



# City Council Agenda Item Summary Report

**Meeting Date:** August 7, 2018

**Submitted by:** P. Morgan

**Consent**

**Public Hearing**

**Action Item X**

**Item Title:** Discuss and consider approval of a final plat for Eagle Ridge, Phase 4, located southeast of the intersection of Ridgecrest Road and Longhorn Lane in the City of Forney, Texas.

**How this item ties-in with the City's Mission, Vision and Values:** Subdivision design standards are intended to preserve the health and safety of citizens while complying with Texas Local Government Code requirements.

### Summary Statement

Mr. James Harrington, representing the property owner, requests approval of a final plat for Eagle Ridge, Phase 4. The final plat consists of 39.885 acres of land located southeast of the intersection of Ridgecrest Drive and Longhorn Lane. The purpose of the request is to establish the necessary boundary and easements for single-family residential development of the property.

**Image 1: Location Map**



### **Current Standards:**

The property is currently zoned within the Hamden Estates / Eagle Ridge planned development, located south of Ridgecrest Road. This is the final phase of the Eagle Ridge single-family residential subdivision. The 39.885-acre property is currently vacant and undeveloped. The preliminary plat for the property was approved by City Council on October 21, 2008, and the property has developed in phases since that approval.

### **Final Plat:**

The final plat consists of 108 residential lots, 10 open space lots, and 39.885 acres of land. Approval of this final plat is regulated by Ordinance No.1043, the City of Forney Comprehensive Zoning Ordinance and the Subdivision

Ordinance. The Planned Development allows for a minimum lot size of 6,820 square feet and requires an average lot size of 7,500 square feet. All phase 4 lots meet the 6,820 square foot minimum. The average lot size for phase 4 is 8,129.27 square feet. The average lot size for the entire subdivision, including phase 4, is 8,070.52 square feet.

The subdivision is required to provide payment of roadway impact fees (\$1,214.07 per lot), water impact fees (\$926 per lot) and wastewater impact fees (\$3,255 per lot).

The final plat does show layout changes from the approved preliminary plat. There is a gas easement that runs diagonally across the property. The preliminary plat had assumed that the gas line could be relocated. The applicant is now unable to come to an agreement with the utility company and requests to move forward with the proposed layout. The lack of conformance with the preliminary plat is in opposition of City of Forney Subdivision Ordinance Section 2.5(e), which states:

“e. Standards for Approval. No final plat shall be recommended for approval by the Planning and Zoning Commission or approved by City Council unless the following standards have been met:

1. The plat substantially conforms with the approved preliminary plat and other studies and plans, as applicable;”

The park land dedication requirements for residential development are provided by the City of Forney Code of Ordinances. At the time of preliminary plat approval, Chapter 10, Article 10.02, Section 4.4 stated that land shall be dedicated at a rate of not less than two acres of park land per 100 ultimate dwelling units. If the City Council determines that the dedication of land is unacceptable, the developer shall deposit money in lieu of the dedication of land at a rate of \$1,200 per single-family dwelling unit. However, the Eagle Ridge subdivision operates under the rights granted by the Hamblen Estates planned development ordinance and the preliminary plat that was approved by City Council on October 21, 2008. The approved preliminary plat allows for a park land dedication of 4.07 acres adjacent to Mustang Creek.

The applicant originally proposed a land dedication of 4.20 acres that was spread out along the gas easement. However, the location of the dedication did not match the approved preliminary plat. Mr. Harrington’s application submittal letter states that “It had been anticipated that the 4.07 acres of park land would be adjacent to Mustang Creek. However, that plan included relocating the existing Atmos 6-inch high pressure gas. After much coordination with Atmos relocating the existing gas line is no longer a viable option.” On June 20, 2018, the Parks and Recreation Board declined acceptance of the land dedication proposal. The Parks and Recreation Board recommended acceptance of fees in lieu of, which will require the fee payment to be for the total number of lots within the planned development. The open space areas along the easement are now shown as HOA lots.

On July 5, 2018, the City of Forney Planning and Zoning Commission voted 7-0 to deny the plat, stating that the plat does not meet the preliminary plat, planned development ordinance, or park land dedication requirements.

**Accessibility:**

The plat shows one new connection to Ridgcrest Drive from Eagle Ridge Road. Two connections are made to the existing subdivision phases east of the property.

**Future Requirements:**

If the final plat is approved, future development of the property will require approval of:

1. Building Plans (staff approved)

**RECOMMENDED ACTION**

On July 5, 2018, the Planning and Zoning Commission voted 7-0 to recommend denial, stating that the plat does not meet the preliminary plat layout, planned development ordinance requirements, or parkland dedication requirements. The Zoning Ordinance states that any overturn of a recommendation for denial by the Planning and Zoning Commission requires a super majority vote by City Council.