



## **AGENDA MEMORANDUM**

Planning Commission Meeting of August 21, 2019

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**DATE:** August 14, 2019

**TO:** Nina Nixon-Méndez, Director of Development Services

**FROM:** Greg Collins, Senior City Planner, Development Services  
gregc@cctexas.com  
(361) 826-3535

<p><b>The Village at Timbergate Unit 1, Block 1, Lots 4-12 (Final Plat)</b> Request for a Plat Waiver of the Street Dedication Requirement in Section 8.2.1.C of the Unified Development Code</p>
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### **BACKGROUND:**

Bass & Welsh Engineering, on behalf of property owner, Staples Timbergate Highway Property, LLC, submitted a request for a waiver of the plat requirement to dedicate additional street right-of-way along South Staples Street (FM 2444), south of Timbergate Drive. The street dedication requirement is in Section 8.2.1.C of the Unified Development Code (UDC).

The subject property, known as The Village at Timbergate Unit 1, Block 1, Lots 4-12 Final Plat (8.462 acres +/-) is located south of Timbergate Drive and east of South Staples Street. The land is zoned General Commercial-2 ("CG-2") and Neighborhood Commercial ("CN-1").

### **STAFF ANALYSIS and FINDINGS:**

The Urban Transportation Plan (UTP) designates South Staples Street (FM 2444) as an A3 Arterial. The UTP signifies the street with a dashed red line. The UTP states that "Dashed Lines indicate where additional Right of Way is needed." UDC Table 8.2.1.C indicates that the total required right-of-way width for A3 Arterials is 130 feet. The plat shows that there is only 50 feet of right-of-way on the east side of the center line of the Staples Street right-of-way. (There is also a short length of 55 feet of right-of-way for a short length to accommodate southbound vehicles executing a U-turn to travel northbound on Staples). The Technical Review Committee (TRC) commented on the plat and required the landowner to dedicate an additional 15 feet of right of way from his property, so that the west half of South Staples right-of-way is 65 feet (half of 130 feet).

UDC Table 8.2.1.C. also states that A3 Arterials are to have six through lanes with a median. Currently South Staples Street in this vicinity has four through lanes with middle turn lanes at intersections, and a median.

The plat applicant requested a plat waiver from this dedication requirement. The applicant states in support of his request:

1. Several recently platted lots on the same side of South Staples Street were platted without similar right-of-way dedications.
2. The developer is of the opinion that South Staples will not be widened in the future.

Staff asserts that the following in support of denying the waiver and requiring the additional dedication of 15 feet:

1. Regarding the property on west side of Staples Street, north of Timbergate Drive, additional right-of-way was acquired after it was platted in 2006, to bring the total right-of-way width to 130 feet, extending approximately 110 feet along the frontage of that property.
2. Although the property south of the subject property (Barclay Grove, platted in 2016) did not dedicate additional right-of-way, that property is mid-block, about 1,020 feet from the nearest collector. The subject property is at the intersection of an arterial and a collector.
3. The right-of-way width on the west side of the center line is greater than the right-of-way width on the east side of the center line. Additional right-of-way on the west side of Staples was acquired after the date those properties were platted in 1985, 1981, and 1995. Requiring dedication on the east side of the center line would provide more equitable dedication on both sides of the center line.
4. City GIS mapping suggests that the sidewalk on the east side of Staples Street might not be in public right-of-way.
5. A right-turn lane may be installed in the future, at the intersection of Staples and Timbergate, as was done in the opposite, northwest corner of Staples and Timbergate. Also, a right-turn lane from Staples into this subdivision would be advisable in the future for this subdivision, to prevent stacking on Staples. This subdivision is zoned commercial.

UDC Section 3.8.3.D provides factors to consider plat waivers, and states that the need for the waiver shall be demonstrated to the Planning Commission's satisfaction. The waiver may be approved, approved with conditions, or denied, after consideration of the following factors:

1. The granting of the waiver shall not be detrimental to the public health, safety or general welfare, or be injurious to other property in the area, or to the City in administering this Unified Code;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
3. Application of a provision of this Unified Development Code will render subdivision of land unfeasible; or
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.

**STAFF RECOMMENDATION:**

Weighing the factors, Staff recommends denial of the waiver. Staff recommends requiring 15 feet of additional dedication of right-of-way for Staples Street.

Planning Commission may choose to follow or decline Staff's recommendation, and Planning Commission may approve, approve with conditions, or deny the waiver request.

**LIST OF SUPPORTING DOCUMENTS:**

Exhibit A – Waiver Request Letter  
Exhibit B – Final Plat  
PowerPoint Presentation