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**STAFF REPORT**

<b>Planning and Zoning:</b>	2/5/2024	<b>Staff Contact:</b>	Kristin Gummelt, Planner II
<b>Agenda Item:</b>	2024-0127	<b>E-mail:</b>	kristing@pflugervilletx.gov
<b>Case No.</b>	FP2023-000129	<b>Phone:</b>	512-990-6300

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**SUBJECT:** Discuss and consider a Subdivision Waiver from Subchapter 15.16.5 (G), to not provide a twenty-foot landscape lot between residential lots and an arterial level street for an approximately 4.910 acre tract of land out of the John C. Duval Survey, Abstract No. 194, generally located east of the Rowe and Hodde Lane intersection, along County Road 139 to be known as the Bluffs at Blackhawk WaiverFP2023-000129.

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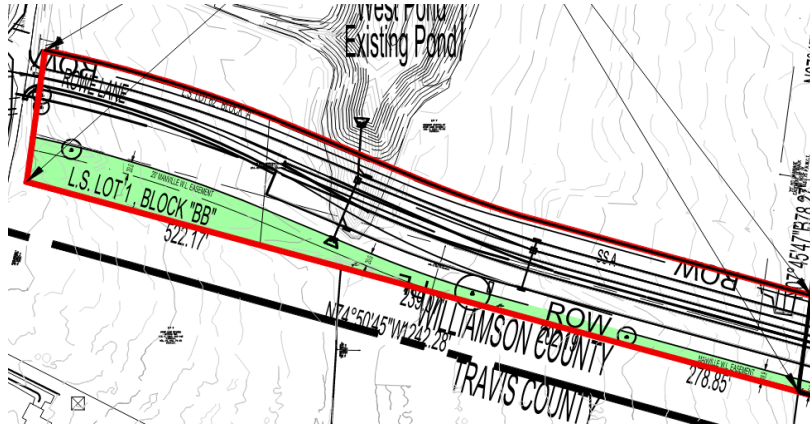
**LOCATION:**

The proposed subdivision is located at the northeastern boundary of the City's Extraterritorial jurisdiction (ETJ), generally east of the intersection of Rowe and Hodde Lane, along the northern boundary of the Rowe Lane Estates Subdivision. The parcel currently is undeveloped.



**OVERVIEW:**

The applicant is developing a residential subdivision within Hutto's ETJ and is required to extend Rowe Lane to the east to provide connectivity to the subdivision. The extension of Rowe Lane will be through a parcel that is located within City of Pflugerville's ETJ. Rowe Lane is proposed to be built to Williamson County standards for an arterial level road, which will provide for a 120-foot right-of-way width. The only portion of this subdivision that is in the City of Pflugerville's ETJ is the extension of Rowe Lane. All residential lots will be in Hutto's ETJ.



The City's subdivision requirement subject to this waiver request is:

*15.16.5(G) Within residential developments, a landscape lot or landscape easement shall be required between any residential lot or residential component of a condominium or mixed-use structure with individual residential units and an arterial street when any conforming side or rear lot line of the subject lot or structure is generally parallel to the arterial street. The landscape lot or easement shall have a minimum depth of 20 feet at all points as measured from the arterial right of way edge. The landscape lot or easement shall include the adjacent residential lot's fencing, any subdivision perimeter fencing, subdivision signage, and street yard trees as required in Subchapter 11. The landscape lot or easement and aforementioned improvements shall be owned and maintained in common by a homeowner's association or similar association.*

The applicant is proposing a street cross section that deviates from this code requirement in order to conform to the cross section requested by Williamson County. The Unified Development Code allows the applicant to request a waiver from this section of the code to be considered by the Planning & Zoning Commission.

**SUBDIVISION WAIVER REQUEST:**

According to Subchapter 15.15, Subdivision Waiver, 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 is requesting a subdivision waiver from Subchapter 15.16.5(G):

*G. Within residential developments, a landscape lot or landscape easement shall be required between any residential lot or residential component of a condominium or mixed-use structure with individual residential units and an arterial street when any conforming side or rear lot line of the subject lot or structure is generally parallel to the arterial street. The landscape lot or easement shall have a minimum depth of 20 feet at all points as measured from the arterial right of way edge. The landscape lot or easement shall include the adjacent residential lot's fencing, any subdivision perimeter fencing, subdivision signage, and street yard trees as required in Subchapter 11. The landscape lot or easement and aforementioned improvements shall be owned and maintained in common by a homeowner's association or similar association.*

#### **REQUEST:**

The applicant is requesting a Subdivision Waiver to Subchapter 15.16.5 (G) to not provide a twenty-foot landscape lot between a residential lot and an arterial level street. The applicant stated there is not enough space to dedicate the landscape lot as well have the required the water easement to serve the subdivision to the east and have the required right-of-way width of 120-feet. The applicant coordinated with both Williamson and Travis counties to propose a street cross section that meets Williamson County cross section for an arterial level road. Rowe Lane is being built to Williamson County standards. While the City's Transportation Master Plan calls Rowe Lane out as a 100' right-of-way, this section will be required to meet Williamson County standards, which requires 20 feet more of right-of-way width and no landscape lot.

#### **ANALYSIS:**

The requirement of the twenty-foot landscape lot in addition to the ten-foot Manville water easement and ten-foot Public Utility Easement does not appear to be reasonable in this specific case. The applicant is providing the landscape lot on the western portion of the extension but does not have the space to provide the landscape lot on the eastern portion of the extension. The applicant is building the Rowe Lane extension to Williamson County standards. Williamson County requires a 120-foot right-of-way and no landscape lot. Whereas the City of Pflugerville requires a 100-foot right-of-way and a 20-foot landscape lot. The applicant would be able to provide the required the landscape lot if the road were built to the City of Pflugerville standards. The applicant has worked with City of Pflugerville, City of Hutto, Williamson County, and Travis County staff to establish a common design for the roadway. In other instances, in the City of Pflugerville's ETJ that are in Travis County there is an agreement in place that dictates which roadway standards prevail when designing new roadways. The City of Pflugerville does not have the same agreement with Williamson County at this time, and therefore the applicant must seek a waiver to the City of Pflugerville standards to accommodate this difference.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the subdivision waiver as the applicant has designed a common cross section that will apply to the entire section of Rowe Lane east of Hodde Lane. The overall development, once completed, will be in the Hutto ETJ. A portion of the Rowe Lane extension is being built in the Pflugerville ETJ located within Williamson County. This portion of Rowe Lane will be maintained by both Williamson County and Travis County. The requirement of the 20-foot landscape does not appear to be reasonably applicable in this specific case since the roadway is proposed to be built to Williamson County standards and Williamson County does not require the landscape lots between the residential lots and the arterial roadway. The landscape lot requirement is intended to provide a visual buffer between the roadway and a portion of a residential subdivision. The residential lots to the south are

platted as part of the Rowe Lane Estates Subdivision and do not have residential structures located near the proposed extension. In the future when/if the subdivision is redeveloped the landscape lot can be provided at that time to provide the buffer.

Based on the information above, staff recommends approval of the subdivision waiver.

**ATTACHMENTS:**

- Location Map
- Subdivision Waiver Request
- Photos

LOCATION MAP:





## Photos

Looking East from Rowe Lane

