

CITY COUNCIL MEETING OF 02-16-16 AGENDA ITEM #15-302PFR

**AGENDA ITEM**

**TO:** City Council

**THROUGH:** Brian Lockley, AICP, Director of Planning  
Matt Robinson, AICP, Planning Manager

**FROM:** Eleana Galicia, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for 71 Single Family Residential Lots, 1 Commercial Lot and 10 Common Areas (The Tour at Craig Ranch), Located Approximately 940 Feet East of Custer Road and on the North Side of Tour Drive

**APPROVAL PROCESS:** The City Council is the final approval authority for the proposed preliminary-final replat.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed preliminary-final replat due to nonconformance to Screening and Buffering Regulations (Section 142-106) of the Subdivision Ordinance. However, if the proposed plat is approved the applicant shall receive approval of the following variance request.

1. Approval of a variance to Section 142-106 of the Subdivision Ordinance (Screening and Buffering) reducing the requirement to provide the required 20' landscape buffer to 10' located within Common Area B-4.

Prior to filing the plat for record:

1. The applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Replat Approval Checklist, attached.
2. The applicant revise the plat to remove the "10' wall easement" located within common area B-4, subject to review and approval of the City Engineer.

**APPLICATION SUBMITTAL DATE:** November 9, 2015 (Original Application)  
December 14, 2015 (Revised Submittal)  
December 28, 2015 (Revised Submittal)  
January 11, 2016 (Revised Submittal)  
January 19, 2016 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing to subdivide approximately 13.31 acres into 71 lots for single family detached residential uses, 10 common areas, and 1 commercial lot.

Under the requirements of Section 142-106 (Screening and Buffering) of the Subdivision Ordinance, all single family lots are required to provide screening buffering if adjacent to public thoroughfares. The applicant is requesting a variance from this requirement for one common area (Common Area B-4) to reduce the required 20' landscape buffer to 10'. The variance request is described in further detail below.

Preliminary-final replats can typically be approved by the Planning and Zoning Commission; however the plat must be considered by the City Council for the variance request to Section 142-106 of the Subdivision Ordinance (Screening and Buffering). Per the subdivision ordinance, only the City Council can grant approval of a variance.

**PLATTING STATUS:** The subject property is partially platted as Lot 1, Block A of the Brookhaven Baptist Church, while the remainder is unplatted. In order to subdivide the subject property as proposed by the applicant, a variance to the requirements of the Subdivision Ordinance is needed. The necessary variance is indicated below:

1. Approval of a variance to Section 142-106 of the Subdivision Ordinance (Screening and Buffering) reducing the requirement to provide the required 20' landscape buffer to 10' located within Common Area B-4.

The City Council has the authority to grant variances as outlined in the Subdivision Ordinance such as, when there are special circumstances or conditions affecting the property in question, enforcement would deprive the applicant of a substantial property right, or that the variance, if granted, will not be detrimental to the public welfare. Pecuniary interests standing alone shall not be justification for granting a variance.

**VARIANCE REQUEST:** Under the requirements of Section 142-106 (Screening and Buffering) of the Subdivision Ordinance, all single family lots are required to provide screening and buffering if adjacent to public thoroughfares. The subdivision ordinance requires that lots backing up to a right of way that is equal to 60' or greater provide a 20' wide landscape buffer be dedicated as a common area. The applicant is requesting to reduce the required 20' Landscape Buffer (Common Area B-4) along Tour Drive (60' Right-of-Way) to 10', and as such, Staff recommends denial of the proposed plat due to nonconformance of the Screening and Buffering Regulations of the Subdivision Ordinance. The applicant has provided the required screening and buffering in all other areas of the residential subdivision where screening and buffering would apply.

The Screening and Buffering guidelines are intended to create an aesthetically pleasing corridor which encourages harmony and discourages monotony, while insuring safety and security and reducing noise and glare in neighborhoods. Staff is of the professional opinion that the proposed plat should conform to the screening and buffering regulations

as there is no special circumstance or physical constraint affecting the property in question that would limit the applicant from providing the required 20' landscape buffer.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"PD" – Planned Development District Ordinance No. 2006-02-018 (Commercial and Residential Uses), and "REC" – Regional Employment Center Overlay District	Undeveloped Land
North	"PD" – Planned Development District Ordinance No. 2003-09-074 (Single Family Attached Residential Uses), and "REC" – Regional Employment Center Overlay District	Hemingway at Craig Ranch Subdivision
South	"PD" – Planned Development District Ordinance No. 2013-08-074 (Single Family Residential Uses), and "REC" – Regional Employment Center Overlay District	Fairways at Craig Ranch Subdivision
East	"PD" – Planned Development District Ordinance No. 2009-12-086 (Single Family Residential Uses), and "REC" – Regional Employment Center Overlay District	The Estates at Craig Ranch West Subdivision
West	"PD" – Planned Development District Ordinance No. 2006-02-018 (Commercial and Residential Uses), and "REC" – Regional Employment Overlay District	Undeveloped Land

**ACCESS/CIRCULATION:**

Adjacent Streets: Tour Drive, 60' Right-of-Way, Collector

Paradise Drive, 80' Right-of-Way, Minor Arterial

**TREE PRESERVATION ORDINANCE:** The applicant will be responsible for complying with the Tree Preservation Ordinance.

**PUBLIC IMPROVEMENTS:**

Sidewalks: As required by the subdivision ordinance

Hike and Bike Trails: Not Required

Discussion: Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the associated plat, unless otherwise specified in an approved facilities agreement.

**DRAINAGE:** The applicant will be responsible for all drainage associated with the subject property, and for compliance with the Storm Water Ordinance.

**FEES:**

Roadway Impact Fees: Applicable (Ordinance No. 2013-11-108) **(Roadway Impact fees waived per VCIM Agreement)**

Utility Impact Fees: Applicable (Ordinance No. 2013-11-109 and Ordinance No. 2013-12-118)

Median Landscape Fees: Applicable

Park Land Dedication Fees: Not Applicable **(Parkland Dedication waiver per VCIM Agreement)**

Pro-Rata: As Determined by the City Engineer

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

**ATTACHMENTS:**

- Standard Conditions for Preliminary-Final Replat Approval Checklist
- Location Map and Aerial Exhibit
- Letter of Intent
- Proposed Preliminary-Final Replat
- PowerPoint Presentation