



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 5, 2022

Re: 2304 Bluff Creek Drive – Design Adjustment (Case #109-2022)

Executive Summary

Approval of this request would result in the granting of a design adjustment to Section 29-5.1 of the UDC relating to development access and will grant a waiver consistent with that granted in 2014 and again confirmed in 2016 on the subject site. The underlying reason this request is being sought is due to the expiration of the 2016 Cotswold Villas @ Bluff Creek Estates PD Plan due to five years of inactivity.

This request is associated with a concurrent, under separate cover, request to approve a revised PD Plan and Statement of Intent (SOI) to the 2016 Cotswold Villas @ Bluff Creek Estates PD Plan. Given the proposed PD Plan and SOI revisions constitute a “major” amendment all prior waivers granted to the 2016 PD Plan are void and require reapproval in accordance with current UDC standards. The revised PD Plan and SOI, to be known as the “PD Planned Development of Bluff Creek Estates Plat No. 8”, will appear on the Council’s July 5, 2022 agenda and its approval is contingent upon approval of this request.

Discussion

A request by Crockett Engineering (agent), on behalf of Lyon Crest Properties, LLC (owners), seeking approval of a design adjustment to Section 29-5.1 of the UDC to allow waiver of the requirement that no more than a maximum of 30 lots or units to be served from a single point of access. A similar requested waiver (previously referred to as a “variance”) was granted in 2014 and again confirmed in 2016 for the subject property. At the time the prior requests were approved the maximum number of lots permitted off a single point of access was 100 lots. The subject site is located on the east side of Bluff Creek Drive south of its current terminus and is addressed 2304 Bluff Creek Drive.

It should be noted that an associated revision to the 2016 Cotswold Villas @ Bluff Creek Estates PD Plan and Statement of Intent (SOI) has been requested. The new PD Plan will be known as the “PD Planned Development of Bluff Creek Estates Plat No. 8” and its approval is contingent upon the requested design adjustment being approved. The new PD Plan and SOI are to be presented concurrently, under separate cover, on the Council’s July 5 agenda.

The subject site was rezoned from O-1 to PUD initially in 2014 and received approval a Chapter 25 (Subdivision) variance to the then existing maximum number of lots allowed within a subdivision having a single point of access. At that time, 100 lots was the maximum allowed before multiple points of access were required. The subject site underwent a “major” PUD revision in 2016 that changed the type of housing to be built and capped the



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site's maximum development lots to 44 single-family detached homes; however, the PUD plan showed 39 single-family lots. Given the change was a "major" revision the 2014 variance relating to access was required to be reapproved. Such reapproval was obtained; however, the 2016 plan has since expired after 5 years of development inactivity.

In 2017 following the UDC's adoption, the maximum number of lots permitted to be access from a single point of entry was changed from 100 to 30 lots or units. This revision is also codified in Fire Code (Chapter 9) of the City Code. Given the proposed 2016 PUD plan is expired and the applicant desire to pursue construction of less intense (now 36 lot) development, a waiver to the now existing maximum number of lots accessing a single entry point is required.

There are 68 existing single-family homes and/or platted residential lots currently accessing the intersection of Bluff Creek Drive and Lacewood Drive, north to Grindstone Creek. The proposed reduction in the number of dwelling units (44 to 36) on the revised development plan will bring the total number of dwelling units accessing this single point to 106. This condition is no greater than what was previously approved in both 2014 and again in 2016.

The issue of having a compliant secondary access to serve the subject site is exacerbated by the fact that the bridge crossing the Grindstone Creek has not been constructed and is no longer shown as a planned project for construction with the City's Capital Improvement Plan. This is a departure from what the roadway's status was in 2014 and 2016. Based upon review of the previously approved PUD plans and platting action establishing the subject lot, it would appear there was contemplation that acquiring the necessary right-of-way to facilitate the roadway's extension in lieu of other arrangements was seen as appropriate. These actions ensured that the extension of Bluff Creek could proceed forward, if and when, such an extension becomes a public priority and did not penalize the subject site based on matters beyond the developers control.

To ensure conformity with the provisions of Fire Code (Chapter 9) of the City Code, the applicant requested and received a waiver to the corresponding access restrictions from the Building Construction Codes Commission (BCCC) at their April 25th meeting. The relief granted was condition upon the installation of residential fire sprinklers within the proposed dwelling units. The relief granted also waived any requirement to sprinkle any other dwellings with in the overall Bluff Creek Estates subdivision. The condition for fire sprinkler installation within the proposed PD dwelling units is addressed upon the PD Plan specifically.

The Planning & Zoning Commission considered this request at their June 9, 2022 meeting. Following the staff report, the applicant and their representative gave an overview of the proposal and responded to Commissioner questions. Several written comments (attached) were submitted and several members of the public spoke in favor and in opposition to the request. Those favoring the request complimented the applicant on their outreach and favored the diversity the project would bring to the neighborhood in housing types. Those opposed cited concerns about increase in traffic, lack of compatibility with existing housing



types and possible reduction in property value, and lack of connectivity to the City's trail system.

Upon closure of the public hearing, the Commission made a single motion to approve the revised PD Plan and Statement of Intent as well as the requested design adjustment from Section 29.5.1 of the UDC. The motion was approved by a unanimous vote of 9-0.

NOTE: The concurrent, under separate cover, request to approve the revised PD Plan and Statement of Intent is contingent upon approval of this design adjustment.

A copy of the Planning Commission staff report, locator maps, PD Plan, Statement of Intent, Design Adjustment Worksheet, Applicant Correspondence, Approved 2016 SOI, Public Correspondence (supportive and opposed), and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: None.

Long-Term Impact: Minimal. Existing Bluff Creek Drive is designed to support the proposed traffic impacts. Potential impacts may be accelerated maintenance needs that may or may not be addressed through increased property tax collections, permit fees, and other user-fee collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Land Use & Growth Management, Tertiary Impact: Infrastructure

Legislative History

Date	Action
5/2/16/16	Approved revised PD Plan, revised Statement of Intent and lessor setback requirements. (Ord. 22803)
9/2/14	Approved rezoning, PD Plan, Statement of Intent, variance to Subdivision Regulation. (Ord. 22186)

Suggested Council Action

Approve the requested design adjustment to Section 29-5.1 relating to development access as recommended by the Planning and Zoning Commission.