



Legislation Text

File #: 20-526, **Version:** 1

To: Mark Hafner, City Manager
From: Julie Smith, Community Development Director

Subject:

PUBLIC HEARING: Consider an ordinance approving a Planned Development Amendment to change 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)

Background:

On March 17, 2015, the City Council approved the Planned Development (PD) for the Trails at Bear Creek per Ordinance 1736. At that time, MI Homes (applicant) proposed the Planned Development - Commercial (PD-C) and Planned Development - 25,000 square-foot minimum lot size (PD-25) residential subdivision. The PD-C parcel was limited to sit-down restaurants only.

On June 22, 2015, the final plat for Trails at Bear Creek was approved by the Planning and Zoning Commission.

Today, the Applicant is bringing forward a request to modify the PD to address the natural topography on the subject site, minimize tree loss, and enhance trail connection. The proposed changes include modifying language as it relates to the screening wall on the eastern property line and modifying the landscape buffer on the south side. If approved, the applicant will bring forward a Site Plan to the Planning and Zoning Commission for recommendation and to City Council for final consideration per PD requirements.

Proposed Uses:

Two sit-down restaurants within an approximately 12,200 SF (10,000 square-foot conditioned space and 2,200 square-foot covered deck) building.

Site Design:

The site slopes significantly downward from south to north towards Bear Creek. Due to this natural topography, the Applicant is proposing to utilize tiered levels to overlook Bear Creek Trail. The lower level will incorporate a dog-friendly cantina, covered deck area, and dog play area with direct access to and from Bear Creek Trail. By utilizing the natural grade to their advantage, the applicant can accommodate both destination diners as well as trail trekkers.

Elevations:

The Applicant proposes to use modern architectural design and materials. The structure incorporates

large windows looking over the creek, trees, and trails.

Landscape Buffer:

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 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.

The applicant proposes to enhance the ten-foot landscape buffer on the southern side with a continuous evergreen hedgerow near the existing screening wall and plant evergreen trees spaced 35' to 50' on-center. There already exists a variable height retaining wall of half a foot to four-feet with a six-foot screening wall located on top of the retaining wall. The total height of the wall is up to ten feet in some locations due to grade. With the planted material in the landscape buffer, there will be significant screening provided for the subdivision to the south.

Screening:

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 south east corner of the site to Driscoll Place and from the north side of Driscoll Place to the southern edge of the tree stand. 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.

Tree Preservation:

With the exception of five trees within the building footprint, the applicant is preserving all the remaining trees.

Drainage & Utilities:

Drainage and utilities will be evaluated during detailed site design. Proposed zoning modifications are not anticipated to drastically alter existing drainage or utilities installed as part of the Trails at Bear Creek development.

Trip Generation:

Traffic will be evaluated further as part of the detailed site design. Submitted trip values from the Trails at Bear Creek planned development are acceptable at this stage of the project.

Summary:

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.

Citizen Input:

On October 29, 2020, the City mailed out fourteen notification letters for this Public Hearing and the associated planned development zoning change 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: October 10, 2020 (HOA Board), October 20, 2020 (immediate neighbors), and October 28, 2020 (entire Trails at Bear Creek Subdivision neighborhood). Please see Exhibit C - Zoom meeting and notes given by the applicant.

As of today, the City has received one phone call in support and one letter in opposition from the public. The letter of opposition is within 200' feet of the subject property. The total land area in opposition makes up 6.49% and would not require a super-majority vote.

Planning and Zoning Recommendation:

On November 10, 2020, the Planning and Zoning Commission recommended to unanimously approve 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 whose home is directly south and adjacent to the proposed project in opposition of the request (same person above in 'Citizen Input' that provided a letter to Staff).

Alternatives:

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

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