



# Planning and Zoning Commission

## Planning Department Staff Report

**Planning and Zoning Commission Meeting:** August 25, 2020

**Project No:** VAR2020-0016

**Project Planner:** Robyn Miga, Consulting City Planner

### Item Details

**Project Name:** Rill Subdivision Flag Lot Waiver

**Property Location:** 611 Butler Ranch Road

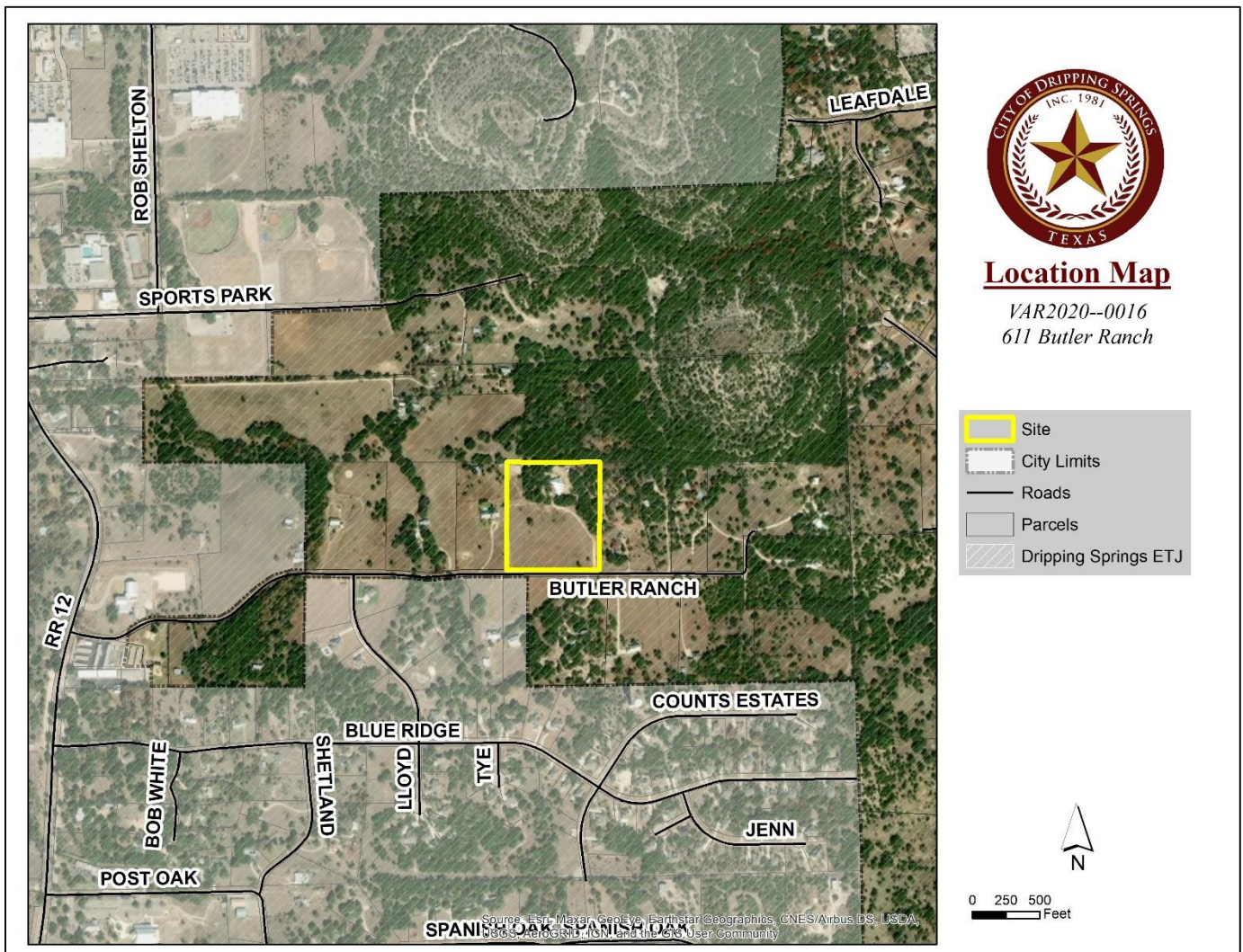
**Legal Description:** Approximately 13 acres located in the Philip A. Smith Survey, Abstract No. 415

**Applicant:** Jon Thompson, J. Thompson Professional Consulting, LLC

**Property Owner:** Sean & Lori Rill

**Request:** Applicant is requesting a waiver from Chapter 28, Subdivision, Section 14.3 regarding irregular shaped lots, to subdivide a property utilizing flag lots which is processed under Subdivisions, Section 1.6.6.

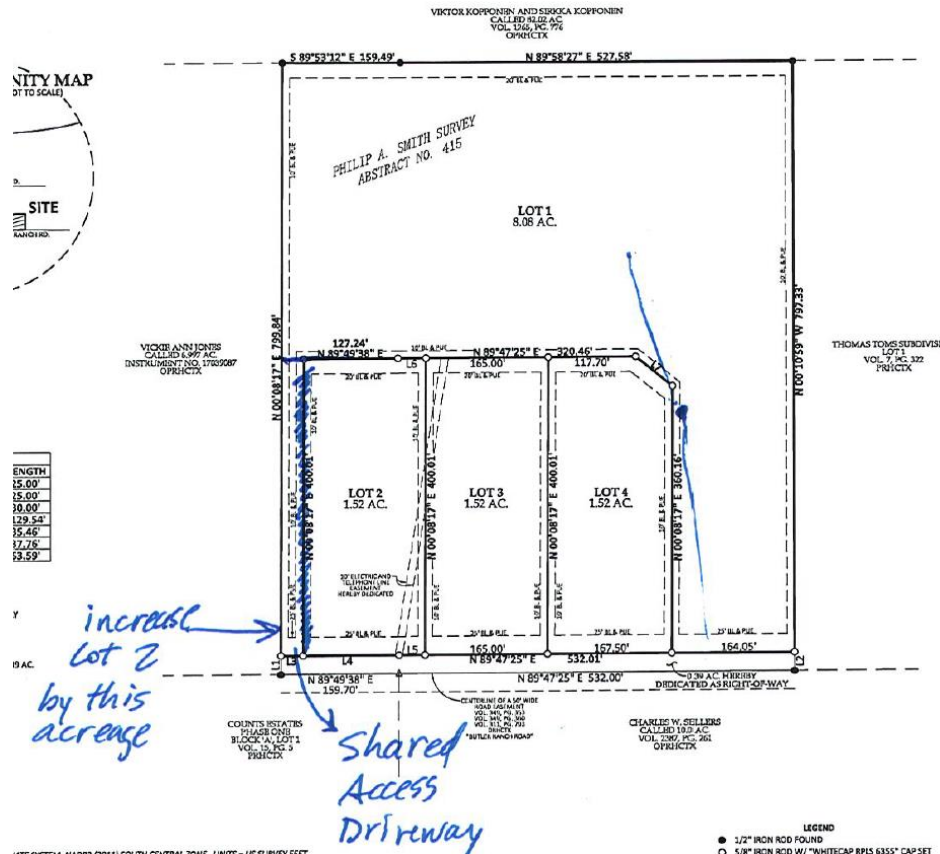
**Staff Recommendation:** Staff recommends denial of the Waiver request to the City Administrator



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## Overview

The applicant has applied to subdivide approximately 13 acres into four individual lots. The front three lots would be approximately 1.5 acres each, with a rear tract of approximately 8.08 acres, which would have an access drive on the east of the three lots, creating an irregular shaped lot/flag lot, which is prohibited by the City's Code of Ordinances.



The City's Code of Ordinances, found in Chapter 28, Subdivision, Section 14.3, states that flag lots are prohibited, and that the city reserves the right to disapprove any lot which, in its sole opinion, will not be suitable or desirable for the purposed intended, which is an obvious attempt to circumvent the purpose and intent of lot or unit configuration or lot or unit width minimums, or which is so oddly shaped as to create a hindrance to the logical lot or unit layout of surrounding properties. Section 1.6 of the Subdivision Ordinance states that exceptions related to Irregular-Shaped Lots are processed as administrative waivers under 1.6.6(m).

While the entry point to the rear lot does meet the minimum lot frontage requirement of 30', the subdivision would allow for a flag lot that does not make sense for the natural flow of the subdivision and Butler Ranch road.

Flag Lot definition:

Lot, Flag: A lot located behind another lot connected to the street by an area narrower than the full lot width. Also known as a panhandle lot.

## Surrounding Properties

The property is located in the city's extra territorial jurisdiction (ETJ), and many of the adjacent properties are also in the city's ETJ. There is a small portion of the area zoned SF-1.

## Property History

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The applicant has not made any other requests before the Commission, but should this waiver be approved, the applicant will be moving forward with a subdivision plat. The Waiver is analyzed under 1.6 Waivers of the Subdivision Ordinance.

### Approval Criteria for Waivers (1.6-Subdivision Ordinance)

Approval Criteria	Staff Comments
1. Granting the waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity	While granting this waiver may not be detrimental to the public safety, health, or welfare, and will not be injurious to other property per se, it does not create an orderly subdivision of property. While the potential property owners who would be aware of the conditions when purchasing the frontage lots, it is once the rear property is contemplated for future development or subdivision that this may create issues in the future. The code speaks against the creation of flag lots, which does not make for orderly development.
2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought, and are not applicable generally to other property; and	The applicant is requesting the waiver because there is an existing home on the Lot 1 today. Subdivision could be possible with-out the waiver. The applicant has not presented a hardship.
3. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and	The applicant has not presented any topographic or physical conditions on the site that would create an undue hardship to the property owner should they not be granted the waiver.
4. The waiver will not in any manner vary the provisions of the Zoning Ordinance, Planned Development District Ordinance, or Comprehensive Plan, or any other adopted plan(s) or ordinance(s) of the City	This property is located in the city's ETJ and will not be subject to the provisions of the zoning ordinance.
5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein	The applicant could configure the lots in such a way that the irregular shaped lot is not necessary, therefore meeting the City's Code criteria against irregular shaped lots/ Flag Lots.
6. The waiver will enable the applicant to preserve more native trees, provide more open space, or ensure more wildlife preservation than would be possible complying with the strict mandates of this Chapter.	Not applicable to this subdivision.

### Summary and Recommendation

Based on the above findings Staff believe that the intent of the code is not being met, and that granting the waiver will cause harm to the properties within the vicinity and the lots requesting the variance. **Staff recommends denial of the waiver request to City Administrator.**

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## Public Notification

Notice was placed on the City Website

## Attachments

Exhibit 1 – Waiver Application

Exhibit 2 – Image of Lots

Exhibit 3 – Public Comments

Recommended Action	No action required by the Commission; recommendation will be made to the City Administrator.
Budget/Financial impact	N/A
Public comments	Staff has received comments from seven (7) residents in this neighborhood who are all opposed to this waiver request.
Enforcement Issues	N/A
Comprehensive Plan Element	N/A