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PUBLIC HEARING: Consider a request for a Planned Development Amendment Zoning change from Planned Development - Commercial to Planned Development – Commercial to amend the previously approved Planned Development by modifying the landscape buffer setback and the screening wall on the east side of 501 Rufe Snow Drive (Account #: 42139218), on a 2.35-acre tract of land, located on the east side of Rufe Snow Drive, at the intersection of Rufe Snow Drive and Driscoll Place, being Lot 36, Block A, Trails at Bear Creek. ACLC Ventures, LLC., owner. Chris Anderson, Acres Development Corporation, applicant. (Z-20-0007)

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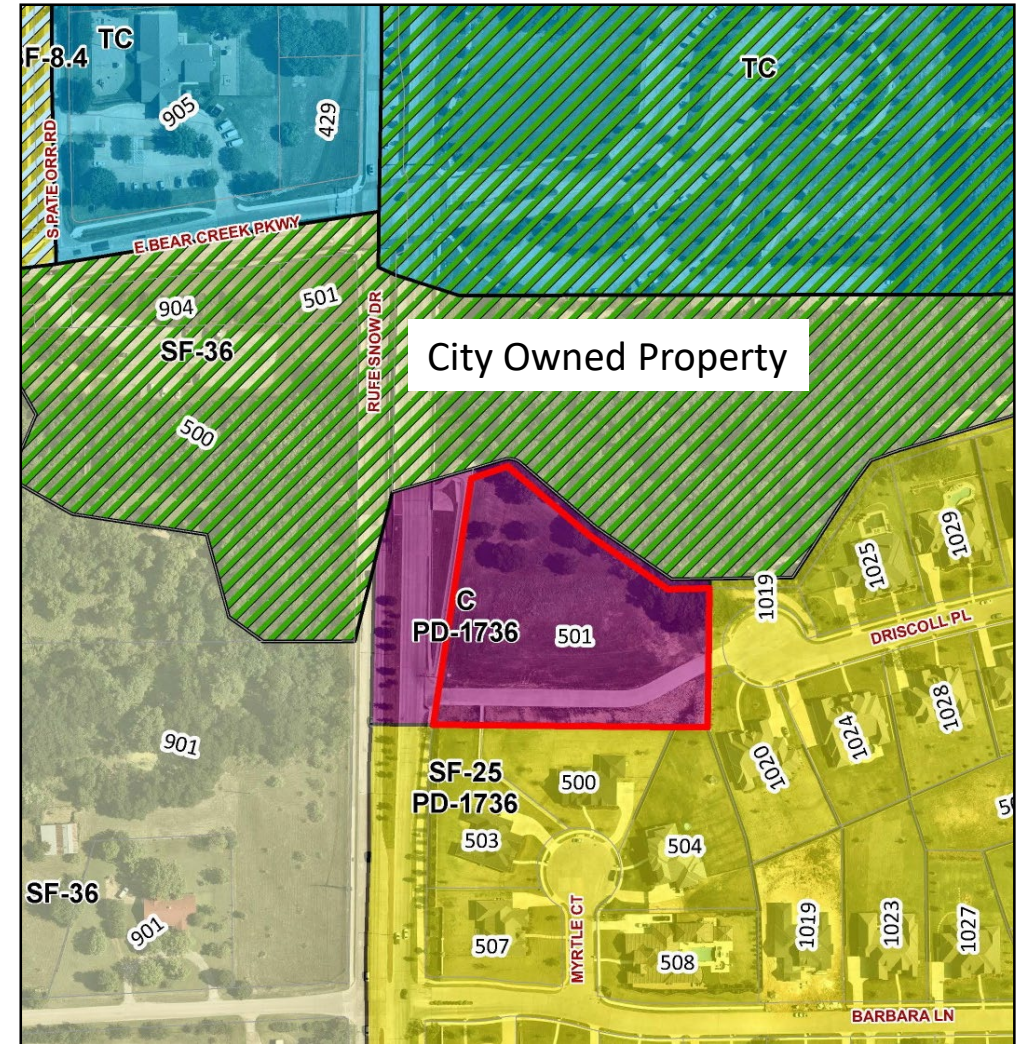
Aerial Map



**Zoned:
Planned
Development
- Commercial**



Zoning Map



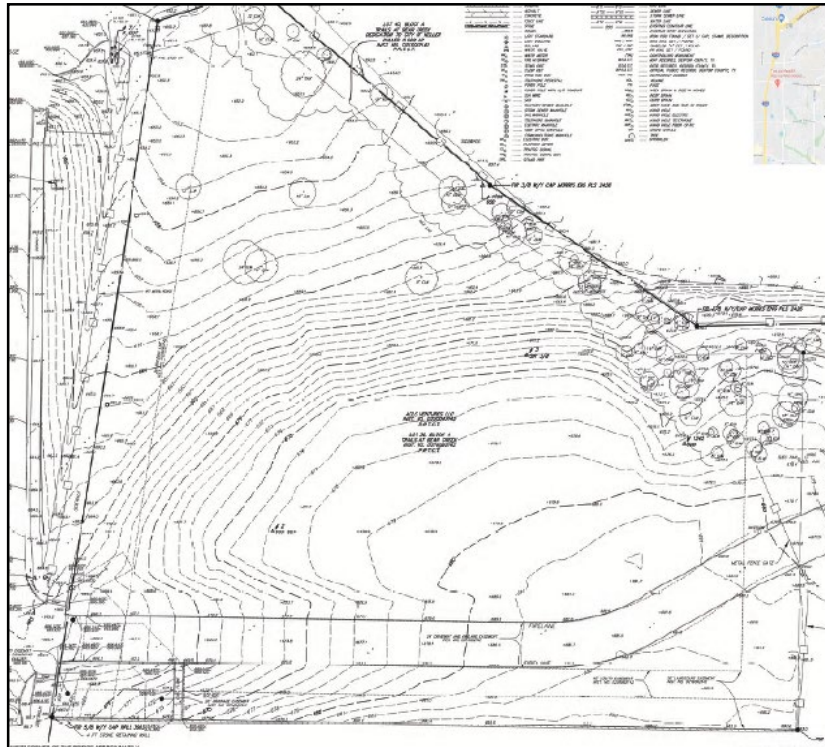
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- March 17, 2015: City Council approved the Planned Development (PD) for the Trails at Bear Creek per Ordinance 1736. The PD included a commercial corner lot at Rufe Snow and Driscoll Place. This corner lot was limited to sit-down restaurants only.
- June 22, 2015: The Final Plat for Trails at Bear Creek was approved by the Planning and Zoning Commission.

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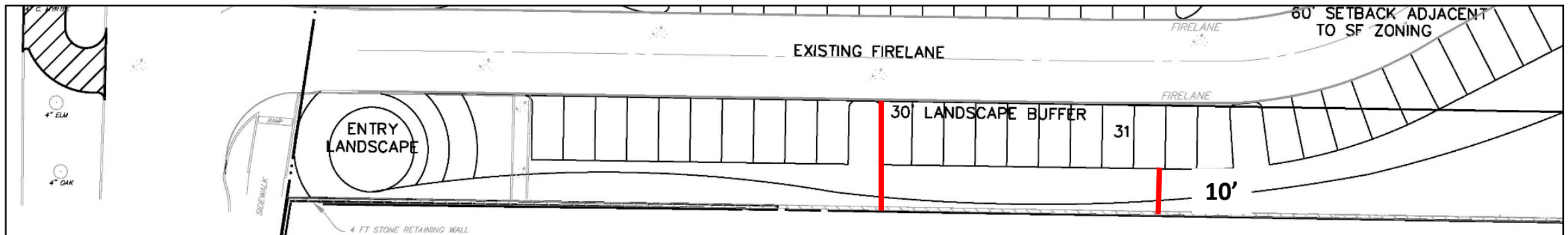
The applicant is bringing forward a request to modify two PD requirements (screening wall and buffer) to address the site's significant topography, minimize tree loss, and enhance trail connection. If approved, the applicant will bring forward a Site Plan to Planning and Zoning Commission for recommendation, and to City Council for final consideration per PD requirements.



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1st PD amendment request:

- The applicant is requesting a variance to reduce the required thirty foot (30') landscape buffer to a minimum ten-foot (10') landscape buffer on the south side of Driscoll Place.
- This reduction allows parking within this area rather than removing mature trees along the north and east side of the property to accommodate parking.



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The applicant proposes to enhance the remaining 10-foot landscape buffer with:

- Continuous evergreen hedgerow near the existing screening wall; and
- Evergreen canopy trees spaced 35' to 50' on-center.

A variable-height retaining wall 1 foot to 4 feet tall with a 6-foot screening wall on top already exists, providing nearly 10 feet of screening in some areas. The proposed restaurant is downhill, enhancing the screening effect. This plus the additional plantings provides significant screening for the subdivision's homes to the south.

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2nd PD amendment request:

- The applicant is proposing to remove the 'Screening wall' requirement for a portion of the east side of the subject property.
- The applicant is proposing to construct a screening wall on the southeast corner of the site to Driscoll Place and from the north side of Driscoll Place to the southern edge of the tree stand (indicated in red). From that point north, the applicant proposes to utilize a wrought-iron (or similar style) fence to minimize damage to the tree stand. There are no residential homes (nor a lot large enough for a home) adjacent to this section of the screening wall.



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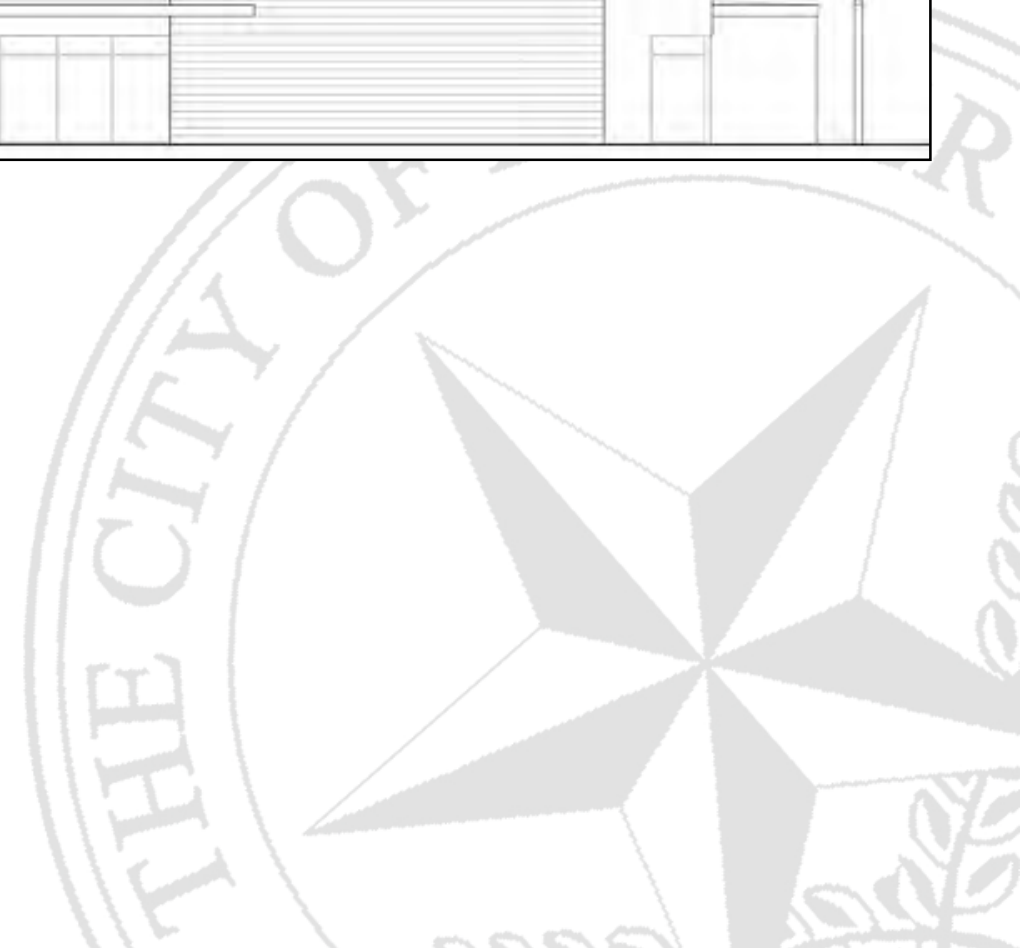
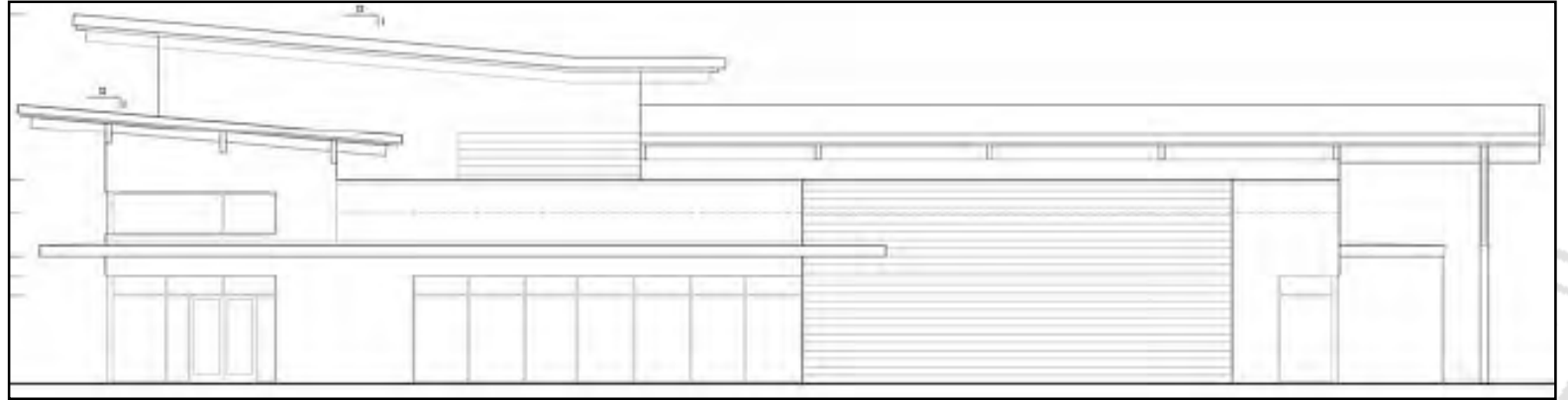
NORTH ELEVATION

Average height is approximately 34'



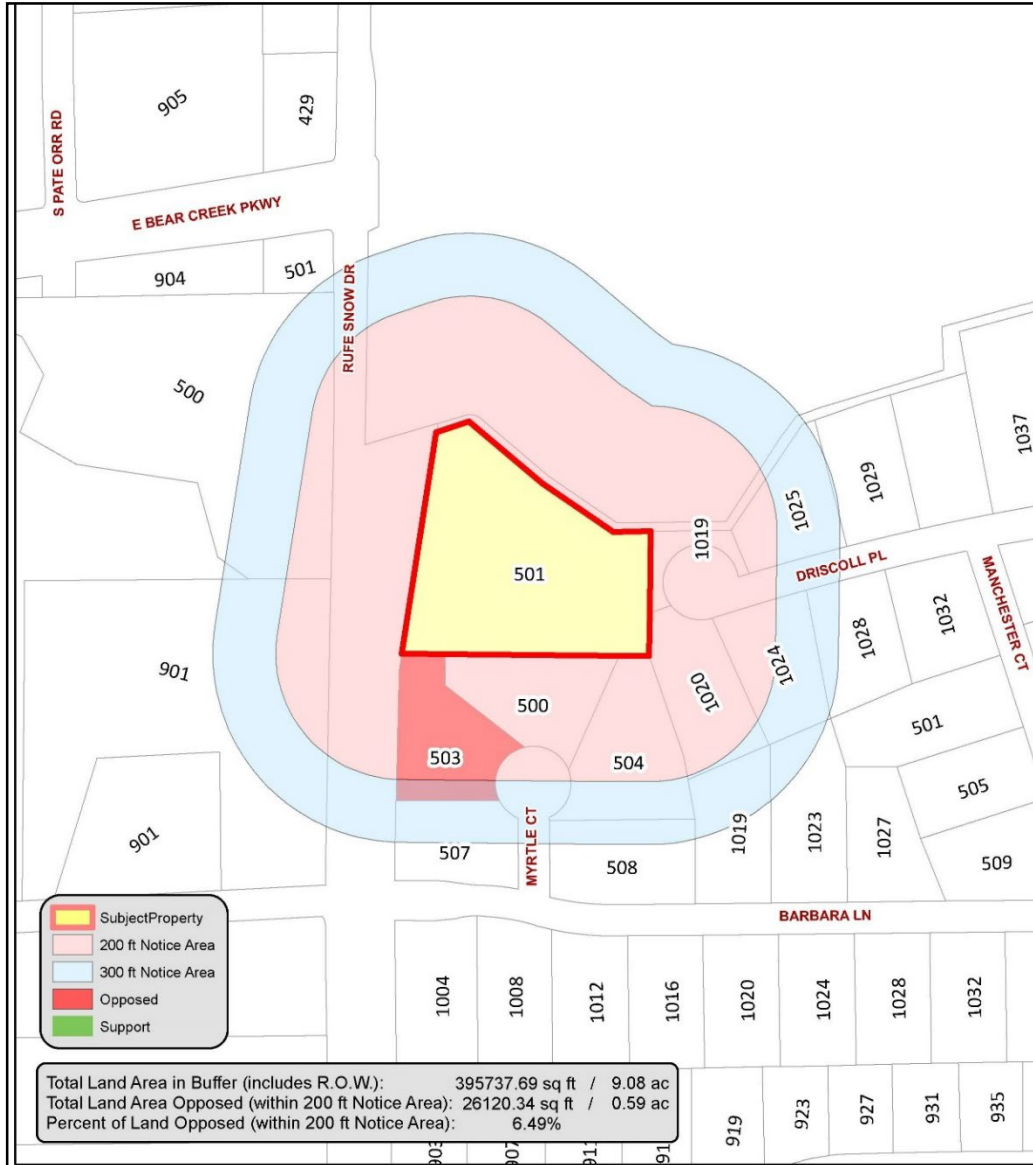
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SOUTH ELEVATION



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- On Oct. 29, 2020, the city mailed 14 letters of Notifications for this Public Hearing to all property owners within three hundred feet (300') of the subject site. A public hearing notice sign was posted on the site.
- The applicant held three zoom meetings with the Trails at Bear Creek subdivision residences: Oct. 10, 2020 (HOA Board), Oct. 20, 2020 (immediate neighbors) and Oct. 28, 2020 (entire Trails at Bear Creek Subdivision neighborhood).
- As of today, the city has received one phone call in support from the public and one letter in opposition.

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Section 8.02 (D)(1)(e) of the UDC states that when considering a planned development amendment request, the Planning and Zoning Commission and City Council shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.
2. Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

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On Nov. 10, 2020, the Planning and Zoning Commission voted unanimously to recommend approval of the item as the Commission felt the requests were reasonable due to the grade and topography of the property.

During the public hearing, one person spoke in opposition whose home is directly south and adjacent to the proposed project.

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The City Council has the following options when considering a Planned Development Amendment application:

- Approve as submitted
- Approve with modifications or additional amendments(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



Questions?
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