

## Legislation Details (With Text)

**File #:** 20-262 **Name:**

**Type:** Plat **Status:** Individual Item Ready

**File created:** 3/24/2020 **In control:** Planning Commission

**On agenda:** 4/7/2020 **Final action:**

**Title:** Consideration of a waiver to Section 118-45(b) of the Platting Ordinance for Legend Pond - Legend Point, Phase 8 to allow Lots 17-21, Block 8 to have less than the minimum street frontage requirement.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Waiver Request, 3. Lot Exhibit, 4. Final Plat

Date	Ver.	Action By	Action	Result
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Presenter/Contact

*Applicant: Jacobs Engineering Group; Owner: KB Home Lone Star, Inc.  
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**SUBJECT:**

Consideration of a waiver to Section 118-45(b) of the Platting Ordinance for Legend Pond - Legend Point, Phase 8 to allow Lots 17-21, Block 8 to have less than the minimum street frontage requirement.

**Plat Information:**

**Case No.:** Plat Waiver for FP20-0026

**Applicant:** Jacobs Engineering Group (Michael Husek)  
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**Description:** Street frontage waiver request for Lots 17-21, Block 8

The subject property is located south of West Klein Road, east of FM 1044 and west of Walnut Avenue. The Legend Pond Master Plan and zoning of "Legend Pond" Planned Development District were both approved in 2002. Both have been amended several times since then. The preliminary plat for Legend Pond - Legend Point, Phase 8 was approved in February of 2019 and consists of 90 proposed single-family residential lots. The final plat for Phase 8 consists of 92 single-family residential lots and was conditionally approved on March 3, 2020, with the condition that all lots were required to meet the platting standards.

In response to that condition, the applicant has submitted a waiver to the street frontage requirement that will allow for the creation of 5 residential lots that do not meet the minimum street frontage requirement of 36 feet. The applicant has indicated a desire to allow the same number of lots that are indicated in the approved Concept Plan for the Planned Development District. Development standards are submitted with concept plans for review and approval. Proposed lots shown on concept plans are not reviewed for compliance with development standards as their inclusion is conceptual and no detailed measurements for the lots are provided. The applicant also noted that with the dedication of right-of-way along Klein Meadows and changes in GBRA sewer easement requirements, the expected number of lots could not be achieved within the subdivision while meeting street frontage requirements. The waiver criteria are provided below in Commission Findings.

A Lot Exhibit that includes building envelopes and likely driveway locations has been submitted (see attachment 4) that also shows the potential arrangement of on-street parking spaces. Proposed Lot 17 has approximately 17 feet of street frontage where Lots 18-21 each have approximately 34 feet of street frontage. As shown, the layout would allow for at least one on-street parking space for each residential lot within the cul-de-sac.

### **Commission Findings:**

The Planning Commission shall not approve a waiver unless it makes findings based upon the evidence presented to it in each specific case that:

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;
2. 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; or an alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein; and
3. The waiver will not in any manner vary the provisions of the Zoning Ordinance or other ordinance(s) of the City.

### **Staff Recommendation:**

Staff recommends denial of the street frontage waiver as requested. The approved preliminary plat contains 90 single-family residential lots in compliance with platting code requirements. There does not appear to be any unique factors impacting the subject property. Additionally, the reduced street frontage for the requested 5 lots could result in challenges to the spacing for on-street parking,

maneuvering onto lots and the ability to expand driveway aprons.

If the waiver is denied, the applicant will need to revise the conditionally approved final plat prior to recordation to be in compliance with platting standards.

Should the Planning Commission approve the requested waiver, staff recommends the developer shift the proposed driveways for Lots 16 & 17 eastward to provide additional maneuvering space at the driveway apron for Lot 17.

**Attachments:**

1. Aerial Map
2. Waiver Request
3. Lot Exhibit
4. Final Plat