

STAFF REPORT

Planning and Zoning:	3/1/2021	Staff Contact:	Jeremy Frazzell, Asst. Planning Director
Agenda Item:	2021-0230	E-mail:	jeremyf@pflugervilletx.gov
Case No.	FP2102-06	Phone:	512-990-6300

SUBJECT: Discuss and consider a Subdivision Waiver to Subchapter 15.5 to not require a Preliminary Plan for the parent tract for property located generally southwest of the Biltmore and Pecan St intersection, to be known as RNDC Timmerman Preliminary Plan Waiver (2021) (FP2102-06).

LOCATION:

The property is located generally southwest of the Biltmore and E. Pecan St. intersection.

SUBDIVISION WAIVER REQUESTS:

According to Subchapter 15.15 of the Unified Development Code, "Upon written request and demonstration by the applicant, the Planning and Zoning Commission may consider a waiver, or partial waiver from requirements of this Subchapter in specific cases where:

- A. Owing to special conditions of the subject property, a literal enforcement of the provisions of the Subchapter may not be physically obtainable; or
- B. The requirement does not appear to be reasonably applicable in the specific case; or
- C. Compliance with the requirement would result in an undesirable situation; and in the Commission's opinion, such a subdivision waiver would not be contrary to the public interest and would not destroy the intent of the provisions of this Subchapter.

The applicant has requested the following subdivision waivers to Subchapter 15.16.3:

- (C). All streets that are stubbed out into the subject subdivision boundary shall be extended into the subdivision.
- (S). Residential subdivisions shall have at least one street stubbed-out into every adjacent unplatted property unless determined otherwise by the Administrator.

BACKGROUND:

The Preliminary Plan process is typically the first step in the subdivision process when a property is proposed to be divided into smaller portions and requires extension of utilities or roads to serve the property. To ensure the orderly planning of roads, utilities, drainage, parks and other public facilities, the "parent tract" is included. The parent tract is the piece of property with a tax id that is the larger tract where the subdivision is proposed. The parent

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tract is included in a preliminary plan even when eminent development is only proposed on a portion of the property. When development is not known for a portion of the parent tract, the preliminary plan may depict the necessary road extensions per the master plan, but also identify the remnant pieces as “remainder tracts” and include notes that clarify further analysis will be provided through a revision to the preliminary plan once development is known.

ANALYSIS

The proposed request is to waive the immediate preliminary plan requirement associated with a “parent tract” identified by Travis Central Appraisal District as Parcel Id 263763. The property is now approximately 126.953 acres, currently in the ETJ, and not anticipated to be developed in the near future. In December 2019, the owner of the parent tract sold approximately 33 acres of the southern portion of the parent tract to Republic National Distribution Company Inc (RNDC), through metes and bounds. With the property being in the ETJ and the division being greater than 10 acres, the division of land outside of the subdivision process appears to be authorized by the Local Government Code.

The approximate 33-acre RNDC tract has been recently annexed into the city and is now planning to pursue the zoning and subdivision process in order to be developed. As part of the subdivision process, all lots are required to be platted, have frontage onto a public road, and be served by public utilities. Through the parent tract lot division, the necessary extension of roads and utilities to serve the 33-acre tract was not provided. The owner of the parent tract is willing to convey approximately 1.5 acres for the extension of Helios Way across the frontage of the 33-acre tract, however prefers to not be required to create a preliminary plan for the entire 126.953-acre parent tract for the sole purpose of establishing the right of way.

If approved, the area of land for the right of way will be annexed into the city limits so that the subdivision process is only subject to Pflugerville review and requirements, and will be included with the subdivision process for the RNDC property.

STAFF RECOMMENDATION:

The proposed request to not provide a preliminary plan for the entire 126.953-acre tract in order to provide the relatively small amount of land needed to serve the RNDC tract appears reasonable. If the preliminary plan is required, the preliminary plan for the parent tract will only identify the immediate right of way area to serve the RNDC property, a future projected alignment of the road per the Master Transportation Plan, and identify reserve tracts for the remainder of the property. Being in the ETJ, the preliminary plan will be required to be reviewed by both Travis County and City of Pflugerville, which will delay the RNDC tract from being able to move forward with their development plans. If the preliminary plan is not required, the right of way will be established, area annexed into the city, and will be included in the subdivision with the 33-acre RNDC property.

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Staff Recommends approval of the waiver for a preliminary plan on the parent tract with the following conditions:

1. The waiver to the Preliminary Plan for the parent tract shall only be applicable to allow the approximate 1.5-acre associated with the right of way for Helios Way. Any further property division, roadway expansion, etc. shall be subject to the Preliminary Plan and parent tract requirement, unless otherwise waived through a future waiver.
2. The approximate 1.5-acre area shall be annexed into the city limits and included in the subdivision process related to the 33-acre RNDC tract.

ATTACHMENTS:

- Location Map
- Subdivision Waiver Request
- Survey

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LOCATION MAP:



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REQUEST:



February 25, 2021

Planning Department
Development Services Center
201-B East Pecan St.
Pflugerville, TX 78660

Attention: Emily M. Barron, Planning and Development Services Director

Re: RNDC and Hagn & Timmerman Tracts

Dear Ms. Barron,

The parties involved with the RNDC Development and Helios Way extension hereby request a variance from the requirements of the Local Government Code 232.001. Following is the applicable information necessary to allow the Planning and Zoning Commission to make their determination; specifically:

- (1) Hagn & Timmerman LTD (Seller) were previously the owners of 159.953 acres of land (parent tract).
- (2) Republic National Distributing Company, LLC (Buyer) have purchased 33.00 acres (daughter tract) of the aforementioned land.
- (3) Buyer wishes to develop the daughter tract. Buyer has annexed the land and are pursuing Campus Industrial (CI) zoning with the City of Pflugerville.
- (4) Seller has committed to conveying approximately 1.416 acres of the parent tract for use as public right-of-way.
- (5) Seller does not wish to develop the remaining 125.537 acres, nor have it annexed by the City of Pflugerville at this time.
- (6) Buyer needs to be able to move forward with platting to ensure all commitments are met to construct necessary public improvements before beginning development.
- (7) Requiring the preliminary platting of the parent tract along with the daughter tract will cause undue hardship to both Buyer and Seller for the following reasons:
 - Seller may be forced to commit to improvements and entitlements for the parent tract which will expire within two years, well before Seller intends to move forward with development of this land.
 - Buyer will be forced to submit for dual review of the preliminary plat with both the City of Pflugerville and Travis County even though the daughter tract has been fully annexed into the city limits. This additional review through Travis County will unavoidably cause a delay in the approval process and guarantee that the original commitment for constructing the roadway will be pushed past the agreed upon deadline.

HALFF ASSOCIATES, INC.

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It is requested that the City of Pflugerville agree to a variance allowing Buyer to preliminary and final plat only the purchased acreage without needing to plat the remaining acreage retained by seller.

Seller: **Hagn & Timmerman LTD.**

Buyer: **REPUBLIC NATIONAL DISTRIBUTING
COMPANY LLC**

Signature: 

Signature: 

Name: Timothy Timmerman

Name: Gregg Lipp

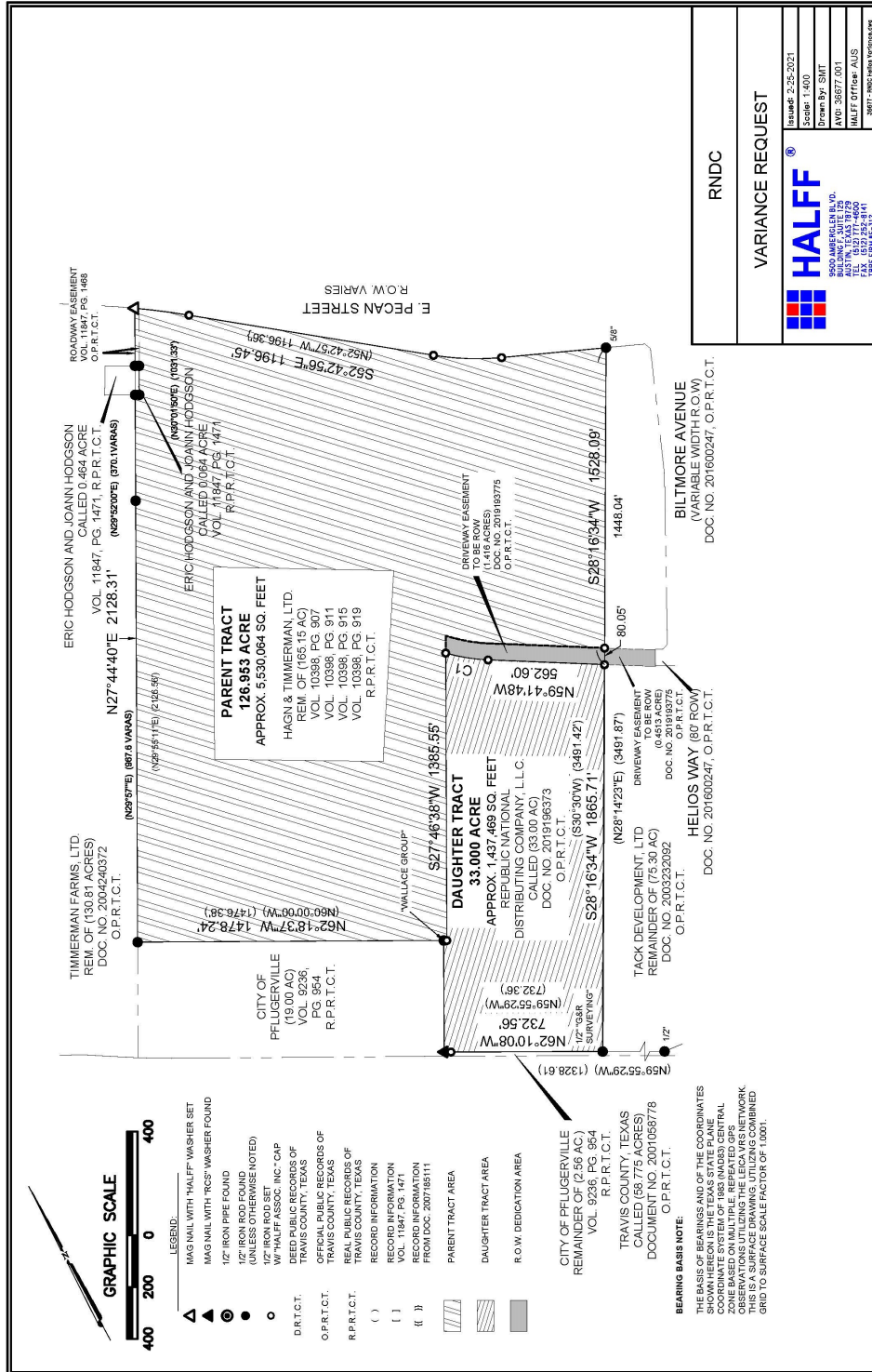
Title: Pres. of GP

Title: VP Engineering & Facilities

Date: 2/25/21

Date: 02/25/2021

SURVEY:



RNDC

VARIANCE REQUEST

HALFF

9500 AMBERGLEN BLVD.
 SUITE 100
 AUSTIN, TEXAS 78749
 TEL: 512.255.4600
 FAX: 512.255.4600
 TYPE: FIRM #P-312

NUMBER: 2-25-2021
 Scale: 1"=600'
 Drawn By: SHUT
 AFD: 28677.001
 MLCF OFFICER: AUS

[] RECORD INFORMATION
VOL. 11847, PG. 1471
{ } RECORD INFORMATION
FROM DOC. 2007185111

LINE BEARING	DISTANCE
L1 N62°28'49"W	32.79'
(N60°14'10"W)	(32.80')
L2 N27°46'38"E	538.05'
(N30°30'00"E)	(538.05')
L3 N62°13'22"W	15.00'
(N30°01'50"E)	15.00'
L4 N27°44'20"E	510.72'
(N30°01'50"E)	510.72'
L5 S62°48'14"E	19.94'
(S59°58'10"E)	(20.00')
L6 N27°46'21"E	139.89'
(N30°01'50"E)	(140.00')
L7 N62°35'31"W	19.98'
(N59°58'10"W)	(20.00')
L8 N27°44'20"E	277.56'
(S30°01'50"W)	(380.41')
L9 N27°44'20"E	139.97'
(N30°01'50"E)	(140.00')
L10 S67°23'40"E	506.53'
(S67°23'41"E)	(506.49')


CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	871.64'	13°39'32"	207.79'	N22°52'02"W	207.30'
C2	3912.00'	3°51'57"	263.94'	S54°38'54"E	263.89'
	{(3912.00')}		{(263.97')}	{(N64°38'55"W)}	{(263.87')}
C3	1288.00'	14°40'48"	329.01'	S60°03'18"E	329.10'
	{(1288.00')}		{(329.88')}	{(S60°03'19"E)}	{(329.08')}

**DISTANCE OF 380.41' - DISTANCE OF 102.85 FEET IN DOC. NO. 2007158111 = 277.56'

NOTE:
THERE MAY BE ADDITIONAL EASEMENTS OF RECORD
NOT SHOWN HEREON WHICH MAY AFFECT THE
SUBJECT PROPERTY

RNDC

VARIATION REQUEST



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Issued: 2-25-2021
Scale: N/A
Drawn By: SMT
A01: 38677.001
HALFF OFFICE: AUS
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