



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 1, 2024

Re: Bever Estate – Final Plat (Case #134-2024)

Executive Summary

Approval of this request will result in the creation of a 1-lot final plat containing 6.24 acres located on the north side of Barberry Avenue west of Grayson Drive. Under separate cover is a request (Case # 134-2024) to grant a design adjustment from Section 29-5.1(d) of the UDC as it pertains to required sidewalk construction along subject site's Barberry Avenue roadway frontage. Approval of this requested final plat is subject to approval of the design adjustment.

Discussion

Luebbert Engineering (agent), on behalf of Garrett Bever (owner), is seeking approval of a 1-lot final minor plat, which would establish legal lot status on the subject 6.24-acre parcel and allow the issuance of a residential building permit for the property. The applicant has also submitted a concurrent request for a design adjustment to the requirements of Section 29-5.1(d) of the UDC requiring construction of sidewalks on all street frontages of newly platted lots. This request appears on the Council's July 1 agenda as a separate agenda item. Approval of the final plat is contingent on Council's approval of the design adjustment, so the proposed plat complies with the requirements of the UDC.

Access to the property from Barberry Avenue is planned to be within a 20-foot access and utility easement at the southeast corner of the parcel, crossing the neighboring property. This easement was dedicated by the neighboring property owner in July of 2023, and was secured to permit greater sight distances for the driveway that would serve the proposed lot. Additional right-of-way is dedicated on the plat for Barberry, at varying widths, to accommodate a larger radius for the roadway curvature along the subject tract's frontage. A standard 10-foot utility easement is also dedicated along the Barberry frontage. Sewer, water, and electric are all present along Barberry Avenue at or near the southeast corner of the parcel where connections are planned within the standard easement.

A 20-foot electric easement contains overhead power lines that cross the property at an angle roughly parallel to Barberry Avenue, until the street curves to the west and the power lines continue across the road to the southwest. This easement was not located during title research on the property; therefore, it is rededicated by this plat. The required Type II stream buffer is also denoted on the plat for an unnamed tributary to Perche Creek that lies across the northern end of the parcel. Chapter 12A requires a 50-foot buffer on either side of the channel, but the applicant has provided an additional 25 feet to address concerns about steep slopes in the vicinity, which is in accordance with the chapter. All appropriate



easements and right-of-way are accounted for and the plat is generally in compliance with the provisions of the UDC.

On May 9, 2023, the Planning & Zoning Commission considered this request. Staff presented its report, which was inclusive of both this platting request and the associated design adjustment relating to sidewalk installation. Following the staff report, the applicant’s representative gave an overview of the request primarily focused on the design adjustment. The applicant then spoke on his own behalf, and a neighbor who lives in the nearby residential neighborhood on Grayson Drive spoke in support of the request.

Commissioners discussed a number of issues in regards to the design adjustment, there was no further discussion of the platting action. The Commission made a motion to approve the final plat which passed unanimously (7-0).

A copy of the Planning and Zoning Commission staff report, locator maps, final plat, land analysis map, significant tree survey, design adjustment worksheet, and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the applicant.
Long-Term Impact: Public infrastructure maintenance associated with sanitary sewer as well as public safety and solid waste service provision. 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: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

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

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

Approve the final plat of, "Bever Estate," as recommended by the Planning & Zoning Commission.