



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 4, 2017

Re: Mill Creek Meadows Subdivision Plat 1 - Preliminary Plat, Design Adjustment (Case #17-119)

Executive Summary

Approval of this request would approve a preliminary plat for a 31-lot residential subdivision on R-1 zoned property, with a design adjustment to allow sensitive areas to be located on a developable lot.

Discussion

The applicant, Brush and Associates (agent) on behalf of Elias & Elias, LLC (owner), is seeking approval of a 31-lot preliminary plat on R-1 (One-family Dwelling District) zoned land, to be known as *Mill Creek Meadows Subdivision Plat 1*, and a design adjustment from 29-5.1 (b.2.iii), which requires areas identified as sensitive land to not be included on lots intended for development. The 15.57-acre subject site is located on the east side of Old Mill Creek Road, approximately 3,000 feet south of Nifong Boulevard, and addressed as 4700 S Old Mill Creek Road.

The requested preliminary plat includes the creation of 29 lots for single-family use, and two common lots. The common lots will contain the majority of the sensitive land areas located throughout the site, which includes Mill Creek. The preliminary plat also includes the future dedication of 33 feet of additional right of way for Old Mill Creek Road which is identified as a neighborhood collector on the Major Roadway Plan.

The applicant is also requesting that approximately 300 square feet of flood fringe be permitted to be located on a developable lot, which is not consistent with UDC Section 29-5.1 (b) (Avoidance of Sensitive Areas). Flood fringe and other sensitive areas are not permitted to be included on new developable lots, except under certain conditions, which have not been met.

At its November 9, 2017 meeting, the Planning and Zoning Commission considered this request. Staff presented its report and representatives for the applicant gave an overview of the request. Commissioners inquired why the 300-square-foot area of the flood fringe did not have an easement located on it, as had a previous similar request.

Staff responded that the area was included within a utility easement and the front yard setback of the subject lot which were both non-developable areas. Furthermore, the 300 square foot area would be elevated out of the flood fringe if, in the future, the roadway was extended to the east. Given those circumstances, staff did not see the need for the



additional easement as the intent of the UDC was being met by the other development constraints.

The Commission also questioned the need to extend Terzop Street (not shown on the CATSO MRP) to the east property line of the site, as it would impact a sensitive area (Mill Creek). Staff responded that the UDC requires the extension of streets to the edge of a property when it abuts undeveloped lands; however, acknowledged that that UDC contains provisions that would allow this provision to be waived to avoid sensitive features when an extension was not deemed necessary.

The decision to include the extension of Terzop to the east property line was seen as a logical addition to the MRP as an east/west neighborhood collector that would ultimately provide an extension of Southampton Drive which currently terminates at Sinclair Road. Staff acknowledged that the extension of Terzop would require a bridge structure and impact Mill Creek; however, if connectivity in this area were deemed to be a priority this connection was not inappropriate since a there would need to be a bridge constructed over Mill Creek at some point.

In regards to the Major Roadway Plan, there is a distance of approximately 1.2 miles between Vawter School Road and Crabapple Lane, which are the two nearest east/west roads shown extending between Old Mill Creek Road (and its future extension south) and Sinclair (although in the case of Crabapple, it is a planned extension). An additional east/west collector within the proposed subdivision would be consistent with the recommended one-half mile distance between major roadways. Since the street is not currently reflected on the MRP, a request could be made to CATSO for consideration of Terzop as a neighborhood collector, and it could be added to the MRP if deemed appropriate. Alternatively, if the street is not recommended for inclusion as a neighborhood collector or extension as a local residential street, the preliminary plat could be revised to include Terzop as a cul-de-sac.

Following additional discussion, the Planning and Zoning Commission voted (5-3) to recommend approval of the preliminary plat and design adjustment.

A copy of the Planning Commission staff report, locator maps, preliminary plat, design adjustment request, land analysis map, and meeting excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads and sewers, as well as public safety and solid waste service provision. Future impacts may be offset by increased user fees and property tax collections.



Strategic & Comprehensive Plan Impacts

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Infrastructure, Tertiary Impact: Not Applicable

Legislative History

Date	Action
7/2/2012	Approved annexation and permanent zoning to R-1 (Ord. #21352)

Suggested Council Action

Approve the preliminary plat for *Mill Creek Meadows Subdivision Plat 1* and the associated design adjustment as recommended by the Planning and Zoning Commission.