



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: February 5, 2024

Re: Amberton Place – Preliminary Plat (Case # 35-2024)

Executive Summary

Approval of this request would authorize the creation of a 122-lot preliminary plat to be known as, "Amberton Place." The subject property contains 60.26-acres and was recently annexed into the city. As part of the annexation, the property was assigned a mixture of residential zoning classifications. Of the 60.26 acres, 41.10 acres were zoned R-1, 14.47 acres were zoned R-2, and 4.69 acres were zoned R-MF. The proposed preliminary plat lot layout matches the proposed zoning designations and includes a mixture of single-family detached and attached housing types. The subject site is located at 3705 W. Gibbs Road.

Associated with this request is a development agreement (Case # 83-2024) that appears under separate cover on the Council's February 5 agenda. The agreement is proposed as a means of establishing off-site infrastructure obligations that must be completed to off-set the impacts of the proposed development. The resolution for approval of this plat contains specific language that stipulates a development agreement in substantial compliance with the one attached must be fully executed and recorded prior to any building or land disturbance permits being issued for subject site.

The attached development agreement has been executed by the current property owner and will be assigned to the developer of Amberton Place upon final sale of the property. The execution of the agreement signifies the property owner's and future developer's support of its contents. Inclusion of the special provision with the preliminary plat resolution was added to ensure that the contractual obligation between the property owner and the developer can be met. Without such provision, the approval of the preliminary plat would be delayed one Council meeting cycle given it is approved by resolution while the development agreement is approved by ordinance.

Discussion

Crockett Engineering (agent), on behalf of The Roxie Grant Revocable Trust (owner), seeks approval of a 122-lot preliminary plat located north of Gibbs Road containing 60.26 acres of land. On January 16, 2024, the Council approved the annexation and permanent zoning of the property (Ord. 025551). The proposed preliminary plat layout is tied directly to the permanent zoning of the subject site which contains 41.10 acres of R-1 zoning, 14.47 acres of R-2 zoning, and 4.69 acres of R-MF zoning. The R-1 acreage lies on the northern 2/3 of the parcel, and the R-2 and R-MF acreages are in the south and approximate middle of the parcel, respectively. The subject property is located on north of W. Gibbs Road, addressed 3705 W. Gibbs Road, and is presently improved with a single-family residence.



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As noted, the proposed lot arrangement is consistent with the approved permanent zoning districts. The applicant's zoning exhibit is attached for reference. The R-1 portion of the development will include 29 lots for detached single-family home construction. The layout of these lots was modified following the Planning Commission's review to meet Fire Code access remoteness provisions. The modifications shifted rear lot lines of 15 lots (Lots 46 through 60) within the R-1 area to the southeast. The revision was necessary to meet the following provision of Appendix D107.2 of the Fire Code which states:

“Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.”

The subject property proposes over 100 lots; therefore, it is subject to the Fire Code's remoteness standards. The revision ensures that this standard has been met.

The portion of the site zoned R-2 is intended to be improved with 54 cottage-style single-family detached homes subject to Board of Adjustment approval. If authorized, the lots would be authorized to have reduced dimensional standards in an effort to provide housing diversity. The R-MF portion of the parcel is proposed to be improved with 32 lots of attached single-family homes. This housing type is limited by Section 29-3.3(b) of the UDC to no more than 6 contiguous units.

Common lots are dispersed across the parcel with three placed within the vehicular turnarounds at the terminus of Roxie Court (C1), Abilene Drive (C4), and Alamance Drive (C5). Common lot C7 is centrally located on the south side of Delilah Drive, and is intended for open space purposes. Lot C3 is located at the southeast corner of the newly-created intersection of Barberry Avenue and the extended portion of Gibbs Road. This lot is intended as a buffer between W. Gibbs Road and a neighboring parcel to the south. Lots C2 and C6, are to be utilized for stormwater mitigation purposes, with each containing a detention basin. Lot C6 is also intended to house the required tree preservation area with the remainder to be maintained as natural open space.

The site is located within the City's Urban Services Area with access to all appropriate utilities. Utilities staff have reviewed the development and expressed no concern with the existing system capacities to serve the site as it is presently proposed. Utilities staff did note that if development further west of the subject site were to occur a watermain loop may be required.

Right-of-way is provided for an extension of W. Gibbs Road, a planned CATSO major collector roadway, through the site. The W. Gibbs extension will serve as the primary means of vehicular access to the development and provide a future connection to Stadium Boulevard, to the northeast. Public right of way is provided for all proposed internal roadways which includes the development's required second access to W. Gibbs/Barberry Avenue to



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the south. All rights-of-way are appropriately sized and are compliant with the standards of the UDC.

This development was required to submit a traffic impact study which is attached. The study's findings draw attention to sight distance issues in a number of locations; particularly at Barberry Avenue and Grayson Drive roughly 1/3-mile east of the subject site, the intersection of the west leg of W. Gibbs Road and the east leg of its future extension entering the site, and the northbound approach of W. Gibbs Road at its intersection with the future eastward extension. The northbound approach was assumed to require a stop sign for the purposes of the study. The study recommends that special care be given to providing adequate sight distance at these intersections, adding that if stopping distance cannot be provided for vehicles on through-streets, the intersections should operate under all-way stop control. The study further indicates that all intersections would operate at a LOS of 'A' if these recommended stop controls were installed.

The Planning & Zoning Commission considered the preliminary plat at their December, 21 2023 meeting. Commissioners sought confirmation that the proposed preliminary plat was consistent with the site plan submitted with the permanent zoning request. The applicant indicated only slight modifications were made that included addition of a temporary turnaround at the eastern terminus of the proposed extension of W. Gibbs Road, a shift in the W. Gibbs Road extension northward to point away from the existing home on the neighboring property to the east. The applicant also noted that the common lot that was planned at the northeast corner of W. Gibbs Road and Alamance Drive (Lot C7) was relocated to a more-central location to avoid potential conflicts for the neighbor to the east as well.

Commissioners complimented the applicant for providing diversity of housing options within the development and for working with neighboring property owners to address areas of concern. Commissioners made a motion to approve the proposed preliminary plat pursuant to minor technical corrections. The motion passed unanimously (8-0), one absent.

January 16, 2024 Council concerns (expressed during consideration of B312-23)

During consideration of the annexation and permanent zoning request, concerns were raised by members of Council regarding the need for additional roadway and pedestrian safety improvements associated with the proposed future development of the site. Council was not specific as to what improvements were desired; however, discussion among Council members indicated concerns that adjacent roadway design and pedestrian needs were not adequately addressed within the traffic impact study as described by the staff. Staff noted no development agreement had been prepared given the improvements called-out within the traffic analysis were believed capable of being handled as part of the site's future development.

In response to Council's concerns, staff and the applicant's agent discussed a number of potential off-site traffic improvements that may be appropriate to address development-



related impacts. These off-site improvements are expressed within attached development agreement, which the current property owner has executed, and include:

1. The applicant providing a **centerline profile design** for reconstruction of Gibbs Road and Barberry Avenue from the proposed W. Gibbs Road extension at the west entrance to the site, continuing east to Grayson Drive.
2. The applicant **designing a pedestrian connection** (sidewalk/trail), no less than 5-feet wide, from the development to Barberry Park approximately 1/3 of a mile southeast of the development. The pedestrian connection would include two pedestrian crossings. The first between the north and south sides of extended W. Gibbs Road and the second between the south boundary of the development to the south right of way of W. Gibbs Road/Barberry Avenue. The location of a pedestrian connection on the south side of W. Gibbs Road/Barberry Avenue may be assisted by existing common lots and easements provided with the recording of the Valley View Ridge, Plat No. 1.
3. The applicant performing the sight distance analysis for the intersections identified in the July 31, 2023 Traffic Impact Study by CBB Transportation Engineers + Planners. If the minimum stopping distance are not provided, Owner shall convert the intersections to be operated under stop control.

Given contractual constraints between the current property owner and its contract purchaser, there is insufficient time to fully enact an ordinance that would memorialize the terms of the attached development agreement. Given this constraint, the resolution associated with this action has been modified to include a special provision that prohibits the issuance of a building or land disturbance permit for the site without full execution and recording of a development agreement in substantial compliance with the attached agreement. Furthermore, terms within the development agreement state that no final plat associated with this preliminary plat can be recorded without full execution and recording of a development agreement in substantial compliance with the attached agreement.

The Planning and Zoning Commission staff report, locator maps, preliminary plat, rezoning graphic, traffic impact study, draft development agreement with exhibits, and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: Limited. All costs associated with the extension of public infrastructure systems will be borne by the applicant. Depending on construction completion, additional costs may be incurred for maintenance of newly installed infrastructure and increased public safety and service provision (i.e. trash collection). Incurred costs are dependent on subdivision development.



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Long-Term Impact: On-going maintenance of public infrastructure and provision of public safety and solid waste services. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Mobility, Connectivity, and Accessibility, Tertiary Impact: Infrastructure

Legislative History

Date	Action
1/16/2024	Approved annexation and permanent zoning. (Ord. 025551)
12/18/23	Annexation public hearing held.
12/4/23	Set a public hearing on the proposed annexation. (Res. R189-23)

Suggested Council Action

Approve the requested "Amberton Place," preliminary plat as recommended by the Planning & Zoning Commission with the technical adjustments to specified lots as noted.