

**STAFF REPORT**

<b>Planning and Zoning:</b>	05/04/2020	<b>Staff Contact:</b>	Emily Draughon, Planner II
<b>Agenda Item:</b>	2020-8389	<b>E-mail:</b>	emilyd@pflugervilletx.gov
<b>Case No.</b>	PP1912-02	<b>Phone:</b>	512-990-6300

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**SUBJECT:** Discuss and consider Subdivision Waiver for the Lisso Tract, to Subchapter 15.16.3 (R) in order to create a preliminary plan that allows 100 lots or more, cumulatively with other final plats within the same preliminary plan, that would be subject to only one access point or to multiple access points with routes to an arterial street that duplicate a segment of the route of any other access point for the same final plat.

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**LOCATION:**

The proposed subdivision is located at the southeast boundary of the City limits, generally northeast of the Immanuel Road and Wells Branch Parkway intersection, along the southern boundary of the Gatlinburg subdivision. The land is currently largely undeveloped.

**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 waiver to Subchapter 15.16.3:

- (R). At no time may a final plat create 100 lots or more, cumulatively with other final plats within the same preliminary plat, that would be subject to only one access point or to multiple access points with routes to an arterial street that duplicate a segment of the route of any other access point for the same final plat.

**BACKGROUND:**

In October 2019, the applicant pursued a rezoning (REZ1908-01) of the subject property to replace Agriculture/Development Reserve (A) zoning district with the Single-Family Residential (SF-R) and Single-Family Mixed Use (SF-MU) districts for the northern portion of the tract and the southern portion to the

## **STAFF REPORT**

General Business 2 (GB2) and General Business 1 (GB1) districts. Following the zoning approval, the applicant began the preliminary plan subdivision process, which includes the phasing of the development. The development is intended to begin in the eastern portion of the tract, obtaining access to Wells Branch Pkwy. With the first phase of development, the applicant will also be working on improvements to Immanuel Road as discussed during the rezoning public hearings.

### **REQUEST:**

The applicant has requested the Subdivision Waiver to Subchapter 15.16.3 (R) in order to allow for a preliminary plan that creates more than 100 lots cumulatively to utilize one point of access to the arterial street. The condition is proposed to be temporary until phase three of their project is developed when they will create an additional permanent access point. The applicant stresses the desire to avoid connecting to Immanuel Road until such time that Immanuel Road has been fully improved and is better able to allow for increased traffic.

### **ANALYSIS:**

The Lisso Tract preliminary plan shows a multiple access points to the arterial road, Wells Branch Parkway, with full build-out of the subdivision. If the waiver is approved, Purple Martin Drive will be constructed as a temporary emergency-access-only road extending from Immanuel Road to E Pfennig Lane until phase three of their project is developed and the improvements to Immanuel Road have been completed, tentatively in spring 2022. The waiver is necessary due to the fact that phase one and phase two of the preliminary plan cumulatively create approximately 400 lots in total with a single access point to Wells Branch Parkway. Subchapter 15.16.3 (R) limits a preliminary plan to 100 lots before the creation of another access point onto an arterial street.

The impetus for the creation of section 15.16.3(R) was to align with and expand upon the Fire Code standards and to reduce traffic congestion onto a single roadway. The Fire Code development requirement, Section D107.1 of Appendix D, for the Travis County Emergency Services Department (ESD) District No. 2, that states:

“Developments of one or two-family dwellings, with lots more than one-half acre in size, where the number of dwelling units exceeds 30, shall be provided with two separate and approved fire apparatus access roads. Developments of one or two-family dwellings, with lots less than one-half acre in size, where the number of dwelling units exceeds 99, shall be provided with two separate and approved fire apparatus access roads.”

Representatives from ESD District No. 2 have reviewed the proposal and approved the temporary extension of Purple Martin Drive for emergency access only based on the understanding that the road will be fully extended in the future.

This type of subdivision waiver is not common however; similar waivers have been approved in the past for temporary conditions. For example, in 2001, the Falcon Pointe Subdivision pursued a subdivision waiver for the same subchapter of the Code and at the time of final buildout will meet the Code provision. The Verona Subdivision was also granted a similar waiver and will meet the requirement

**STAFF REPORT**

when the adjacent parcels have been fully developed. The present request is for a temporary extension to be made permanent in the future; it is not a waiver to completely remove the application of the provision onto subdivision. The developer will complete the full build-out of Purple Martin Drive with the development of phase three of the subdivision.

**STAFF RECOMMENDATION:**

The overall subdivision, once completed, will meet the Unified Development Code minimum requirements for multiple access points onto an arterial road. The request is to address the timing/phasing of the permanent access point to better align with the Immanuel Road improvements and is not an attempt to remove the provision entirely. The proposed waiver generally meets the criteria utilized for approving a subdivision waiver based on the following:

- A. An alternative connection to the arterial is not precluded by a physical obstruction such as a body of water or significant topographic constraint, however the first two phases have limited frontage along Wells Branch Parkway due to a separation caused by a different landowner;
- B. Requiring multiple access points for final plats and cumulative final plats within a preliminary plan, to an arterial road is a Unified Development Code requirement that is required by all development, however it was established for the purpose of bolstering the ESD development standards. The Travis County ESD has approved the proposed design; and
- C. Compliance will ensure the public interest is maintained through the safety improvements established with the public road extension, the applicant is providing a temporary emergency access route to Immanuel Road to ensure health and safety in the interim.

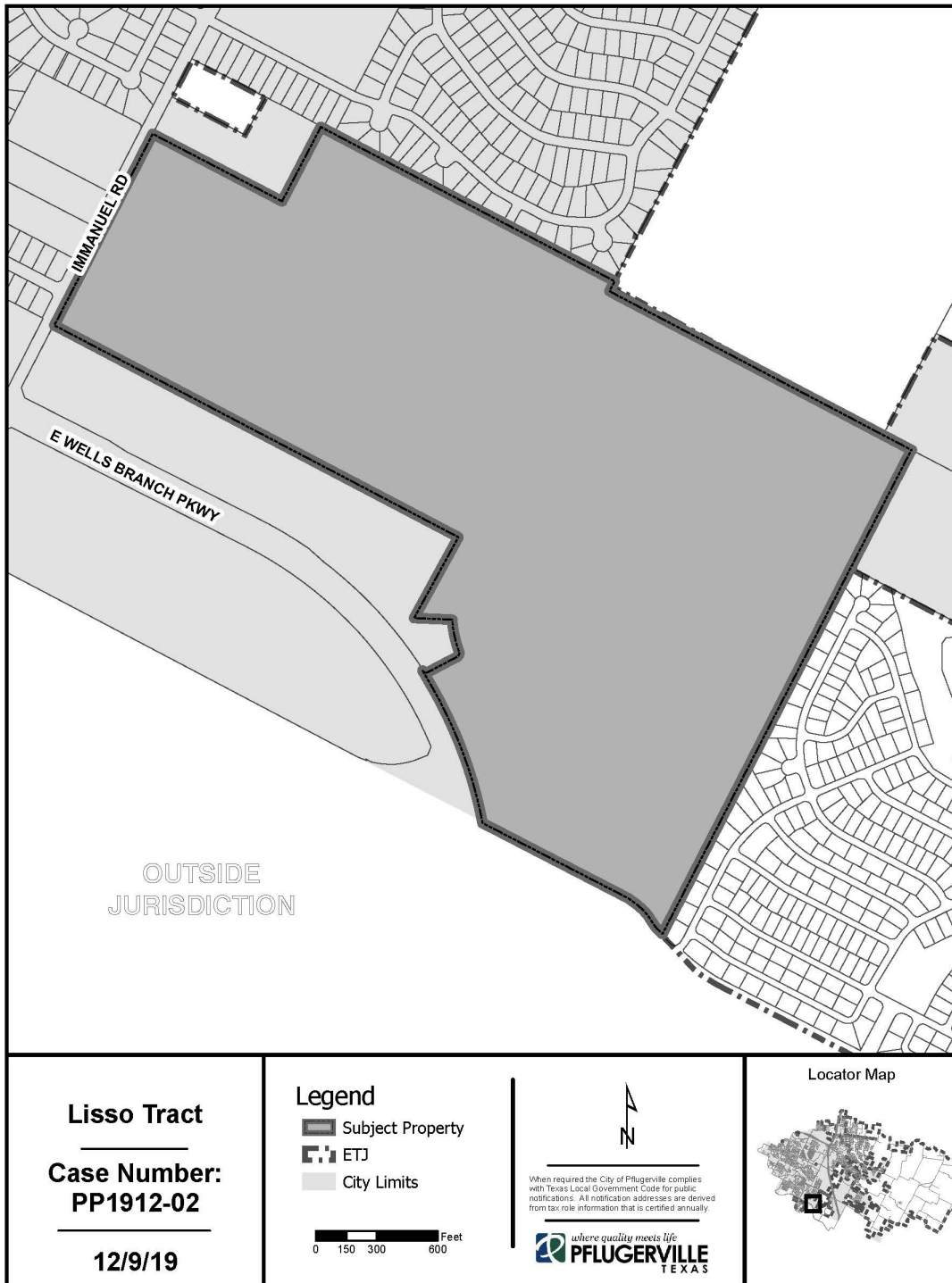
Based on the information above, Staff recommends approval of the subdivision waiver with the condition that no more than 398 residential lots (the number of lots proposed for phases one and two) be permitted before the extension of Purple Martin Drive.

**ATTACHMENTS:**

- Location Map
- Concept Preliminary Plan (separate attachment)
- Subdivision Waiver Request (separate attachments)

**STAFF REPORT**

**LOCATION MAP:**



**STAFF REPORT**