

PLANNING COMMISSION

Handouts

DECEMBER 9, 2014



#8

## MEMORANDUM

**TO:** Planning Commissioners

**FROM:** Lee Heckman, AICP  
Planning and Development Review Department

**DATE:** December 09, 2014

**SUBJECT:** Postponement Request – Item 8  
C14-2014-0150 – Whiddon .85

---

### Commissioners:

The applicant is requesting a postponement of this item until January 13, 2015 in order to have additional discussions with neighborhood stakeholders. Staff amended its conditions this afternoon, and the applicant would like time to meet and discuss this update with neighbors. Although this is the applicant's second request for postponement, the request is supported by staff.

**Lee Heckman**  
Planning and Development Review Department

C-10+11



December 4, 2014

Mr. Greg Guerny, Director  
Neighborhood Planning and Review Department  
505 Barton Springs Road, 5th Floor  
Austin, TX 78704

RE: Garza Tract Zoning Request  
C14-2014-0011A

Dear Greg:

Oak Hill Association of Neighborhoods (OHAN) was contacted by the agent for the Garza Tract regarding a request to amend the current ordinance for additional traffic generation. Our organization supported the prior rezoning of the tract and provided you a letter dated July 12, 2006 stating our support.

OHAN supports the latest request for amending the prior zoning ordinance and restrictive covenant for the project to incorporate the latest finding of the Traffic Impact Analysis. We were aware that the original zoning case did not have sufficient information to provide a TIA and therefore a maximum of 2,000 trips was assumed. Now that the project is further along and the TIA was provided for the project, the zoning ordinance is being amended to incorporate the findings of the TIA. The project will remain in conformance to the Oak Hill Neighborhood Plan and FLUM.

We ask for your favorable consideration to support the approval of the applicant's request to change the zoning as indicated above. Please feel free to contact me at 512-496-6481 if you have any questions.

Sincerely,

*James Schissler*

James Schissler, President  
Oak Hill Association of Neighborhoods  
PO Box 90906  
Austin, TX 78709-0906

TO: Planning Commission Members  
FROM: Barton Oaks and South Lamar Neighborhood Associations  
DATE: December 9, 2014  
SUBJECT: Response to December 8, 2014 Memorandum from Director Guernsey to the Planning Commission regarding Lightsey 2, C8-2013-0118

DI

Preliminary Plan Expiration:

The rules and regulations of the Land Development Code and the Texas Local Government Code are the standard for approval of subdivisions. Compliance with "common practices" within the Planning and Development Review Department is not a standard for approval of subdivisions.

The Land Development Code, Sec. 25-8-645 (C), requires that an application for a variance from the heritage tree ordinance include the fee prescribed by ordinance. There is no provision in this Code section, to defer the fee to final approval of the plan.

Without the payment of the variance application fee, PSW could not have submitted a variance application prior to the update deadline for Case C8-2013-0118, and staff could not have approved a variance application that had not been submitted.

Without submittal and approval of the heritage tree ordinance variance, the preliminary plan application could not have cleared the administrative review comments prior to the July 9, 2014 update deadline.

The applicant didn't just tender payment for a heritage tree variance on September 22, 2014, they submitted their application for a variance. This is confirmed by the fact that staff did not review the variance application or create the variance findings document required by Sec. 25-8-645 until that same day. Staff followed the Code requirements by not reviewing or approving a variance until an application had been submitted.

Land Development Code Sec. 25-1-63 (A) states that "an application that does not comply with the requirements of the City Code on the update deadline is denied.

Commission's Authority under Section 25-4-151

**§ 25-4-151 - STREET ALIGNMENT AND CONNECTIVITY.**

*Streets of a new subdivision shall be aligned with and connect to existing streets on adjoining property unless the Land Use Commission determines that the Comprehensive Plan, topography, requirements of traffic circulation, or other considerations make it desirable to depart from the alignment or connection.*

According to Director Guernsey's memo, the Law Department has advised that, in some cases, this provision would afford the Commission discretion to approve a preliminary plan without requiring connectivity if there are legitimate planning considerations that support doing so.

The Planning Commission has the authority to depart from the connectivity and alignment requirements because the existing roadway network is substandard and has traffic volumes far in excess of desirable levels, the amount of future development already approved that will add even more traffic to the existing network, the topography of Dead Man's curve, the lack of sidewalks

throughout Barton Oaks and South Lamar Neighborhoods and the general safety of the neighborhoods.

Director Guernsey states in this case, however, connectivity is required for the subdivision to satisfy the mandatory block length requirements in Sections 25-4-152 & 153 and related provisions of the Transportation Criteria Manual.

**The block length shown on the preliminary plan for Case C8-2013-0118 is the maximum block length possible since the property abuts Lightsey Rd. No alternative roadway design would result in a block length longer than the plan that was recommended by staff with the original preliminary plan.**

This is what the code says about 25-4-152 and 25-4-153

**§ 25-4-152 - DEAD-END STREETS.**

- (A) A street may terminate in a cul-de-sac if the director determines that the most desirable plan requires laying out a dead-end street.
- (B) Land Use Commission approval is required for a dead-end street more than 2,000 feet long.

**The proposed connected street is 1168 ft long. It would be even less if there were a cul de sac built.**

- (C) The director may approve a deviation from the cul-de-sac design described in the Transportation Criteria Manual if the director determines that topography, density, adequate traffic circulation, or unusual conditions necessitate a different design.

**A cul de sac makes it safer as there is no dangerous cut through traffic and eliminates safety issues of an intersection at Dead Man's Curve.**

**§ 25-4-153 - BLOCK LENGTH.**

- (A) A block may not exceed 1,200 feet in length, except as provided in this section.

**The maximum block length with any proposed alternative design would be equal or less than the block length shown on the C8-2013-0118 preliminary plan.**

- (B) A residential block that is parallel and adjacent to an arterial street may be up to 1,500 feet in length.

**The new and old sections of Aldwyche are not parallel and adjacent to an arterial street. Clawson is not parallel to and not adjacent to Aldwyche, and is not an arterial street.**

- (C) A residential block that is more than 900 feet in length must be transected by a pedestrian path that is located not less than 300 feet from each block end. The pedestrian path must be not less than five feet wide, comply with City standards for a sidewalk or trail, and be located within an easement or right-of-way, as determined by the director, that is not less than 15 feet wide. The director may waive or modify this requirement if the director determines that the pedestrian path cannot comply with the Americans with Disabilities Act.

**The current plan which connects Aldwyche to Lightsey actually VIOLATES the code as the proposed block is 1168 ft and not transected by a pedestrian path which complies with**

**City standards for a sidewalk or a trail. Topography does not prevent a pedestrian crossing from being ADA compliant.**

(D) A commercial or industrial block may be up to 2,000 feet in length if the director determines that there is adequate traffic circulation and utility service. **NA**

(E) The director may waive a block length restriction if the director determines that the proposed block length adequately meets the requirements of traffic circulation, utility service, topography, and the Comprehensive Plan.

**Addressing the issue of an existing substandard roadway network with traffic volumes far in excess of desirable levels, future development already in process that will add even more traffic to the existing network, the topography of Dead Man's curve, the lack of sidewalks and the general safety of the neighborhoods should provide the Director with a sufficient basis to recommend the waiver.**

(F) An applicant may appeal the director's denial of a waiver under this section to the Land Use Commission.

Director Guernsey states, the Commission's authority to consider connectivity under Section 25-4-151 does not authorize waiver of block length requirements, which the Commission may only consider in cases where the applicant appeals the Director's denial of a waiver request to the Commission.

**As stated earlier, the block length of the Case C8-2013-0118 preliminary plan design is the maximum block length possible given that the property abuts Lightsey Road. Why would the Commission need the authority to grant a block length waiver for a design that does not include connectivity when the staff did not approve a block length waiver with Case C8-2013-0118?**

Director Guernsey states "Since that hasn't occurred in this case, the Commission lacks authority to waive these provisions and hence cannot reject the connectivity that is required for the preliminary plan to satisfy these requirements. " He goes on to say "It is also worth noting that not providing connectivity would require one or more cul-de-sacs to provide access and this design would likely remove more trees on the site than the approved preliminary plan."

**The neighborhoods presented a plan with two cul de sacs that saves all heritage and / OR PSW could take out some of their units and not take out trees, and would result in a shorter block length.**