



## PLANNING AND ZONING COMMISSION MEMORANDUM

**FROM:** Planning & Zoning Department    **DATE:** August 17, 2023

**SUBJECT:** ZC23-0076 Public hearing and consideration of a request from H Creek Development for a special use permit for a detention pond at 8340 Shady Grove Road, being a 2.023 acre portion of a property described as Lot 1, Block 1, Pace Acres Addition; Tracts 1 and 2, Thomas Peck Subdivision; and Tract 3, Thomas Peck Survey, Abstract 1209.

**PRESENTER:** Clayton Comstock, Planning Director

### **SUMMARY:**

H Creek Development is requesting a special use permit for a detention/retention storage facility associated with the final plat of Shady Grove Addition. The property is located on the south side of Shady Grove Road and east of Franklin Court.

### **GENERAL DESCRIPTION:**

The applicant is requesting approval of a Special Use Permit to authorize the use of a retention pond on the site. Section 118-729 of the Zoning chapter and Section 102-124 of the Floods and Stormwater Management chapter of the Code of Ordinances establish the requirements and standards for the Special Use Permit. The use of all detention or retention ponds requires approval of a Special Use Permit.

The Shady Grove development lies at the confluence of two FEMA-identified tributaries to Little Bear Creek: LB-2 and LB-2-1. The contributing drainage area is approximately 200 acres, with roughly 140 acres originating north of Shady Grove Road in the city of Keller. Current FEMA mapping encumbers 5.8 acres of the 18.73 acres with Zones A and AE 1% Chance (formerly 100-year) floodplain. The receiving drainage system to the south is comprised of a gabion-lined channel between Spence Court and Parkbrook Court, then crosses under North Tarrant Parkway in box culverts. The system was sized with the assumption of upstream residential development, so there are no capacity concerns.

The proposed drainage design of the Shady Grove development includes the use of a retention pond, which would be located at the southwest corner of the development in an open space lot.

### ***Detention Pond***

City codes allow for detention ponds if the proposed development is discharging stormwater into a developed downstream system that does not have the capacity to handle the runoff. During the evaluation of the site and the existing conditions of the area,



the applicant concluded that a retention pond with additional detention capacity would be beneficial for effective storm water flow through the site.

One detention/retention storage facility is proposed in the development. The facility will be constructed on Lot 25X, Block 3, which is an open space lot that will be owned and maintained by the homeowner's association. The facility is in the southwest corner of the development. The pond is intended to be a wet pond with a water depth of approximately eight feet and be aerated through use of a bubbler or fountain.

### ***Landscaping***

Zoning standards require that all retention ponds be landscaped. A landscape plan for the pond area is attached. Landscaping improvements include a five-foot wide walking trail that circles the pond and the planting of eighteen (18) bald cypress trees and eight (8) live oak, red oak, or cedar elm trees. Existing trees located on the property boundary are intended to remain on the site.

### ***Maintenance***

The property owner is responsible for the maintenance of the pond and all associated landscaping. A formal maintenance agreement will be executed as part of the approval of the special use permit. Generally, the agreement will require the owner to mow and maintain all grass and landscaping, remove trash and debris once a week, remove silt from the basin or outlet structures as necessary, and repair any decorative fencing. The agreement runs with the property and applies to any future owner or user.

### ***Special Use Permit***

The proposed conditions of approval for this special use permit are attached. Applications for special use permits provide an opportunity to address modifications to specific site development and building design standards for the site. These conditions are based on the applicant's proposed development of the property. These conditions may be modified throughout the public hearing process, but they are subject to final approval by City Council.

**LAND USE PLAN:** This area is designated on the Land Use Plan as Low Density Residential. This designation promotes quality neighborhoods of conventional suburban single-family detached homes. General characteristics of these neighborhoods include a density of two to six dwelling units per acre and houses of one- and two-stories.

**CURRENT ZONING:** The property is zoned R-2 (Single-Family Residential). This district is intended to provide areas for low density development of single-family detached dwelling units which are constructed at an approximate density of 4.0 units per acre.

**PLAT STATUS:** The property is currently described as Lots 1 and 2, Thomas Peck Subdivision; Lot 1, Block 1, Pace Acres Addition; and Tract 3, Thomas Peck Survey, Abstract 1209. A final plat of the property was approved by the Planning and Zoning Commission at the August 3, 2023, meeting. One of the conditions of approval of the final plat was receiving approval of the special use permit for the retention pond.



**SURROUNDING ZONING | LAND USE:**

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	City of Keller SF-20 City of Keller SF-36	High-Density Single Family Low-Density Single Family	Single-family residences
WEST	R-1 (Single-Family Residential)	Low Density Residential	Single-family residence (under construction)
SOUTH	R-2 (Single-Family Residential)	Low Density Residential	Single-family residences
EAST	R-2 (Single-Family Residential)	Low Density Residential	Single-family residences

**CITY COUNCIL:** The City Council will consider this request at the August 28, 2023, meeting following a recommendation by the Planning and Zoning Commission.

**RECOMMENDATION:**

Approve ZC23-0076.