

Item H-1

PUBLIC HEARING: Consider an ordinance approving a zoning change application from Retail (R) to Planned Development SF-8.4 (PD-SF-8.4) for the Beverly Grove subdivision consisting of 33 residential lots and four (4) open space lots on approximately 11.38-acres, being legally described as Tract 3E, Abstract 457 out of the John Edmonds Survey, located at the intersections of Rapp Road, Shady Grove Road, and Rufe Snow Drive, and addressed as 1301 Rufe Snow Drive. Sunrise Partners, LLC., Applicant/Developer; Bursey Commercial, Owner; Peloton Land Solutions, Engineering Firm. (Z-21-0009)

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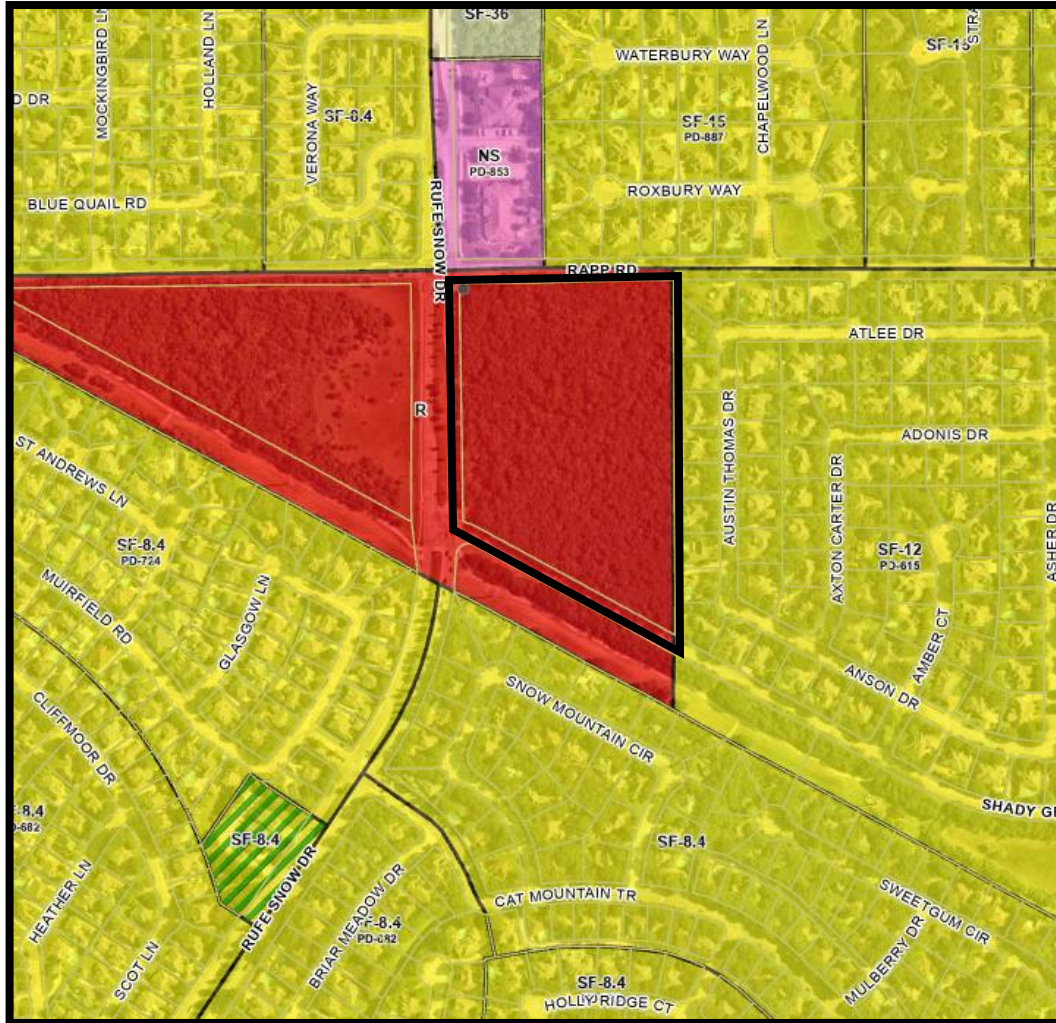


Applicant is requesting to rezone from Retail to Planned Development - PD-SF-8.4.

Beverly Grove subdivision:

- single-family residential development
- 11.38-acres
- 33 residential lots
- 4 open space lots

Item H-1 Zoning Map



**Zoned:
Retail (R)**

Item H-1 Aerial View



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Current Zoning:

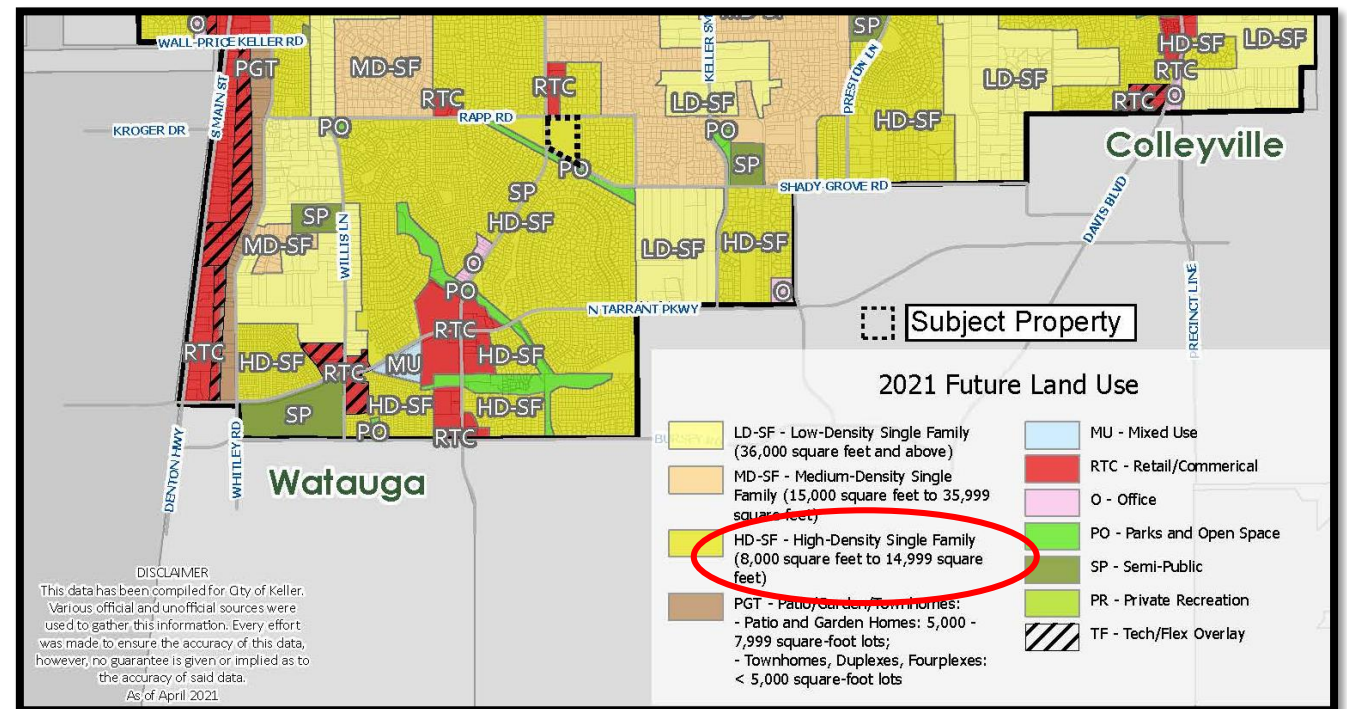
Retail (R); Uses by right include fitness centers, public/private schools, wineries, breweries, distilleries with 1,500 square-foot tasting rooms, medical offices, and restaurants.

Proposed Zoning:

PD-SF-8.4 with 8,450 square-foot minimum lot size and an average lot size of 9,976 square feet

Future Land Use Plan:

The proposed development is compliant with the 2021 Future Land Use Plan for High-Density Single-Family (8,000 square-foot to 14,999 square-foot lots) (HD-SF).



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PD-SF-8.4 proposed criteria:

Minimum Dwelling Size:

2,000 square-feet or greater (Meets the minimum dwelling size for SF-15.)

Size of Lots:

1. Minimum lot area: 8,450 square-feet (average lot area is 9,976 square feet)
2. Minimum lot width: 65'
3. Minimum lot depth: 125'

The proposed depth of 125 feet exceeds the SF-8.4 Zoning District minimum requirement of 110 feet. The minimum lot area of 8,450 square feet exceeds the SF-8.4 minimum of 8,400 square feet.

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Setbacks:

1. Minimum front yard: 25'
2. Minimum side yard: 10% of the lot width but no more than 15' and/or 15' from ROW.
3. Minimum rear yard: 15'

The setbacks meet the UDC regulations for the SF-8.4 Zoning District.

Maximum Lot Coverage:

The Applicant proposes 40% for the primary structure (rather than 35%) and 50% total including accessory buildings, driveways, and parking areas.

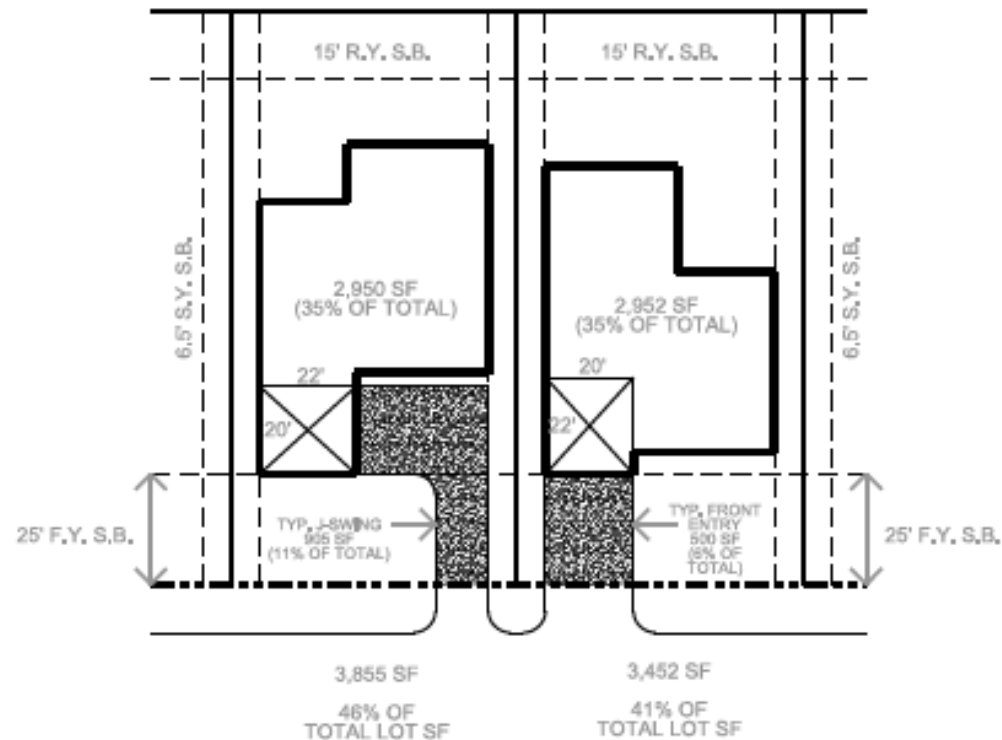
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EXISTING LOT COVERAGE PER CITY'S CODE OF ORDINANCES: 35% FOR MAIN BUILDING; 50% INCLUDING ACCESSORY BUILDINGS, DRIVEWAYS, AND PARKING AREAS.

TYPICAL LOT: 65' X 130' | 8,450 SF

MAXIMUM MAIN BUILDING COVERAGE (35%): ±2,958 SF

MAXIMUM LOT COVERAGE (50%): ±4,225 SF

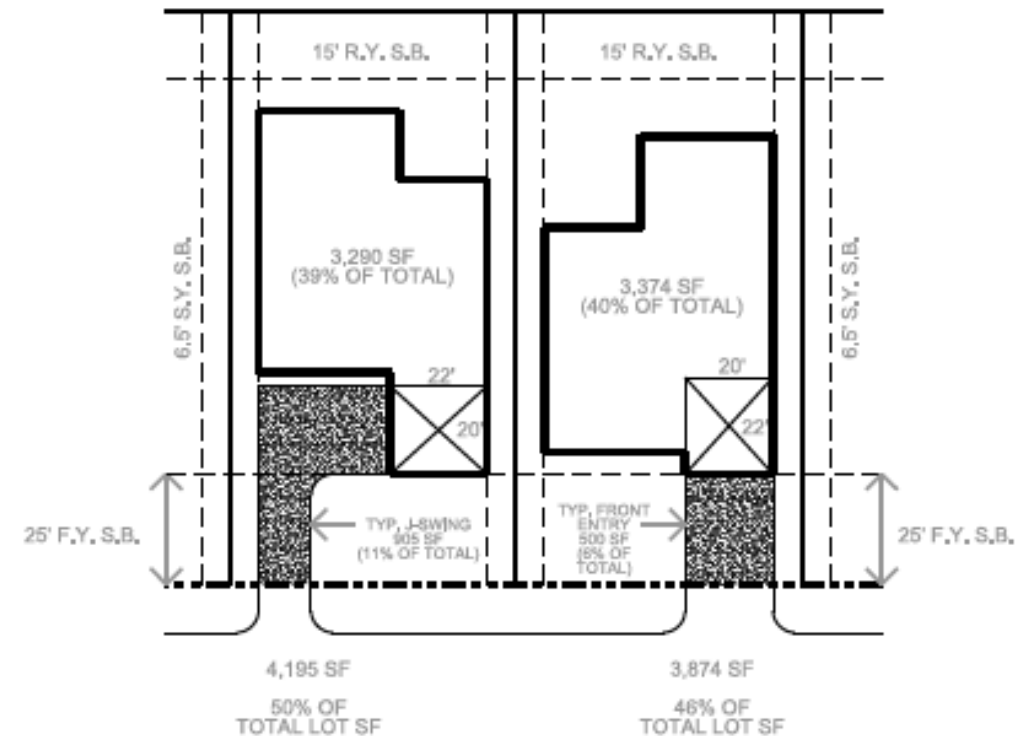


PROPOSED LOT COVERAGE: 40% FOR MAIN BUILDING; 50% INCLUDING ACCESSORY BUILDINGS, DRIVEWAYS, AND PARKING AREAS.

TYPICAL LOT: 65' X 130' | 8,450 SF

MAXIMUM MAIN BUILDING COVERAGE (40%): ±3,380 SF

MAXIMUM LOT COVERAGE (50%): ±4,225 SF



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Garage Requirements:

The applicant proposes all residential lots provide a minimum of two (2) car garages with half having J-swing garages and the other half front-facing garages. Additionally, any garage doors facing the street shall not exceed a total of 144 square-feet.

The applicant proposes that 50% of the garages be constructed front-facing in lieu of the SF-8.4 requirement for all garages to be J-swing.

Elevations:

The facades of homes, exclusive of doors and windows, shall be constructed 80% with masonry products such as brick, stone, and stucco. Secondary materials shall be quality material such as wood, metal, and/or hardie board.

The façade proposal **meets the 80% masonry requirement** set forth in the UDC for all residential structures (brick, stone, and/or stucco).

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Landscaping:

The applicant proposes to place 3" caliper large canopy trees (Live Oak, Shumard Red Oak, Cedar Elm, and/or Lacebark Elm) spaced 50-foot on-center within the 10-foot landscape easement on Rufe Snow Drive (between the sidewalk and the screening wall) and a portion of Shady Grove Road. No new trees are proposed along Rapp Road due to the 12-inch sewer main which may be impacted by the roots. Existing trees along Rapp Road are proposed to remain, dependent upon sidewalk placement.

The Applicant proposes to meet the requirements for landscaping on Rufe Snow Drive and Shady Grove Drive. However, trees cannot be planted within the 15-foot sanitary sewer easement along Rapp Road to protect the sewer line.

Open Space:

The applicant is proposing to preserve 2.21-acres of the existing Post Oak Savannah as open space.

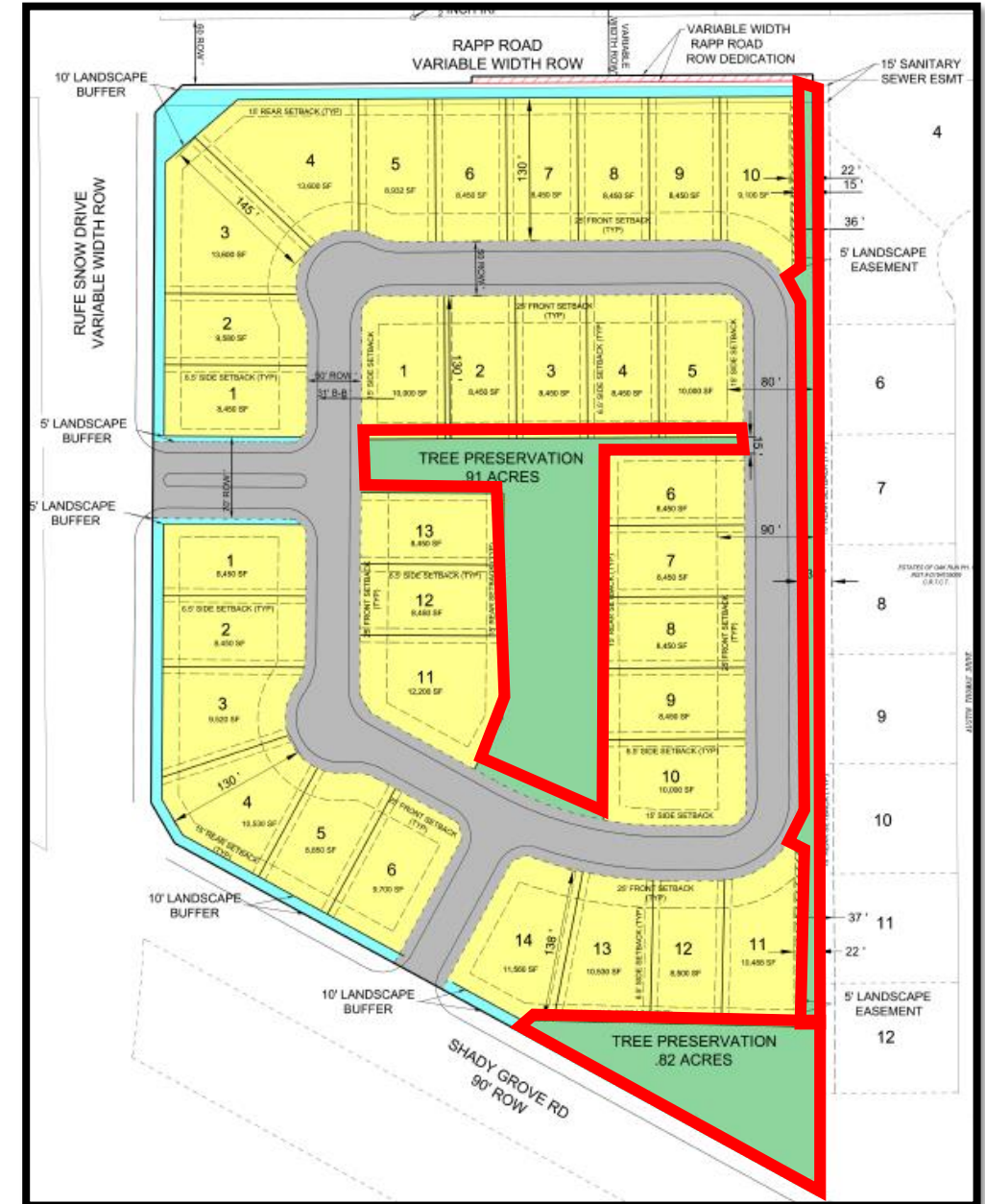
The applicant proposes to exceed the required 15% open space requirements by almost 4%.

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Tree Preservation:

Though no buffer is required between residential subdivisions, the applicant has designed a 15-foot natural tree buffer and a residential street between the Estates of Oak Run Phase I and Beverly Grove in addition to the cedar fence screening wall to insure privacy.

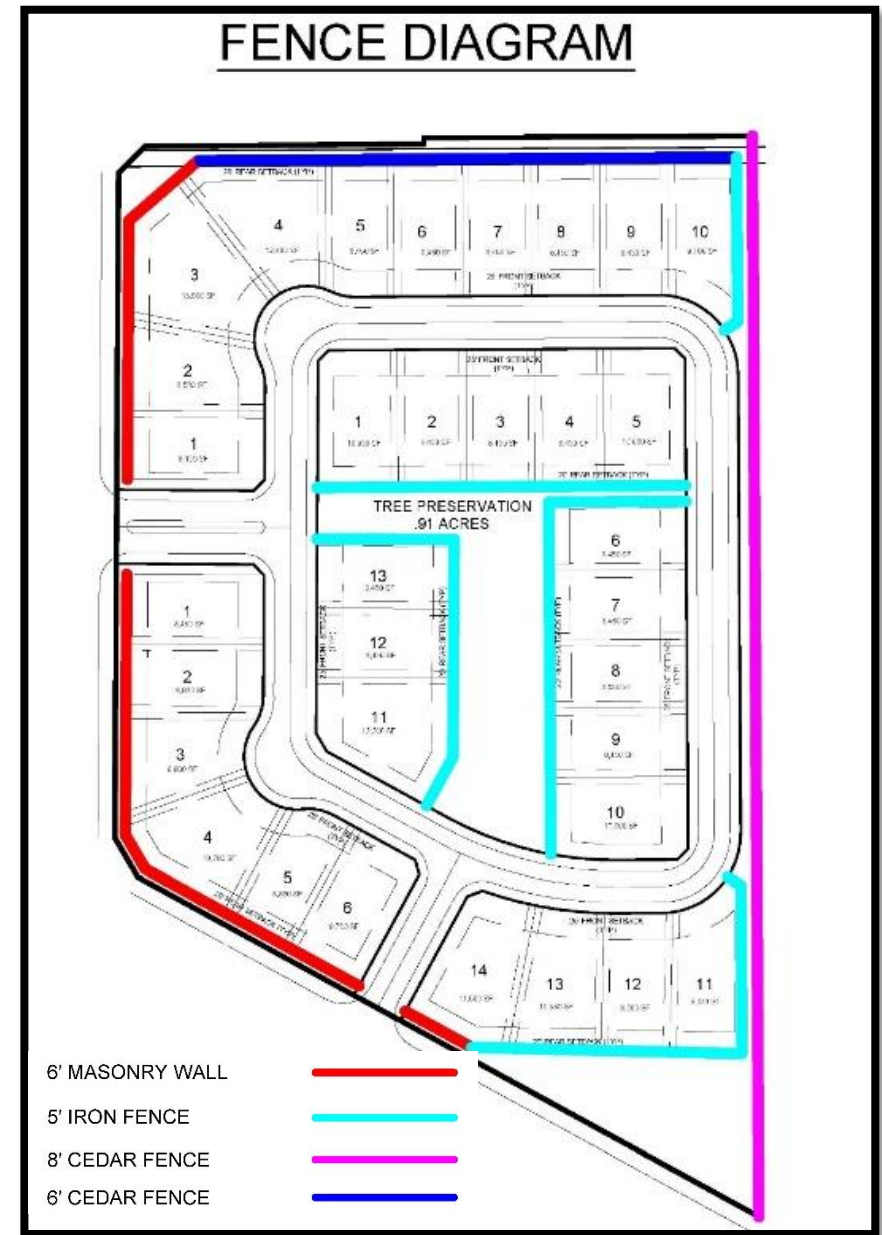
The applicant proposes to preserve other portions of the post oak tree stand on the southeast corner and the interior (accessible to all in the neighborhood). The canopy and understory shall be maintained in its natural state.



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Screening Walls:

1. The applicant proposes to install a 6-foot masonry screening wall on Rufe Snow Drive and on a portion of Shady Grove Road (shown in red).
2. A 6-foot cedar fence on Rapp Road (shown in blue). (A cedar fence will provide privacy while at the same time minimize potential impact to the sewer line.)
3. An 8-foot cedar fence will be installed on the east side of the development between Estates of Oak Run Phase I and the 15-foot tree preservation area (shown in pink).
4. The residential lots interior to the tree preservation areas (shown in turquoise) shall install a 5-foot wrought iron fence.



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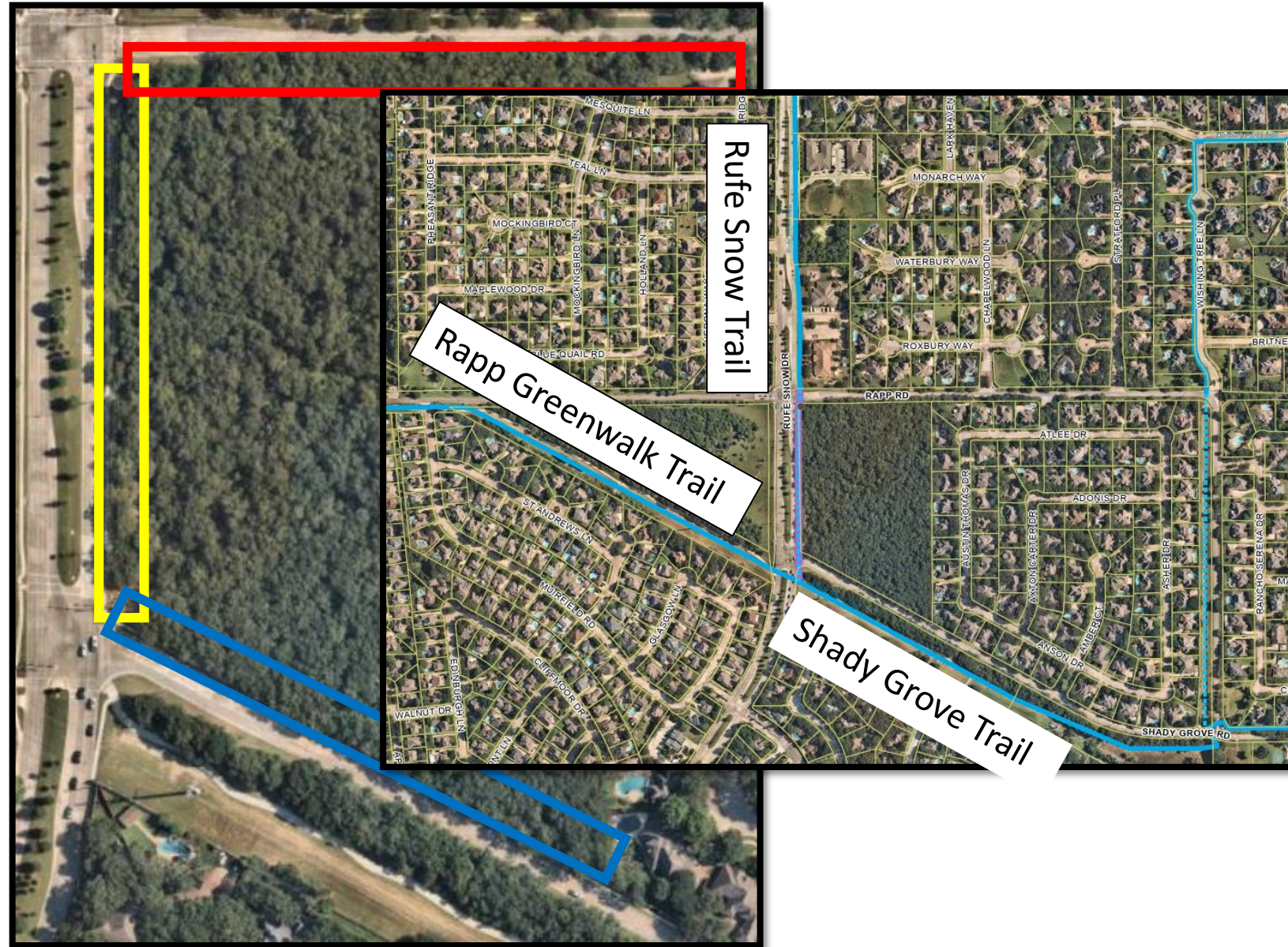
Hike and Bike Trail:

The applicant proposes to construct a 10-foot hike and bike trail on Rufe Snow Drive (in yellow) to connect to the existing trail to the north of the development.

Sidewalk:

The applicant proposes to construct a 5-foot sidewalk on the south side of Rapp Road (in red).

There is a sidewalk currently on Shady Grove Road that will remain (in blue).



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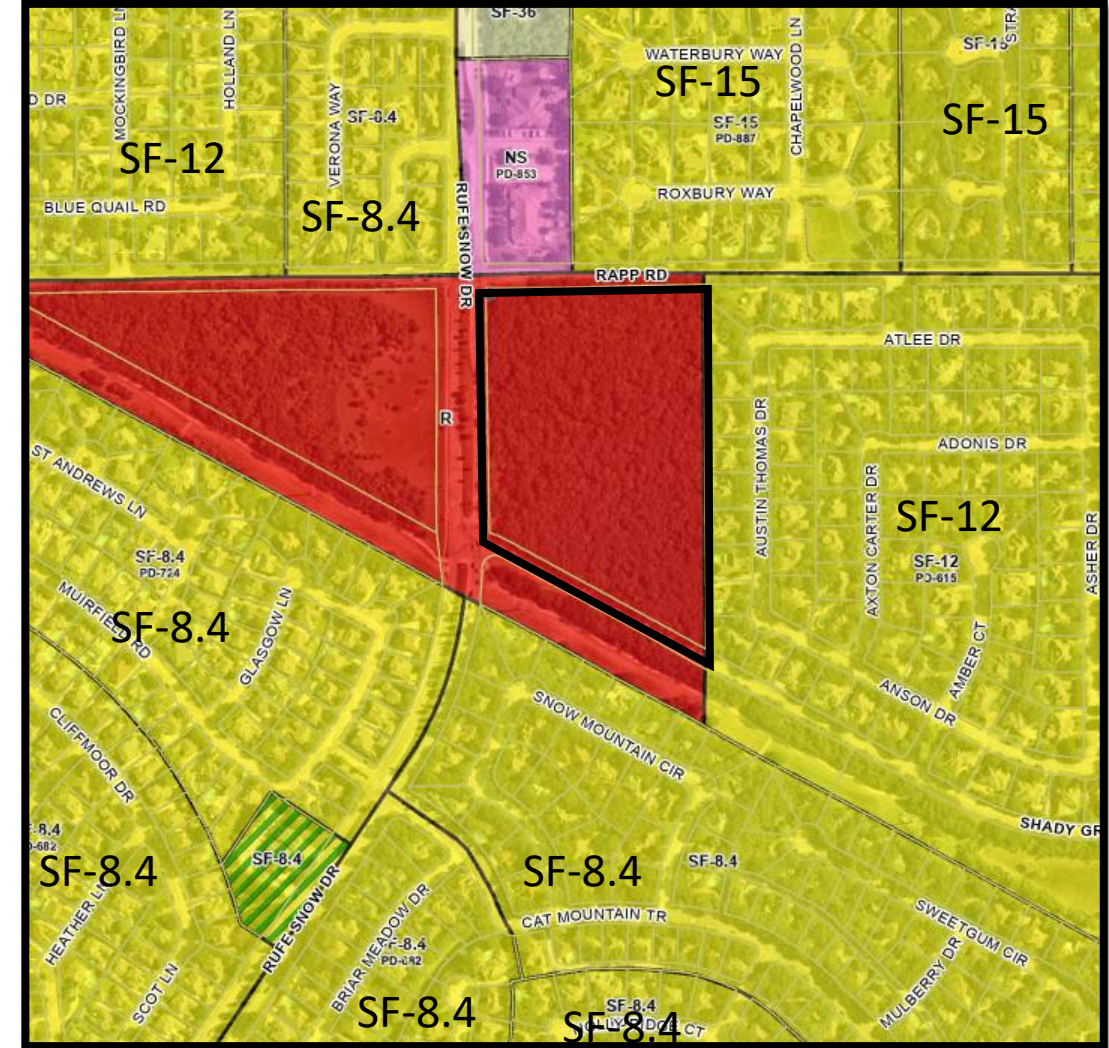
Adjacent zoning is as follows:

North: PD-NS (Planned Development - Neighborhood Services); Chapelwood Estates Addition Phase I: PD-SF-15 (Planned Development - Single-Family 15,000 square-foot minimum lot) (Average lot size: 17,282 square-feet)

East: Estates of Oak Run Phase I: PD-SF-12 (Planned Development - Single-Family 12,000 square-foot minimum lot) (Average lot size: 13,480 square-feet)

South: Highland Oaks Addition Phase I: SF-8.4 (Single-Family 8,400 square-foot minimum lot)

West: R (Retail)



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Trip Generation:

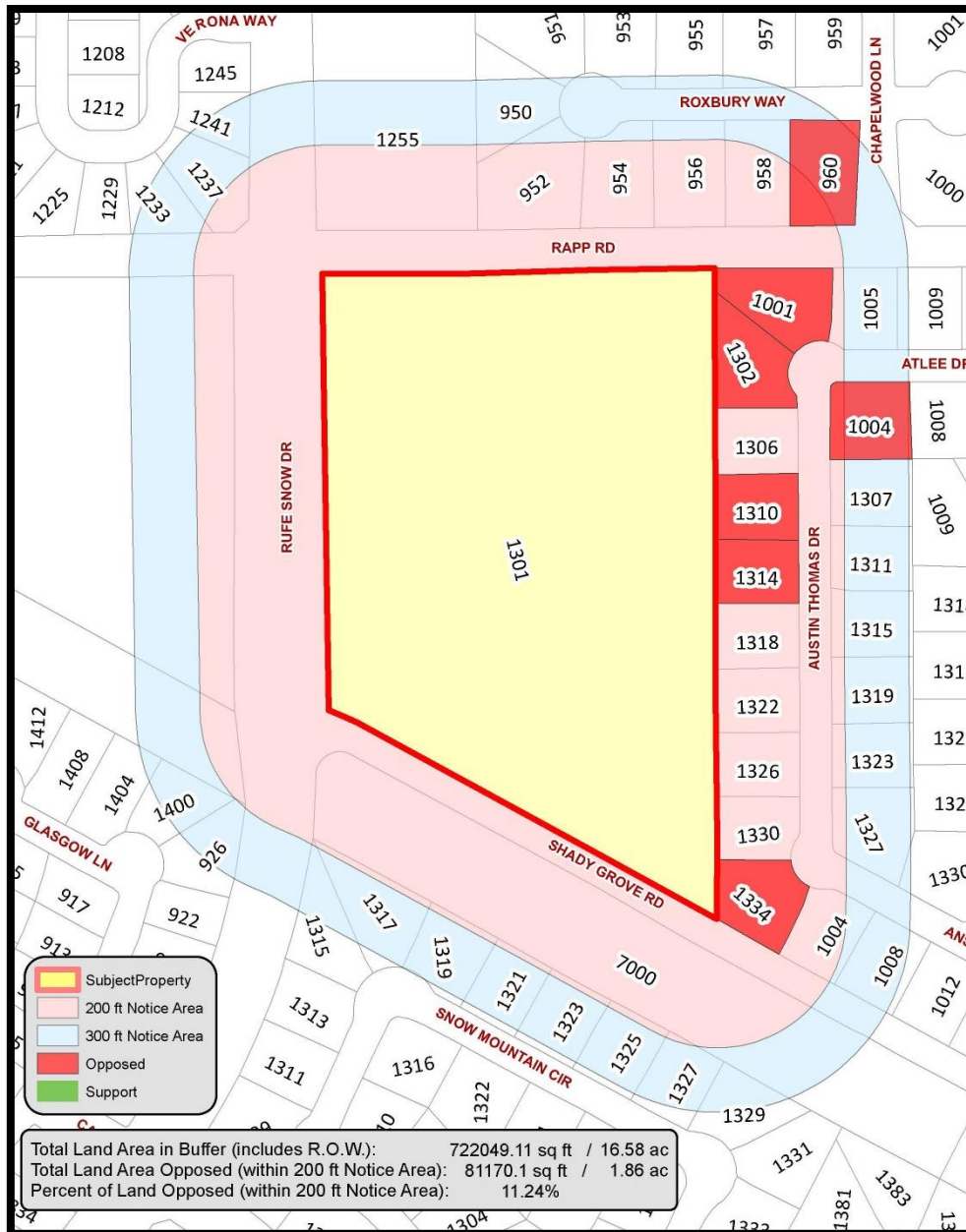
Retail uses generate more trips per day than the proposed residential use. This proposed residential use will generate approximately 66 trips per day, whereas retail would generate up to 220 trips per 1,000 square-feet.

Alonzo Linan (Director of Public Works) noted that even if Rapp Road pushes through to Main Street (HWY 377), the traffic count will not be increased to the point of a retail use corridor since Rapp Road does not extend on the east side of Rufe Snow Drive past Wishing Tree Lane.



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- On August 3, 2021, the City mailed out 49 Letters of Notification to all property owners within three-hundred feet (300') of the subject site. Two (2) public hearing notice signs were posted on the site.
- The applicant met via Zoom meeting with the Estates of Oak Run HOA on March 31, 2021 to discuss the proposed development. The applicant met with the HOA a second time in person on August 21, 2021.
- As of September 13, 2021, staff has received seven letters within the 300-foot buffer and one email (outside of buffer) in opposition. At 11.24%, super majority vote has not been triggered.



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On August 24, 2021, the Planning and Zoning Commission recommended approval by a vote of 4 - 3 (Sagar, Dawson, Alvarado) to City Council with the recommendation of forty percent (40%) for the primary structure lot coverage; fifty percent (50%) total lot coverage including accessory buildings, driveways, and parking areas. Additionally, the Commission recommended the Developer add an improved landscape buffer within lots 10 and 11 as the adjacent residents to the east were concerned with structure height and privacy.

The Developer was amenable to the recommendations and has adjusted the lot coverage and an improved 5-foot landscape buffer within lots 10 and 11 accordingly.

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PD-SF-8.4 proposed criteria:

Minimum Dwelling Size (exceeds):

2,000 square-feet or greater (Meets SF-15; exceeds SF-12, SF-10, and SF-8.4 zoning districts.)

Size of Lots (exceeds):

1. Minimum lot area: 8,450 square-feet (average lot area is 9,976 square feet) (exceeds)
2. Minimum lot width: 65' (meets)
3. Minimum lot depth: 125' (exceeds)

Setbacks (all meet):

1. Minimum front yard: 25'
2. Minimum side yard: 10% of the lot width but no more than 15' and/or 15' from ROW.
3. Minimum rear yard: 15'

Open Space

Providing 18.7% of open space to save sections of the Post Oak Savannah (exceeds). As part of the open space, providing a 15' buffer along eastern property line (with added landscaping on north and south end) to provide additional privacy to Estates of Oak Run.

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PD-SF-8.4 proposed criteria:

Maximum Lot Coverage (does not meet):

40% for the primary structure and 50% total (accessory buildings, driveways, and parking)

The SF-8.4 Zoning District limits the maximum lot coverage to 35% for the main buildings and 50% total (including accessory buildings, driveways, and parking areas).

Garage Requirements (do not meet):

The applicant proposes half of the homes with J-swing garages and the other half front-facing garages. (Garage doors facing the street shall not exceed a total of 144 square-feet.)

The applicant proposes 50% of garages to be constructed front-facing in lieu of the SF-8.4 requirement for all garages to be J-swing.

Elevations/Building Materials (meet):

Homes shall be constructed 80% with masonry products (brick, stone, and/or stucco). Secondary materials shall be quality material such as wood, metal, and/or hardie board.

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Section 8.02 (D)(1)(e) of the UDC states that when considering a zoning change 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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The City Council has the following options when considering a Planned Development Zoning Change application:

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



Questions?

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