

**STAFF REPORT**

<b>Planning and Zoning:</b>	6/3/2019	<b>Staff Contact:</b>	Jeremy Frazzell, Asst. Planning Director
<b>Agenda Item:</b>	2019-7615	<b>E-mail:</b>	jeremyf@pflugervilletx.gov
<b>Case No.</b>	FP1905-01	<b>Phone:</b>	512-990-6300

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**SUBJECT:** Discuss and consider Subdivision Waivers to Subchapter 15.16.3 (C) and Subchapter 15.16.3 (S) in order to not extend a street stubbed into a proposed subdivision located south of the Wuthrich Addition No. 2 subdivision, and to not have at least one street stub into every adjacent unplatted property, respectively.

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**LOCATION:**

The proposed subdivision is located in the downtown area, generally southwest of the FM 685 and Pecan Street intersection, along the southern and eastern boundary of the Wuthrich Addition No. 2 subdivision. Willow Street currently extends from Pecan Street through the Wuthrich Addition No. 2 subdivision and terminates into the proposed development.

**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 Wuthrich Addition No. 2 subdivision was one of the original subdivisions of Pflugerville. At time of inception, the developer established the subdivision in a traditional grid pattern with

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public streets and alleys providing access to the proposed lots. Where the subdivision terminated, street stubs were provided to allow for future connectivity; Willow Street was included as one of the streets planned for extension.

The subject property contains a 60-ft access easement which extends from the existing Willow Street terminus to the southern boundary of the property. The easement width is generally consistent with the existing right of way width of Willow Street and is expected to have been established for purposes of defining the future alignment of the Willow Street extension through the subject tract and into the southern property. In addition, a 20-ft ingress and egress easement was established in 1976 to provide legal access from Willow Street to the property to the south. The owner of the southern property is aware of the proposed subdivision waivers and has notified staff they are not in support of the waivers.

More recently, the applicant pursued a rezoning of the subject property to replace the Retail (R) and General Business 1 (GB1) zoning districts with the Single Family Mixed Use (SF-MU) district in order to establish a new residential condominium neighborhood. During the first public hearing, residents from the neighborhood spoke in opposition to the rezoning request and requested the applicant to obtain additional land in order to establish an additional access point to Dessau. The Planning and Zoning Commission recommended denial of the rezoning and encouraged the applicant to consider the neighborhood's request to acquire additional property for an additional access point to Dessau. After acquiring additional land for purposes of establishing a second access point, the applicant submitted a new rezoning application, which was recommended for approval by the Planning and Zoning Commission and approved by City Council.

The applicant was made aware prior to submitting the rezoning applications and during the review process that Willow Street is a public street that is required to be extended through the development during the subdivision process. Pfluger and Bohls Streets were not stubbed and are not requested to be extended due to their existing configurations. As allowed by the Unified Development Code, prior to submitting a subdivision application, the applicant has elected to request a subdivision waiver to not require the public street extension or stub into the property to the south.

### **ANALYSIS**

In 2018, the City Council adopted by resolution a Downtown Action Plan which included steps for moving forward to improve and enhance the downtown area. The subject area was identified as SoDo or "South Downtown" and includes a policy direction to include the public

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extension of Willow southward to provide a connection to the future Oxford Drive extension. The extension of Willow Street will allow for safety improvements to be constructed with each new segment including sidewalk improvements, streetlights, drainage and utility improvements, in addition to connectivity.

Without the extension of Willow Street, the applicant also requests a subdivision waiver to not provide a road stub into the adjacent unplatted tract to the south. The applicant has acknowledged the existing access easements across the subject property and has indicated a private roadway with a gate is proposed at the Willow Street stub to provide residents of the townhome community and the property owners to the south with controlled access into the neighborhood.

As public streets are stubbed into unplatted tracts through the subdivision process and then extended with the next development, the level of connectivity in an area increases. As connectivity increases, additional routes in and out of the neighborhoods increase for the community, improves routing opportunities for emergency services, and establishes pedestrian and safety improvements. When streets are not required to be extended, developments become segregated with access limited to perimeter arterial streets, which ultimately may increase congestion. The extension of public streets stubbed into adjacent tracts through the development process is an important policy to maintain.

### **COMPREHENSIVE PLAN:**

The Comprehensive Plan includes transportation goals and policies, which are reflective of the community's desire for an increase in roadway capacity and circulation throughout the city. Several goals and policies which encourage the extension of roadways include:

*Goal 2: Balance land use and transportation infrastructure to make living, working, shopping and playing in Pflugerville safer and more convenient for residents and visitors.*

*Goal 3: The design, development, and maintenance of roads will consider the needs of current and projected populations in a consistent and coordinated manner.*

- *Policy 3.2: Maintain access while not affecting the flow of traffic for primary and secondary roadways.*

*Goal 4: The cost of developing transportation infrastructure will be shared among those that benefit from it the most – developers, the City, or other governmental entities, and users.*

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**STAFF RECOMMENDATION:**

The applicant recently was approved for a rezoning of the property to the Single Family Mixed Use (SF-MU) zoning district for purposes of establishing a new residential neighborhood. The SF-MU district is intended to be used in infill situations and allows for low to medium density single family detached and attached townhome products that are compatible with existing single family neighborhoods. The extension of Willow Street will maintain the community standards for subdivision development, will maintain the policy direction of the community and City Council, and will enhance the safety and connectivity in the area. The proposed waivers do not meet the criteria required for approving a subdivision waiver based on the following:

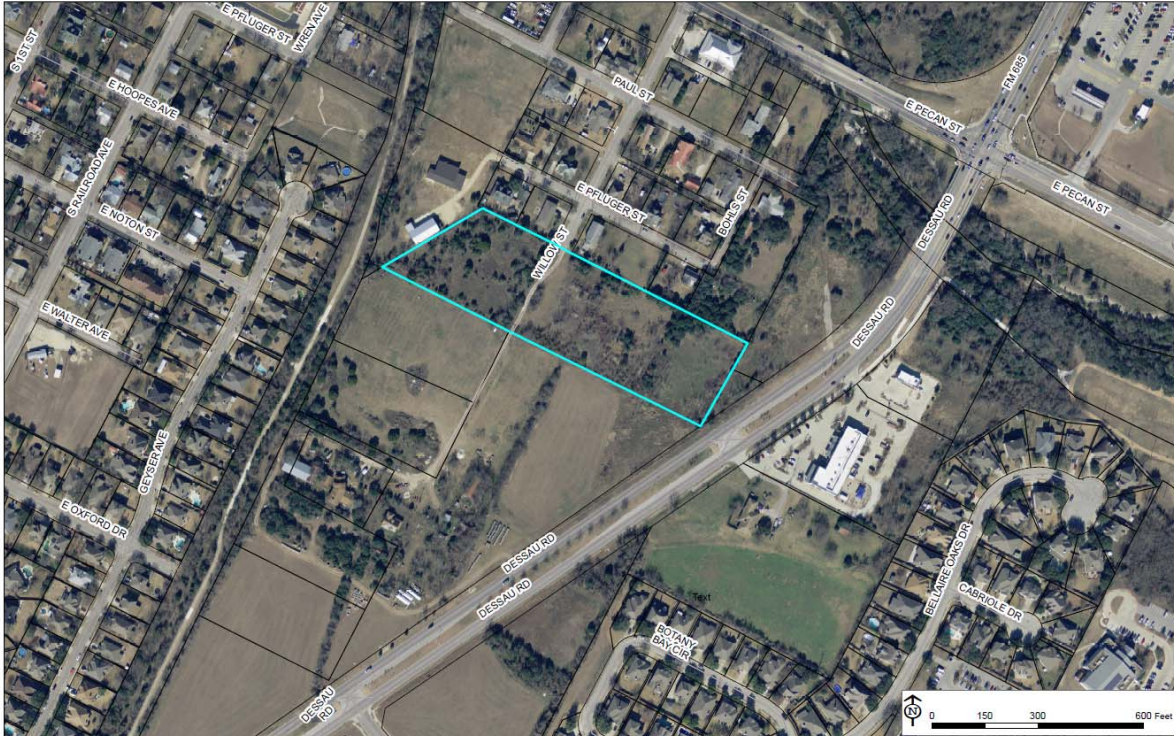
- A. Willow Street extension and providing the associated stub is not precluded by a physical obstruction such as a water body or significant topographic constraint;
- B. Requiring the extension and additional stub into the unplatted property is a Unified Development Code requirement that is required by all development, is equitable treatment, and is reasonable to ensure the property to the south maintains existing access;
- C. Compliance will ensure the public interest is maintained through the safety improvements established with the public road extension, reduction in infrastructure costs incurred by the city, and enhanced connectivity achieved with the future extension to Olympic; and
- D. With the extension of Willow Street, the applicant retains the ability to provide gated access into the proposed condominium, and remove the opportunity for cut through traffic through the condominium project should an additional access point be established on Dessau.

Based on the information above, Staff recommends denial of the two subdivision waivers.

**ATTACHMENTS:**

- Location Map
- Easement Survey
- Concept Site Plan (separate attachment)
- Subdivision Waiver Requests (separate attachments)

**LOCATION MAP:**





**EASEMENT SURVEY:**

