



CITY OF HOUSTON

Planning and Development

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October 20, 2022

NOTICE OF VARIANCE

PROJECT NAME: Buffalo Way Villas

REFERENCE NUMBER: 2022-2404

VAR

Dear Property Owner:

The Planning and Development Department has received a subdivision plat application with a variance request for a property located along West Airport Boulevard west of Buffalo Speedway and east of Hiram Clarke Road. You are receiving this letter because you are listed in the Harris County Appraisal District records as a neighboring owner for property that falls within the Chapter 42 required notification area adjacent to this variance request.

Pioneer Engineering, LLC, the applicant, has filed the request on behalf of the developer of the subject site. The applicant is requesting variance to not extend White Heather Drive through the site and a special exception to exceed intersection spacing along West Airport by not providing a north-south public street. Enclosed are copies of the variance request and the proposed subdivision plat.

The Planning and Development Department staff is currently reviewing this application and will present a recommendation to the Houston Planning Commission. The Commission is the non-legislative body authorized to review and render decisions on subdivision applications and requests. A sign with this information has also been posted on the project site. The Houston Planning Commission will hold a public meeting to consider this application.

PLANNING COMMISSION MEETING INFORMATION:

Thursday, November 10th, 2022, beginning at 2:30 p.m.

City Hall Annex Building, 900 Bagby Street

City Council Chamber, Public Level, Houston, Texas

Members of the public may make comments or express concerns about the proposed project by either attending the meeting at City Council Chamber listed above or attending the meeting via Microsoft Teams at the time listed above. The Microsoft Teams meeting will allow for a two-way video/ audio communication with the Houston Planning Commission. **For instruction on how to join the Microsoft Teams meeting, interested persons are advised to check our website 72 hours prior to the Planning Commission meeting: www.houstonplanning.com or Call: 832-393-6624.**

You may also submit comments or sign up as speakers in the following ways:

Council Members: Amy Peck Tarsha Jackson Abbie Kamin Carolyn Evans-Shabazz Dave Martin Tiffany D. Thomas Mary Nan Huffman
Karla Cisneros Robert Gallegos Edward Pollard Martha Castex-Tatum Mike Knox David W. Robinson Michael Kubosh Letitia Plummer
Sallie Alcorn
Controller: Chris Brown

1. Send email to: speakercomments.pc@houstontx.gov,

Please submit written comments or sign up as speakers at least 24 hours in advance of the meeting, so staff may compile them in order of the agenda items. ALL comments submitted will be made part of the meeting record. Speakers who signed up to speak will be allowed to make their comments during the meeting.

2. Call the Planning Department at: 832-393-6624 at least 24 hours in advance of the meeting to sign up to speak.

For additional information regarding this project, please call **Karla Hernandez at 832-307-0010**. You may also contact Geoff Butler with the Planning and Development Department regarding this notice via email at planning.variances@houstontx.gov or call (832)393-6528. To view the complete Planning Commission meeting agenda, go to www.houstonplanning.com. Information on the reverse side of this page explains more about the terminology used in this letter.

THE PLAT MAY BE DEFERRED. THE NEW DATE FOR COMMISSION ACTION WILL BE INDICATED ON THE POSTED SIGN(S) THE MONDAY MORNING FOLLOWING THE PLANNING COMMISSION DEFERRAL.

Para más información acerca de este documento, favor de llamar al Departamento de Planificación y Desarrollo al 832-393-6534.

TERMINOLOGY

- **CHAPTER 42:** The City of Houston's, Code of Ordinances that describes the rules and regulations for subdividing property within the corporate limits and the extraterritorial jurisdiction.
- **EXTRATERRITORIAL JURISDICTION (ETJ):** Represents the area extending beyond Houston's corporate limits approximately five miles into the unincorporated areas of Harris, Fort Bend, Liberty, Montgomery, and Waller counties.
- **SUBDIVISION PLAT:** A graphical presentation of a particular surveyed tract of land laying out street rights-of-way, lots and reserves, building setback lines, and easements which must comply with the development requirements of the City of Houston's, Code of Ordinances, Chapter 42. These regulations, adopted by City Council, are intended to promote the safe, orderly and healthy development of the City and its extraterritorial jurisdiction. The approved map subsequently may be filed and recorded with the appropriate county clerk's office as the official map of record for this property.
- **SUBDIVISION REPLAT:** Is simply a subdivision plat that further subdivides an existing subdivision plat. Typically, a replat will make changes to the layout of lots, reserves, building setback lines and easements.
- **VARIANCE:** A deviation from strict compliance with the rules and regulations of Chapter 42. The applicant must document a reasonable hardship that staff can evaluate.
- **SPECIAL EXCEPTION:** A commission-approved adjustment to the certain standards of Chapter 42. The applicant must document existing special circumstances unique to the land that justify modification of the development standards.

PLANNING COMMISSION BODY, AUTHORITY AND OBLIGATION

- The Houston Planning Commission is a non-legislative body authorized to govern the subdivision rules and regulations described in Chapter 42. The Commission consists of 25 members and meets every two weeks per their adopted Commission meeting schedule.

PLANNING DEPARTMENT STAFF, AUTHORITY AND OBLIGATION

- Development Services Division reviews subdivision plats, replats and development plats for compliance with the rules and regulations described in Chapter 42. Development plats must also comply with Chapter 26 (Off-street Parking and Loading) and Chapter 33 (Trees, Shrubs and Screening Fences).

CITY OF HOUSTON SEC. 42-82 AND 42-83

- Notification to property owners within 250 feet of certain proposed development applications with a requested variance is required. The proposed development must be located within the city limits.

PROPERTY OWNERSHIP INFORMATION

- For notification purposes, property ownership information and property owner mailing addresses are obtained from the most recent property tax rolls of the county in which the property is located.
- Addressed envelopes and postage are provided by the applicant.



**PLANNING &
DEVELOPMENT
DEPARTMENT**

**APPLICANT'S
Special Exception Request Form**

Application Number: 2022-2404
Plat Name: Buffalo Way Villas
Applicant: Pioneer Engineering, LLC
Date Submitted: 09/30/2022

The applicant bears the burden of providing factual, material, and compelling evidence to support a variance request in the Statement of Facts ("SOF") below. The applicant must write a response to each of the statements as part of their application. Failure to do so will result in the application being deemed incomplete and not placed before the Planning Commission. The applicant may attach additional supporting documents to the application. P&D will not correct, revise, or edit the applicant's information. P&D will formulate its recommendation by evaluating the SOF's information, the additional information provided and any relevant information available to the Department.

(Sec. 42-48 and Sec. 42-82)

Specific requirement for which the special exception is being sought:

A special exception is requested to exceed the maximum intersection spacing requirements of a major thoroughfare. The proposed plat is along the south right of way line of W. Airport Boulevard, between Glenwyck Drive and Landmark Drive. The distance between these two public streets as measured along W. Airport Boulevard is 3,100'. The maximum intersection spacing along a major thoroughfare is specified by Chapter 42 to be 2,600'.

Chapter 42 Section: 42-127

Chapter 42 Reference:

Intersections of major thoroughfares – A major thoroughfare shall intersect with a public local street, a collector street or another major thoroughfare at least every 2,600'

Statement of Facts

(1) Special circumstances exist that are unique to the land or the proposed subdivision or development and that are not generally applicable to all other land, subdivision for development in the city or its extraterritorial jurisdiction that justify modification of the standards that would otherwise apply;

Property is located south of West Airport Boulevard between Glenwyck Drive and Landmark Street. A 12' deep concrete drainage ditch is abutting the west side of the property. West Airport Boulevard was recently extended as a four-lane road with a curbed median along the property frontage, and a bridge with a concrete barrier extending 75' on both sides of the bridge. There are no median openings along the property frontage. However, there is an approximately 750' median opening with left-turn lanes on both sides and street stubs to the north and south at the intersection with Landmark Drive, an existing undeveloped 60' ROW. There is also a 30' pipeline easement crossing the property from the northeast corner to approximately 300' south of the northwest corner. Extending White Heather Drive will conflict with the bridge concrete barrier, and a reverse curve to offset the street will conflict with the pipeline easement since it can only be perpendicularly crossed. Also, the extension of White Heather Drive will make it unfeasible to propose driveways that comply with the easement crossing requirements, rendering the portion of the property west of the extended street inaccessible and unusable. Furthermore, the bridge barrier will block the visibility of northbound and eastbound traffic, which would create a safety concern. The northwest portion of White Heater Drive, a local street, terminates 90' east of the southwest property corner of this development. There are no immediate plans from the City to extend White Heather Drive per the current major thoroughfare & freeway plan (MTFP). Brentwood Section 5, located south of the proposed plat currently exists with major thoroughfare access to Hiram Clarke Road to the west, W. Orem Drive to the south, and W. Airport Boulevard (via Landmark Drive) to the north. In connection with the W. Airport Boulevard improvements recently completed, a curbed median was constructed across the entire frontage of the plat. Due to the proximity to the White Heather Ditch bridge, a new median opening is not feasible, and any dedicated public street would have limited turning movements.

(2) The proposed special exception will achieve a result contemplated by the standard in article III of Chapter 42 (Planning Standards);

The special exception will achieve a result contemplated by the standards of Article III by ensuring that adequate traffic circulation and access exists for the public through the proposed cul-de-sac for proper termination to White Heather drive as well as additional safety and better traffic circulation for the residents and emergency vehicles.

(3) The modification of the standard requested is not disproportionate to the requirement of the standard;

The modification of the standard requested is not disproportionate to the requirement of the standard because property is located 1,102.17 feet from Landmark Drive. W. Airport Boulevard was recently improved including the construction of the medians and left turn located both west and east of our property as well as the development of Landmark Drive for vehicular circulation in the area.

(4) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purposes of this chapter will be preserved and maintained because Landmark Drive will be developed and will provide adequate Circulation in the area.

(5) The granting of the special exception will not be injurious to the public health, safety or welfare.

The granting of the variance will not be injurious to the public health and safety or welfare; there is adequate circulation in the area with the existing street design. Also, a cul-de-sac will be dedicated to provide additional safety and better traffic circulation on White Heather Drive.



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Variance Request Form**

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Plat Name: Buffalo Way Villas

Applicant: Pioneer Engineering, LLC

Date Submitted: 09/30/2022

The applicant bears the burden of providing factual, material, and compelling evidence to support a variance request in the Statement of Facts ("SOF") below. The applicant must write a response to each of the statements as part of their application. Failure to do so will result in the application being deemed incomplete and not placed before the Planning Commission. The applicant may attach additional supporting documents to the application. P&D will not correct, revise, or edit the applicant's information. P&D will formulate its recommendation by evaluating the SOF's information, the additional information provided and any relevant information available to the Department.

(Sec. 42-47 and Sec. 42-81)

Specific Variance is being sought and extent of variance:

To terminate White Heather Drive with cul-de-sac to avoid extending White Heather Drive, south to north, through this development property.

Chapter 42 Section: 134(a)

Chapter 42 Reference:

A public street that terminates at the boundary of a plat previously approved by the commission without means of a vehicular turnaround shall be extended into the adjacent property at the time the adjacent property is platted.

Statement of Facts

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; OR

(1b) Strict application would make this project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

The owner is subdividing the property for single-family residential lots. Property is located south of West Airport Boulevard between Glenwyck Drive and Landmark Street. A 12' deep concrete drainage ditch is abutting the west side of the property. West Airport Boulevard was recently extended as a four-lane road with a curbed median along the property frontage, and a bridge with a concrete barrier extending 75' on both sides of the bridge. There are no median openings along the property frontage. However, there is an approximately 750' median opening with left-turn lanes on both sides and street stubs to the north and south at the intersection with Landmark Drive, an existing undeveloped 60' ROW. There is also a 30' pipeline easement crossing the property from the northeast corner to approximately 300' south of the northwest corner. Extending White Heather Drive will conflict with the bridge concrete barrier, and a reverse curve to offset the street will conflict with the pipeline easement since it can only be perpendicularly crossed. Also, the extension of White Heather Drive will make it unfeasible to propose driveways that comply with the easement crossing requirements, rendering the portion of the property west of the extended street inaccessible and unusable. Furthermore, the bridge barrier will block the visibility of northbound and eastbound traffic, which would create a safety concern. The northwest portion of White Heather Drive, a local street, terminates 90' east of the southwest property corner of this development. There are no immediate plans from the City to extend White Heather Drive per the current major thoroughfare & freeway plan (MTFP). A cul-de-sac will be dedicated providing proper termination to White Heather drive as well as additional safety and better traffic circulation for the residents and emergency vehicles.

(2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant. The circumstances are the result of the existing conditions on the property and surrounding area.

(3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and general purposes of this chapter will be preserved and maintained because Landmark Drive will be developed and will provide adequate Circulation in the area.

(4) The granting of the variance will not be injurious to the public health, safety or welfare;

The granting of the variance will not be injurious to the public health and safety or welfare; there is adequate circulation in the area with the existing street design. Also, a cul-de-sac will be dedicated to provide additional safety and better traffic circulation on White Heather Drive.

(5) Economic hardship is not the sole justification of the variance.

Economic hardship is not the sole justification of the variance. Variance is based on both existing street layout and avoiding conflict with existing pipeline easement as well as bridge and corresponding barrier.

