

AGENDA ITEM

TO: Planning and Zoning Commission

THROUGH: Michael Quint, Senior Planner

FROM: Abra R. Nusser, Planner

SUBJECT: Consider/Discuss/Act on the Request Kimley-Horn and Associates, Inc., on Behalf of LevCal Custer, L.L.C., for Approval of a Conveyance Plat for Lots 1R and 4, Block A, of Parcel 601-603, Approximately 52.69 Acres, Located on the East Side of Custer Road and on the South Side of United States Highway 380 (University Drive).

APPROVAL PROCESS: The Planning and Zoning Commission is the final approval authority for the proposed conveyance plat.

STAFF RECOMMENDATION: Staff recommends approval of the proposed conveyance plat with the following conditions:

Prior to filing the plat for record:

1. The applicant revise the plat to provide a sanitary sewer easement necessary to provide proposed Lot 4, Block A with access to sanitary sewer service from the sanitary sewer line in U.S. Highway 380 (University Drive).
2. The applicant revise the plat to reflect the current location of the drive approach on Custer Road by abandoning or dedicating mutual access and fire lane easements accordingly.
3. The applicant revise the plat to change "Mayor" in the signature block to "Planning and Zoning Commission Chairman."

APPLICATION SUBMITTAL DATE: October 24, 2011 (Original Application)
November 1, 2011 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing a conveyance plat for Lots 1R and 4, Block A of the Parcel 601-603 Addition, approximately 52.69 acres located on the east side of Custer Road and on the south side of U.S. Highway 380 (University Drive). The subject property is currently platted as one lot, Lot 1, Block A of the Parcel 601-603 Addition. A subsequent record plat or minor plat of the subject property must be approved, subject to review and approval by the Director of Planning, prior to the commencement of any development activity on the subject property.

The approval of a conveyance plat authorizes the recordation and conveyance of the parcel(s) created thereon, but does not authorize any type of development on the property. The applicant and future owner(s) of the property remain obligated to comply with all provisions of the Subdivision Ordinance upon future development of the property including, but not limited to, all platting requirements, required public improvements, utility extensions, street improvements, right-of-way and easement dedications, and all other applicable requirements of the Subdivision Ordinance. The submission and approval of a conveyance plat does not vest any rights in the property.

SURROUNDING ZONING AND LAND USES:

Subject Property: “BG” – General Business District, “PD” – Planned Development District Ordinance No. 2003-02-015 (Retail Uses) and “CC” – Corridor Commercial Overlay District

North	“AG” – Agricultural District and “CC” – Corridor Commercial Overlay District	Undeveloped Land and Single Family Home
	“C” – Planned Center District and “CC” – Corridor Commercial Overlay District	Single Family Home
	“PD” – Planned Development District Ordinance No. 2005-06-064 and “CC” – Corridor Commercial Overlay District	Brackeen Mini Storage
	“AG” – Agricultural District and “CC” – Corridor Commercial Overlay District	Brackeen Trailer Sales
	“BG” – General Business District and “CC” – Corridor Commercial Overlay District	Valero Gasoline Station and Convenience Store
	“PD” – Planned Development District Ordinance No. 2004-09-093 and “CC” – Corridor Commercial Overlay District	Ewing Irrigation
	“PD” – Planned Development District Ordinance No. 2003-02-015 (Retail Uses) and “CC” – Corridor Commercial Overlay District	Undeveloped Land
	“PD” – Planned Development District Ordinance No. 2009-04-026 (Retail Uses) and “CC” – Corridor Commercial Overlay District	7-11 Gasoline Station and Convenience Store

South	“PD” - Planned Development District Ordinance No. 2001-07-080 (Open Space Uses) and “CC” – Corridor Commercial Overlay District	Undeveloped Land/Open Space
East	“PD” – Planned Development District Ordinance No. 2003-02-015 (Retail Uses) and “CC” – Corridor Commercial Overlay District	Undeveloped Land
	“PD” - Planned Development District Ordinance No. 2001-07-080 (Open Space Uses) and “CC” – Corridor Commercial Overlay District	Undeveloped Land/Open Space
West	“PD” – Planned Development District Ordinance No. 2004-10-109 (Commercial Uses) and “CC” – Corridor Commercial Overlay District	Walmart and Shops at Eagle Point
	“PD” – Planned Development District Ordinance No. 2009-04-026 (Retail Uses) and “CC” – Corridor Commercial Overlay District	7-11 Gasoline Station and Convenience Store

Discussion: The proposed lots meet the minimum size requirements of the governing zoning district and the applicant has provided a note on the plat indicating as much.

ACCESS/CIRCULATION:

Adjacent Streets: U.S. Highway 380 (University Drive), Variable Width Right-of-Way, Major Regional Highway

Custer Road, 130-Foot Right-of-Way, 6-Lane Principal Arterial (P6D)

Discussion: The subject property has frontage on both University Drive and Custer Road. The final location of all access points will be determined through the site plan and/or development platting processes.

MISCELLANEOUS: The conveyance plat process requires each proposed parcel to have direct access to all required public improvements via dedicated easements or direct adjacency to existing infrastructure. Proposed Lot 4, Block A does not currently have direct access to sanitary sewer service, but there is a public sanitary sewer line in close proximity along U.S. Highway 380 (University Drive). Staff recommends that prior to filing the plat for record, the applicant revise the plat to provide a sanitary sewer

easement necessary to provide proposed Lot 4, Block A with access to sanitary sewer service from the sanitary sewer line in U.S. Highway 380 (University Drive).

There is an existing drive approach on the west side of the subject property on Proposed Lot 1R, Block A. The Texas Department of Transportation (TxDOT) relocated the drive approach in early 2011, but the existing easements in that area reflect the previous drive approach location. Staff recommends that prior to filing the plat for record, the applicant revise the plat to reflect the current location of the drive approach on Custer Road by abandoning or dedicating mutual access and fire lane easements accordingly.

A certificate reflecting that the plat has been approved and accepted, with a place to sign by the appropriate approval authority, is required to be placed on the plat. Since conveyance plats are approved by the Planning and Zoning Commission, Staff recommends that prior to filing the plat for record, the applicant revise the plat to change "Mayor" in the signature block to "Planning and Zoning Commission Chairman."

CONFORMANCE TO THE MASTER THOROUGHFARE PLAN (MTP): The proposed request does not conflict with the Master Thoroughfare Plan.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received no comments in support of or opposition to this request.

ATTACHMENTS:

- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Conveyance Plat