



AGENDA MEMORANDUM

Planning Commission Meeting of January 9, 2019

DATE: January 3, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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London Towne Subdivision Preliminary Plat
Requests for Waivers of Certain Street Right-of-Way Dimensional and Sidewalk
Standards and Request for Approval of Half-Street, in Article 8 of the Unified
Development Code (UDC)

BACKGROUND:

Urban Engineering, on behalf of property owners Bill J. Brown, Reagan Travis Brown, Alyssa Ann Brown McCoy and Elizabeth Anne Meaney, Trustee of the Lucy A. Haynes Trust, and Fred Braselton, submitted requests for waivers of certain street right-of-way dimensional standards in Section 8.2.1.B. of the Unified Development Code (UDC).

The subject property, known as the proposed London Towne Subdivision Preliminary Plat (214.34 acres +/-), is located north of County Road 43 and on the east and west sides of County Road 33. The land is currently outside the city limits and not zoned. The applicant has stated that they will apply to the City to annex units of land within the Preliminary Plat prior to any final plat application for those respective units.

The Preliminary Plat consists of 686 lots total (including park lots), of which 675 lots are buildable. The Master Site Plan (Sheet 3 of 5) shows that 534 of the lots are for single-family residential dwellings, 141 lots are for townhomes and the remaining 11 lots are for park space.

STAFF ANALYSIS:

Street right-of-way dimensional standards are found at UDC Section 8.2.1.B, at Table 8.2.1.B (Local Street Standards) and Table 8.2.1.C (Non-Local Street Standards). In the proposed London Towne Subdivision Preliminary Plat, applicant proposes the following alternative street sections with reasons for those street sections.

1. Street F (74-foot right-of-way) (main entry into subdivision)

Applicant's Statement:

- This portion of Street F does not meet standard city street section because the street is

a boulevard section, and only one sidewalk is proposed which is located within the boulevard.

- This street section was modeled after the previously approved Rancho Vista Unit 14 in July 2016.
- The sidewalk which runs down the center boulevard is proposed at 6-foot wide and will be a winding sidewalk through a linear park.
- All street and sidewalk dimensions meet or exceed city standards.
- Further, the width of the pavement on each side of the boulevard has been set to accommodate Fire Access and has been coordinated with the Fire Department.

Staff Response:

- Staff recommends approval of this request on condition that:
 - (i) the winding sidewalk in the center of the boulevard is 8-feet wide (instead of 6-feet wide); and
 - (ii) applicant explains and resolves to Staff's satisfaction the 6-foot parking bumpout situated *outside* the 74-foot right-of-way.
- Alternatively, Staff recommends that this street be a Parkway Collector P1 with 80-foot right-of-way, with sidewalk on both sides of the right-of-way, and meet the other standards for a P1, per UDC Table 8.2.1.C.

2. Street F (60-foot right-of-way)

Applicant's Statement:

- This portion of Street F does not meet standard city street section because the street is not centered in the right-of-way, and sidewalk is only proposed on one side of the street.
- All street and sidewalk dimensions meet or exceed city standards.
- The reason for the deviation from city standards is to move the street to one side of the right-of-way which accommodates a large winding sidewalk along one side of the road. UDC 8.2.2.B.4 allows sidewalk adjacent to private streets to be constructed on only one side of the road if sidewalks are at least 6-foot wide. Proposed sidewalks are 6-foot wide.

Staff Response:

- Staff recommends denial, and that, because this street has 60 feet of right-of-way and is a C1 Collector in UDC Table 8.2.1.C, sidewalks on both sides of the street, each 5 feet in width, are required. Also, the sidewalk along the south side of the right-of-way will provided connectivity to the sidewalk running along the western edge of Block 4 (southeast corner of Street F and Street 2).

3. Street A (75-foot right-of-way) – UTP C3 Collector Street

Applicant's Statement:

- Street A is an Urban Transportation Plan (“UTP”) street located along the southern property boundary of the subject tract. Typically, a developer is only responsible for funding construction of their half of the street along a shared property line. Further, a developer is not required to construct the ultimate street section, but is only required to construct what can be considered their proportion. In the past developers have only been required to construct up to a 40-foot wide residential collector as it was determined their proportion of traffic would only require up to a residential collector street.
- In this case, the ultimate right-of-way is 75-foot wide, so 37.5-foot right-of-way will be dedicated with this development.
- Since the adjacent land owner has no plans to dedicate right-of-way or construct a street that we are aware of, this developer has proposed to construct a typical residential street within his portion of the ultimate right-of-way.
- The street as proposed will be a 28-foot wide street per residential street standard, but will only have curb and gutter on one side. The other side will have roadside ditch. The roadside ditch is necessary to accommodate drainage from the adjacent lands.
- This developer will construct storm sewer and provide inlets along both sides of the road such that drainage from the other side of the road can enter the proposed storm system.
- In the future, when the street is to be upgraded to its ultimate section of 50-foot pavement width, the proposed street section will allow for expansion to ultimate dimensions with minimal rework, and the storm sewer lines crossing the street can be easily extended to the other side of the ultimate street section.

Staff Response:

- Staff recommends denial of this request. Per UDC 8.2.1.F.1:

“Half streets shall be prohibited except when the Planning Commission may approve a plat containing half streets if it finds that it is essential to the reasonable development of the subdivision, lot, or lots in conformity with the other requirements of these regulations, that a half street is necessary for a reasonable and orderly street system, and that it will be practical to require the dedication of the other half when the adjoining property is platted.”

- It will not “be practical to require the dedication of the other half when the adjoining property is platted.” The southern adjacent property is owned by London Independent School District. London ISD is unlikely to plat in the near future, and therefore, unlikely to dedicate land for the other half of Street A. They already have city water service. They are not seeking a new water tap. They are not required to enter into a water contract with the City for present construction. They are not subdividing land or consolidating lots or building over lot lines that would necessitate lot consolidation. They are outside of city limits, and therefore, outside the City’s building permit authority. Accordingly, their circumstances do not trigger a platting requirement, and they are

unlikely to dedicate the other half of the street in the foreseeable future.

- Requiring *full* dedication of the C3 Collector within the plat's southern boundary would delete three (3) single-family residential lots and 15 townhome lots. However, it must be noted that this UTP C3 Collector alignment *currently runs through the interior of the plat*, not along the southern boundary as currently depicted in the plat. Development Services Staff supports the developer's UTP amendment application to shift this alignment to the south, as it will facilitate the creation of approximately *17 single-family residential buildable lots* in the interior of future Units 7 and 9.

In other words, shifting this C3 south, but still requiring full right-of-way dedication, has a roughly net neutral effect on the developer's buildable number of lots (17 single-family lots created vs. 3 single-family lots and 15 townhome lots sacrificed). Moreover, when measured by square footage, there appears to be a net gain in buildable lot area when shifting the C3 alignment south with full dedication.

- In the alternative, if Planning Commission declines Staff's recommendation to deny the waiver, and grants this waiver, Staff recommends a condition: provide fire access and vehicular turnaround at the lower end (eastern end) of Street A, by connecting Street A with Street T-5 hammerhead, by simply eliminating the small, nonbuildable park Lot 13, Block 4.

4. Street T-5 (46-foot right-of-way)

Applicant's Statement:

- Street T-5 is a hammerhead street which does not match the adopted internal standard for development services. As proposed, the hammerhead is at an angle and not perpendicular as is the standard. We ask for a waiver to construct the street within the right-of-way as proposed for Street T-5. The proposed street dimensions will still require review and approval by development services including the fire code official.

Staff Response:

- Staff recommends denial at this time, and deferring this question to the final plat stage, to obtain a solution to meet city standard and fire code.

STAFF RECOMMENDATION:

In summary, Staff recommends the following:

1. Street F (74-foot right-of-way) (main entry into subdivision): conditional approval, or, alternatively, conformity to Parkway P1 standard per UDC Table 8.2.1.C.
2. Street F (60-foot right-of-way): denial, because this street has 60 feet of right-of-way and is a C1 Collector in UDC Table 8.2.1.C, sidewalks on both sides of the street, each 5 feet in width, are required.
3. Street A (75-foot right-of-way) – UTP C3 Collector Street: denial of half-street right-of-way dedication and require full right-of-way dedication and full right-of-way section

drawing for C3 Collector per UDC Table 8.2.

In the alternative, if Planning Commission declines Staff's recommendation to deny the waiver and half-street request, and grants them, Staff recommends a condition: provide fire access and vehicular turnaround at the lower end (eastern end) of Street A, by connecting Street A with Street T-5 hammerhead, by eliminating the small, nonbuildable park Lot 13, Block 4.

4. Street T-5 (46-foot right-of-way): denial of the waiver at this time, and deferral of this question to the final plat stage, to obtain a solution to meet city standard and fire code.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A: Sheet 1 of 5: Preliminary Plat
 Sheet 2 of 5: Enlarged View of Townhome Lots
 Sheet 3 of 5: Master Site Plan
 Sheet 4 of 5: Phasing Plan
 Sheet 5 of 5: Street Sections

Exhibit B: Plat Waiver Request Letter
PowerPoint Presentation