



Legislation Details (With Text)

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On agenda: 9/21/2021 **Final action:**

Title: PUBLIC HEARING: Consider an ordinance approving a zoning change application from Retail (R) to Planned Development SF-8.4 (PD-SF-8.4) for 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)

Attachments: 1. 092121_Beverly Grove PD_Ordinance, 2. 092121_Beverly Grove PD_Aerial and Zoning Maps.pdf, 3. 092121_Beverly Grove PD_Future Land Use Plan Map.pdf, 4. 092121_Beverly Grove PD_Exhibit A, 5. 092121_Beverly Grove PD_Staff Attachment A - HOA meeting minutes.pdf, 6. 092121_Beverly Grove PD_Staff Attachment B - Opposition Letters.pdf, 7. H-1 Beverly Grove PD Presentation

Date	Ver.	Action By	Action	Result
9/21/2021	1	City Council	close the public hearing	Pass
9/21/2021	1	City Council	table	Fail
9/21/2021	1	City Council	table	Pass

To: Mark Hafner, City Manager

From: Julie Smith, Community Development Director

Subject:

PUBLIC HEARING: Consider an ordinance approving a zoning change application from Retail (R) to Planned Development SF-8.4 (PD-SF-8.4) for 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)

Action Requested:

Conduct a public hearing and consider approving a Planned Development zoning change for approximately 11.38-acres from Retail (R) to Planned Development - Single-Family 8,400 square-foot minimum lots (PD-SF-8.4) for the Beverly Grove subdivision that consists of 33 residential lots and four open space lots.

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:

Planned Development Single-Family 8,400 square-foot minimum lot size (PD-SF-8.4)

Future Land Use Plan:

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

Background:

Casey Stevenson, Peloton Land Solutions (Engineering Firm), submitted an application to request a Planned Development (PD) zoning change. The Development proposes 33 residential lots (all lots to exceed 8,400 square-feet with an average lot size of 9,976 square feet) on approximately 11.38-acres with four open space lots. Per the Applicant, the price point for the homes is expected to start at \$600,000. The development proposes to include 2.21-acres (18.7%) of tree preservation with an added connection to the existing City trail along the west side of the proposed development. Live screening (including preservation of existing tree stands and natural understory) are to remain along the southeast corner, the interior, and the eastern edge of the proposed Planned Development.

The PD request proposes the following criteria:

Minimum Dwelling Size:

2,000 square-feet or greater (Meets the minimum dwelling size for SF-15.) Two-thousand square-foot homes exceed the SF-8.4 Zoning District minimum requirement of 1,400 square-feet.

Size of Lots:

1. Minimum lot area: 8,450 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 100-feet. The minimum lot area of 8,450 square feet exceeds the SF-8.4 minimum of 8,400 square-feet. The average lot area within the subdivision is 9,976 square feet.

Setbacks:

1. Minimum front yard: Twenty-five feet (25').
2. Minimum side yard: Ten percent (10%) of the lot width but no more than fifteen feet (15'); fifteen feet (15') from street right-of-way.
3. Minimum rear yard: Fifteen feet (15').

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

Maximum Lot Coverage:

The Applicant proposes forty percent (40%) for the primary structure; fifty percent (50%) total including accessory buildings, driveways, and parking areas.

The Applicant proposes to exceed the maximum lot coverage permitted for any zoning district; the SF-8.4 Zoning District requirements state a maximum lot coverage of thirty-five percent (35%) for the main buildings; fifty percent (50%) including accessory buildings, driveways, and parking areas.

Garage Requirements:

The Applicant proposes all residential lots provide a minimum of two (2) car garages. A minimum of

50% of the residential homes are to have J-swing garages and the remaining are to have front-facing garages. Additionally, any 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 J-swing garages.

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 hardiboard.

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

Landscaping:

The Applicant is proposing 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/screening wall easement on Rufe Snow Drive and a portion of Shady Grove Road.

No trees are proposed along Rapp Road due to the 15-foot sanitary sewer easement, because roots can impact the 12-inch sewer main. Bermuda sod with irrigation will be installed within all landscape easements including Rapp Road. 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 10-foot landscape/screening wall easement along Rapp Road in order to protect the sewer line.

Open Space:

The Applicant divided the 2.21 acres of open space (comprised primarily of a Post Oak Savannah) into three areas: a large area on the south side along the City Trail, an easily accessible area in the center of the neighborhood, and an added buffer along the east side adjacent to the neighborhood to the east. The Developer has also minimized the number of lots adjacent to the subdivision to the east.

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

Screening:

The Applicant proposes to install the following screening walls:

1. A 6-foot masonry screening wall on Rufe Snow Drive and on a portion of Shady Grove Road.
2. A 6-foot cedar fence on Rapp Road. (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.
4. The residential lots interior of the tree preservation areas shall install 5-foot iron fences.

Please see the Fence Diagram, located within 'Exhibit A - Application, narrative, and concept plan.'

Tree Preservation:

The Applicant proposes a 15-foot natural tree buffer between the Estates of Oak Run Phase I and Beverly Grove to maintain a buffer between the existing residential development to the east and Beverly Grove.

The Applicant is proposing to preserve the tree stand on the southeast corner, the interior, and east side of the residential development and will maintain the natural habitat.

Hike and Bike Trail:

The Applicant proposes to construct a 10-foot hike and bike trail on Rufe Snow Drive as identified in the City's Trail Plan. It will 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. There is a sidewalk currently on Shady Grove Road that will remain.

Drainage & Utilities:

The conceptual drainage and layout meets requirements.

Trip Generation:

The number of trips generated by this residential development does not trigger the TIA requirement. Retail uses generate more trips per day than if a residential use.

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.

Adjacent zoning is as follows:

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

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

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

West: R (Retail)

Citizen Input:

On August 3, 2021, the City mailed out 49 Letters of Notification for this City Council Public Hearing 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 by a zoom meeting with the HOA on March 31, 2021, to discuss the proposed development. See Staff Attachment A - HOA meeting minutes.

As of September 13, 2021, Staff has received seven letters within the 300-foot buffer and one email (outside of buffer) in opposition. See Staff Attachment B - Opposition Letters.

Planning and Zoning Recommendation:

On August 24, 2021, the Planning and Zoning Commission recommended approval by a vote of 4 - 3

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 have adjusted the lot coverage and an improved 5-foot landscape buffer within lots 10 and 11 accordingly.

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.

City Council Action

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.

Supporting Documents:

- Aerial and Zoning Maps
- Future Land Use Map
- Exhibit A - Application, narrative, and concept plan
- Staff Attachment A - HOA meeting minutes
- Staff Attachment B - Opposition Letters