way vacation ordinance.

Background

The applicant is proposing that approximately 322 feet of substandard Westwinds Drive right-of-way be vacated, which would allow it to be incorporated into a new two-lot subdivision that is being proposed. Although the subdivision site is unplatted, the ROW for Westwinds Drive was deeded to the City in 1957.



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In recognition of the unique situation in which the dedication of the ROW for Westwinds Drive occurred prior to the subject property's initial platting, the applicant submitted the turnaround alternative shown on the proposed preliminary plat. In this design, a modified, T-shaped turnaround will be constructed, but it will be located within the existing ROW of St. Michael Drive. This right-of-way, which is oriented north-south and located about 130 feet east of the site, was platted with the Westwood Manor subdivision, but was never constructed since no houses were built along it (possibly due to the significant grades in this area). It should also be noted that the applicant also owns Lots 1 and 2 of Westwoods Manor as well.

The design of the turnaround, in conjunction with the right-of-way vacation, has been reviewed and approved by staff as being compliant with the adopted International Fire Code (IFC). The UDC allows for alternative designs that are compliant with the IFC and when their use is approved by the Fire Department and Public Works. In this instance the design is compliant and has support of both the Fire Department and Public Works. A T-shaped turnaround allows for vehicles to make three-point maneuvers at the terminus of a public street.

Staff evaluated the potential impacts of using the alternative turnaround design and the future vacation of Westwinds right-of-way and concluded that neither were objectionable. This conclusion was based on the following considerations:

- The approximately 322 feet of pavement to be vacated is currently maintained by the City, but only serves as access to the existing 10.53-acre tract. The street vacation would not significantly affect the tract's access to a public roadway and if vacated the remaining pavement would become the tract's private driveway.
- The proposed division of the property does not increase the number of dwelling units (in fact, if the multi-family unit is demolished, the number of dwellings will decrease). The typical bulb cul-de-sac design is well suited to allow residential lots all around it, making it an efficient design in that regard. But a similar cul-de-sac in the present location would only provide access to two lots and would not be accessible from the south at all due to the Stadium ROW.
- The amount of expected traffic on Westwinds Drive is low. The turnaround would only serve two structures both owned by the same individual. The entire terminal street length includes only eight total houses compared to the maximum of 30 homes permitted on a standard terminal street.
- The elimination of the approximately 322 feet of right of way would reduce the amount of pavement that the City would be required to maintain.

This report seeks Council authorization to proceed with the requested vacation. Locator maps, preliminary plat, and a conceptual vacation exhibit are attached for review.

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
NA	NA

Suggested Council Action

Provide direction to staff as to whether or not it should proceed with the preparation of a vacation ordinance and what, if any, conditions should be included within such ordinance.