



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** January 24, 2023

**PREPARED BY:** Otis T. Spriggs, AICP, Director of Development Services

**AGENDA CONTENT:** Discussion and possible action on a proposed Concept Plan for Whispering Oaks Subdivision, for 49 lots, 2 Blocks, on 28.203 acres located north of Western Avenue and east of Heritage Oaks Drive.

**AGENDA ITEM SECTION:** Regular Agenda

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**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

### EXECUTIVE SUMMARY:

The developer of property located north of Western Avenue and east of Heritage Oaks Drive (Attachment 1) submitted the concept plan consideration for Whispering Oaks Subdivision.

The proposed land plan (Attached) consists of 49 single family residential lots having typical lot dimensions of 100 feet of width and 130 ft. of depth, a central detention pond and two areas designated as "park areas." The subject property is in the Single Family Residential 7.2 zoning district which has minimum lot dimension of 60 feet of width, 100 feet of depth and 7,200 square feet of lot area. The proposed land plan exceeds those minimum requirements, and the density is 1.73 dwelling units per acre.

Section 23-11.I requires the following: 1. All subdivisions containing 30 or more lots must have at least two points of 100-year storm compliant public access constructed to ACM standards, that connect to paved public streets. 2. The city council may approve subdivisions that have more than 30 lots, but fewer than 50 lots, with a single entrance to a paved public street provided that such connection to an existing paved public street is designed as a boulevard with a width sufficient on each driving lane for fire truck access, with an unbroken median length of 100 feet, unless left-turn lanes and median breaks designed to ACM standards, are installed at any crossing streets. 3. The city council may approve subdivisions that have more than 50 lots, with a single entrance to a paved street subject to the entrance to the development being designated as a boulevard with a width sufficient on each driving lane for fire truck access, with an unbroken median length of 150 feet, unless left-turn lanes and median breaks, designed to ACM standards, are installed at any crossings, subject to a phasing plan that stipulates when the second access will be provided and the developer or subdivider posts surety for the second access point. The council may defer plat recordation until adequate access is provided.

To meet the boulevard entrance requirement the developer proposed a revised cross-section (Attachment 4) for the existing stub street that is the proposed entrance into the Whispering Pines project. After input from Fire Chief Scott Meyers, EMS Director Lucille Maes, and Police Chief Guadalupe Valdez, the consensus staff direction to the developer in regard to the proposed entrance cross-section was the following: 1. Widen the pavement to 48 feet in width and remove the median due to the property owner to the south taking driveway access to the existing stub street. 2. Post "No Parking" signs along the entrance into the Whispering Pines project. 3. The curbs be rollover curbs.

Pursuant to Section 23-104 D.3. applicants are encouraged as part of the plan submittal contents to "Cite any design deviations that are contemplated. Without such declarations it is assumed that the project will comply with all applicable development requirements." While no design deviations have been cited, the boulevard entrance requirement has been a topic of discussion with the applicant. Unfortunately, even if a design deviation as proposed by the previous 80 lot development were specifically requested for the boulevard entrance, staff would advise that the Commission not address that deviation. Such a deviation is a variance of the requirement of Section 23-11.1.2 and variances requested as part of a residential replat (which this proposal would be) must comply with the requirements of the Texas Local Government Code (LGC). LGC Section 212.015.(a).(1) requires conformance with LGC Section 212.015 if during the preceding five years, any lot in the preceding plat was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot. The subject property is in the (SF-7.2) district which limits the number of residential units per lot to one.

**Staff Comments/Conditions:**

1. That the applicant shall submit a preliminary plat for the subject property prior to any construction plans being submitted for consideration.
2. The applicant shall satisfy the requirements of the Heritage Tree Ordinance and the Parkland Dedication Regulations.
3. The Boulevard Style Entrance deviation should be approved as to concept and form, subject to formal procedures being completed with the Preliminary Plat Submittal.

**Recommendation:** The Planning Commission voted unanimously (7-0) to approve the Concept Plan and forwards this application to the city council for final consideration and appropriate action.