

<b>Alley Abandonment</b>	<b>University Street at CM Allen Parkway</b>
<b>A-20-02</b>	



### Summary

<b>Request:</b>	Abandonment of an unimproved alley.		
<b>Applicant:</b>	Ben Williams 2600 Via Fortuna Austin, TX 78746	<b>Property Owner:</b>	SM Block 21, LLC 2100 Seven Wins Austin, TX 78733
<b>ROW Width:</b>	16.67 ft	<b>ROW Length:</b>	82.93 ft
<b>ROW Area:</b>	1382.28 sqft		

### Notification

<b>Application:</b>	N/A	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	N/A	<b># of Participants:</b>	N/A
<b>Posted:</b>	N/A	<b>Personal to Adjacent Property Owners:</b>	November 25, 2020
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description of Adjacent Lots:</b>	Original Town of San Marcos, block 21, lots 1-8		
<b>Location:</b>	University Drive between CM Allen Parkway and Moon Street		
<b>Existing Zoning:</b>	CD-5D	<b>Proposed Zoning:</b>	CD-5D
<b>Existing Use of Adjacent Properties:</b>	Broadway Bank Restaurant	<b>Proposed Use:</b>	Unknown
<b>Preferred Scenario:</b>	Downtown High Intensity	<b>Proposed Designation:</b>	Same
<b>Existing Utilities:</b>	None	<b>Floodplain:</b>	No

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	P	Texas State University	Texas State
<b>South of Property:</b>	CD-5D	Vacant Bank	Downtown High Intensity
<b>East of Property:</b>	CD-5D	Vacant Restaurant	Downtown High Intensity
<b>West of Property:</b>	CD-5D	Broadway Bank	Downtown High Intensity

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### Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	Approval with Conditions / Alternate	Denial
<ul style="list-style-type: none"> <li>The property owner shall legally plat the subject property before the development of the subject property or any adjacent property.</li> </ul>			
<b>Staff:</b> Tort Carpenter, AICP, CNUA		<b>Title :</b> Planner	<b>Date:</b> December 3, 2020

### History

This 16.67 ft alley was designated in 1904 with the recordation of the recordation of the Original Town of San Marcos subdivision. The southern portion of this alley was abandoned in 1973.

### Additional Analysis

All the properties adjacent to this right-of-way are owned by SM Block 21, LLC.

The Commission is tasked with making a recommendation to the City Council. If the City Council approves this request, the applicant will be required to obtain an appraisal of the right-of-way to be abandoned. The City Council will ultimately decide whether to approve or deny this request, and will do so as follows:

- City Council reviews the recommendation for the Planning and Zoning Commission and, for each street abandonment, provides direction to staff on whether the abandonment is acceptable subject to the obtaining of an appraisal.
- An appraisal for the area to be abandoned will be obtained.
- City Council will hold a public hearing and vote on the adoption of an ordinance approving the abandonment and the conveyance of the street or alley for the appraised value.

### Comments from Other Departments

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

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Evaluation			Criteria of Approval (Section 74.087 of the City Code)
Consistent	Inconsistent	Neutral	
<u>X</u>			<b><i>Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.</i></b> <i>This request is for all the remaining right-of-way which has not been abandoned.</i>
<u>X</u>			<b><i>A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property.</i></b> <i>This right-of-way is being used as public access.</i>
<u>X</u>			<b><i>A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.</i></b> <i>There are no public utilities within the subject right-of-way.</i>
<u>X</u>			<b><i>A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.</i></b> <i>This section of right-of-way will not be used for a future road or utility improvements.</i>