



Date: April 11, 2022
 To: City Council
 From: Ellen Hardgrove, City Planning Consultant
 Allen Lane, City Engineering Consultant
 XC: Sandy Riffle, Interim City Clerk
 Brett Sollazzo, Administrative Assistant
 Drew Smith, City Attorney
 Re: Proposed Replat of Lots 14 and 15, Block A, Oak Lynn Second Plat, Plat Book W, Page 97

This is a review of a proposed replat of two lots of the Oak Lynn Second Plat: Lots 14 and 15 Block A as recorded in Plat Book W, Page 97, as copied to Exhibit 1. No additional lots are proposed. The proposal is to move the existing line between Lots 14 and 15 to provide existing Lot 14 with lake frontage as shown in Exhibit 2.

Exhibit 1 – Subject Property/Oak Lynn Second Replat (platted in 1958)

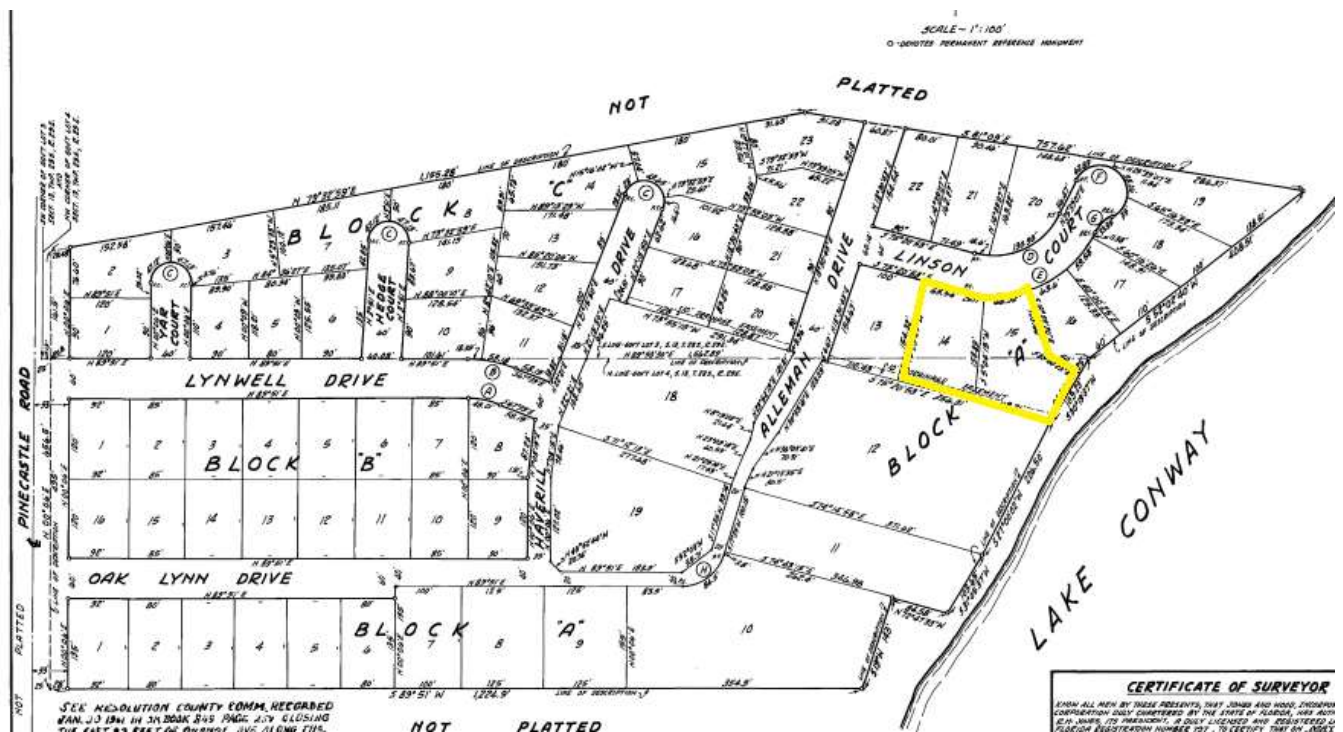
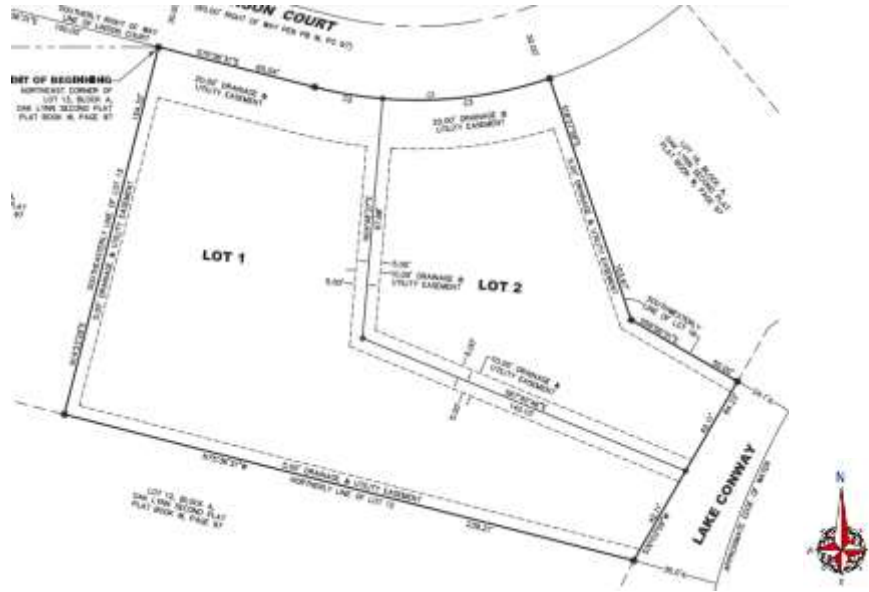


Exhibit 2 – Proposed Replat



Code Section 126-61 provides an exemption to the full subdivision review process when no new streets, water, sewer or drainage structures are involved. Such is the case for the proposed replat. The proposed preliminary and final subdivision plan (the plat) can be considered simultaneously.

Lot 14 is currently 16,528 square feet and proposed to be, as Lot 1, increased to 23,081 square feet; Lot 15 is currently 19,654 square feet and is proposed to be, as Lot 2, decreased to 13,108 square feet. Both are zoned R1AA. Both new lot configurations meet the R1AA minimum lot area (10,890 square feet).

A house exists on each lot. The proposed new lot line will clip two corners of the house on existing Lot 15 (to become Lot 2), as shown in Exhibit 3. The applicant has stated that the existing house will be demolished if the replat is approved, eliminating a potential nonconforming situation.

Exhibit 3 – New Lot Line Clips Existing House



A new house can be constructed to meet the minimum R1AA site standards, which are shown in the table below.

R1AA Site Standards		Proposed Lot 14	Proposed Lot 15
Minimum Lot Size	10,890 square feet	23,081 square feet	13,108 square feet
Minimum Lot Width	90 feet	No change	No change
Minimum Front Yard	30 feet*	No change	Will be able to meet
Minimum Rear Yard	35 feet	No change	Will be able to meet
Minimum Side Yard	10 feet	No change	Will be able to meet
Minimum House Size	2,200 square feet	No change	Will be able to meet
Maximum Impervious Surface	45%	Existing impervious surface percentage decreases with new lot area	Can be met while meeting the minimum house size
Minimum setback from Normal High Water Line (NHWL)	50 feet	Existing house exceeds the minimum	An effective building envelope is possible outside the NHWL minimum setback
*Per Code Sec. 126-168(8), for Lot 15, the front building setback is the distance required to meet the minimum lot width of the zoning district since it is an irregular shaped lot.			

There is some question from the applicant as whether the new line for Lot 2 will be treated as a rear or side. In either case, an effective building envelope is created. The applicant’s preference is for Council to make a determination that the new line on Lot 2 will be a “rear lot line” to preserve the lake view from new Lot 1 (Lot 14 of the existing plat).

The City Engineer and CPH Surveyor reviewed the submitted survey and plat and identified several necessary changes that were presented to the Planning and Zoning Board. With these changes, the Planning and Zoning Board recommended approval.

To the extent necessary, the requested changes have been completed as reflected on the survey and plat in the Council’s agenda package. The plat submitted is consistent with Code Section 126-190 as confirmed by the City’s attorney.

A couple of minor changes need to be made before recording but do not impact staff’s recommendation for approval. These include a type-over on the survey, and the inclusion of found concrete monuments on the plat (per the survey). In addition, CPH has a concern related to the preservation of drainage flow from Lot 13 (west of the subject property) to Lake Conway. The submitted Boundary Survey, dated March 29, 2022, shows a 10 foot drainage easement from Lot 13 and extending through Lots 14 and 15, east, to Lake Conway. The replat of Lots 14 and 15 to new Lots 1 and 2 shows a 10 foot Drainage and Utility Easement running the full length of new Lot 1 to Lake Conway. One of the General Notes on the plat, Note 3, states “The Drainage and Utility Easement shown hereon is to be owned and maintained by the owners of Lots 1 and 2.” The notes on the new plat do not reference the drainage from Lot 13. As a condition of approval of the new plat for Lots 1 and 2, a note needs to be added to the plat to provide for the allowance of the drainage from Lot 13 through the Drainage and Utility Easement shown on Lot 1.

In addition to replatting, the applicant is requesting a variance in how the front yard setback will be applied for the new construction on new Lot 2. Because it is an irregular lot configuration the front setback would be where the lot meets the minimum R1AA width (approximately 44 feet from the front property line) if the new line is treated as rear. If treated as a side, the front setback would be at an unusual configuration. The applicant is requesting the front setback be measured as a standard R1AA lot would be measured; i.e., 30 feet from the front property line. Both staff and the Planning and Zoning Board support approval of this variance.

It is interesting to note that had the lot line not moved, a newly constructed home could have been built at the 30 foot setback without the need for a variance. The subdivision was platted in 1958, prior to City subdivision regulations requiring a different method of determining front setback for irregular shaped lots. Such was the case on the other houses on irregular lots on Linson Court, including the house directly to the east. The replat requires conformance with current land development regulations, thus the need for a variance.

The standards for granting a variance from the subdivision regulations, Code Section Sec. 126-168(8), have been met. Granting the variance would make possible the reasonable use of the land, would be in harmony with the general purposes and intent of subdivision rules, and will not be injurious to the surrounding territory or otherwise be detrimental to the public welfare.

Suggested Motions:

Approval of the plat as dated Received March 30, 2022 conditioned on prior to recording the plat,

- 1) the minor changes noted by CPH on the survey and plat shall be corrected;
- 2) a note shall be added to the plat to provide for the allowance of the drainage from Lot 13 through the Drainage and Utility Easement shown on Lot 1; and
- 3) the house on new Lot 2 shall be demolished.

In addition, the City recognizes the newly created lot line is a rear yard line of Lot 2 for setback purposes.

Approval of a variance in Code Section 126-168(8) to allow the measuring of the front building setback for Lot 2 of the Samolly Park Plat consistent with a regular lot; i.e., the standard front R1AA building setback shall be applied as measured from the front property line.

END