



PLANNING AND ZONING COMMISSION MEMORANDUM

FROM: Planning & Zoning Department **DATE:** June 6, 2024

SUBJECT: PLAT23-0045 Consideration of a request from Hat Creek Development for an exception to Section 110-367(f) of the Subdivision Ordinance to allow underground utility service lines to be located at the front of the lots in the Shady Grove Addition, being 18.73 acres located at 8340 Shady Grove Road.

PRESENTER: Clayton Comstock, Managing Director of Development Services

SUMMARY:

Hat Creek Development is requesting approval of an exception to the subdivision ordinance to allow underground utility lines to be located in the front of the lots in the Shady Grove Addition. This 18.733-acre property is located at 8340 Shady Grove Road.

GENERAL DESCRIPTION:

The property is located on the south side of Shady Grove Road and east of Franklin Court. The property is bordered by the Shady Oaks subdivision to the east and southwest, the Forest Glenn North subdivision on the south, an individual residential lot on the west, and the city of Keller on the north. The eastern and western portions of the property are also encumbered by floodway and floodplain of a tributary of Little Bear Creek.

The property is zoned R-2 (Single-Family Residential). The zoning was approved by City Council on June 27, 2022 (Ordinance 3743). The final plat for the property was approved by City Council on August 28, 2023. The development includes 47 single-family residential lots and three (3) open space lots, with an average residential lot size of 9,898 square feet.

The development is currently under construction. It was recently noted that franchise utilities such as gas and electricity were planned to be located at the front of the lots rather than the required rear location. Section 110-367(c) of the subdivision regulations requires that all electrical, telecommunication, and cable utilities be placed underground in an easement at the rear of the lots. This applies to all new residential subdivisions platted after November 10, 2003.

As provided by Section 110-367(e), the developer is requesting an exception to allow the utilities to be located in the front of the lot. A letter explaining the request is attached. While this exception is usually considered as part of the preliminary plat phase, the final location of franchise utilities was not known at that time.



The subdivision regulations authorize the Planning and Zoning Commission to approve utility locations at the front of the lots subject to the following guidelines. City Council approval of the exception is not required.

- (1) Underground utility service lines must be located within a ten-foot wide easement, equally divided and paralleling the side property line of two adjacent lots. Aboveground electrical transformers and other utility appurtenances located within such easements must be located five feet from the front building setback line.
- (2) Transformers must be hinged to provide rear service access. Access to the rear must be free from obstructions. Additionally, the use of surface hand boxes versus pedestals for electric utilities is required.
- (3) Screening of the above ground appurtenance by a live vegetative screen is recommended for the street front and sides of the pad. Maintenance of the optional screening is the responsibility of the owners of the adjacent lots where the appurtenance is located.
- (4) In situations where the grade requires retaining walls, the transformer pad must be located on the lower grade and the retaining walls jogged to accommodate the transformer pad and provide adequate service access.

DEVELOPMENT REVIEW COMMITTEE:

The Development Review Committee (DRC) evaluated the request and is in support of the exception. Block 3 of the attached final plat for the subdivision is adjacent to drainage easements, steep slopes, and retaining walls. Franchise utility access for future maintenance and installations would be challenging and may require equipment that may exacerbate soil erosion along the drainage channel.

A new version of the Subdivision Ordinance will be effective July 1, 2024 after an extensive update was approved by the Planning & Zoning Commission and City Council earlier this year. The requirement for rear yard franchise utilities did not change with the new ordinance.

RECOMMENDATION:

Approve the exception request for PLAT23-0045.