



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** May 16, 2016

SUBJECT: SUP 2015-06, Ordinance No. 3409, Public Hearing and consideration of a request from Marvin Smith for a Special Use Permit for a Detention Pond on the proposed Smith Farm Addition site located at 7601 Douglas Lane.

PRESENTER: Clayton Husband, Principal Planner

SUMMARY:

Marvin Smith is requesting a Special Use Permit (SUP) for a detention pond associated with the development of a single-family residential subdivision. The property is 8.00 acres in size and located at the west side of Douglas Lane north of Starnes Road.

GENERAL DESCRIPTION:

The applicant is requesting approval of a Special Use Permit to authorize the use of a detention 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.

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 detention pond would be necessary to accommodate development of the site.

Stormwater from the development enters the detention area through two curb inlets in Smith Farm Drive and a private storm drain pipe that runs along the rear property lines of the lots on the west side of the development. The water exits the detention area through a concrete flume outfall structure that connects to Lincoln Drive, and then enters an underground system on Spring Lea Way. The detention area includes a concrete pilot channel at the bottom of the slope and is surrounded by an 18-inch tall landscape wall at the top of the slope. A four-foot tall iron fence is provided along the sidewalk near the outfall structure for aesthetic and safety purposes. The depth of the detention area is seven feet below the grade of the sidewalk in the open space.



The system is designed to detain stormwater and allow it to drain from the site at the same rate as the undeveloped conditions. It is not designed to retain water to create a decorative pond. The detention pond design complies with all design standards.

Landscaping

Zoning standards require that all detention ponds be landscaped. A landscape plan for the open space area was reviewed by the Development Review Committee (DRC), and a copy is included with the SUP application. In addition to the detention area, the open space lot includes 5-foot wide sidewalk that meanders through the space and provides a connection to Lincoln Drive to the south.

There are a number of existing trees in the open space area. Additional trees to be planted around the pond area and within the open space lot include bald cypress, live oak, crape myrtle, and rough leaf dogwood. These trees would be placed on the side slopes of the detention area and along the sidewalks. Landscaping is also provided around the outfall structure adjacent to Lincoln Drive, and plantings include Texas sage, dwarf crape myrtle, and maiden grass. A copy of the landscape plan is attached.

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 subdivision plat for the property. Generally, the agreement requires 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 zoning ordinance provides that special use permits may establish reasonable conditions of approval on the operation and location of the use to reduce its effect on adjacent or surrounding properties. The ordinance also includes specific criteria for detention and retention ponds, for which slight deviations are recommended due to the functional nature and location of the pond on the site.

The following are the proposed conditions of approval for this SUP application.

1. *Permitted use.* A special use permit is authorized for a detention pond.
2. *Engineering approval.* Construction of the detention pond is subject to final approval of the engineering plans by the Development Review Committee and City Engineer.
3. *Landscaping.* The detention pond must be landscaped in accordance with Chapter 114 – Vegetation of the Code of Ordinances. The landscape plan is subject to final approval by the Development Review Committee.
4. *Maintenance agreement.* The owner must execute a detention/retention storage facility maintenance agreement in conjunction with the approval of the subdivision plat for the property.



COMPREHENSIVE PLAN: The Comprehensive Plan classifies this area as “Low Density Residential.” This designation provides areas for the development of traditional, low-density single-family detached dwelling units.

CURRENT ZONING: R-2 Single-Family Residential. The zoning and preliminary plat for this development were approved July 2014. The detention pond design complies with all design standards.

SURROUNDING ZONING | LAND USE:

- North:** R-1 and R-3 Single-Family Residential | Low Density Residential and Parks/Open Space
- West:** R-2 Single-Family Residential | Low Density Residential
- South:** R-2 Single-Family Residential and AG Agricultural | Low Density Residential
- East:** R-1 Single-Family Residential and AG Agricultural | Low Density Residential

ROUGH PROPORTIONALITY DETERMINATION: The developer will be responsible for 100% of all paving, water, sanitary sewer, and drainage infrastructure needed to support the development in accordance with the City’s design criteria. This includes the construction of sidewalks along Douglas Lane on the east side of the property adjacent to the open space lot.

This determination of proportionality is made pursuant to Section 212.904, Texas Local Government Code by a professional engineer in the employ of the City of North Richland Hills, licensed by the State of Texas.

PLAT STATUS: The preliminary plat for Smith Farm Addition was approved by the Planning and Zoning Commission on July 17, 2014. The final plat for this addition is also on the May 16, 2016, agenda.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission considered this item at their April 21, 2016, meeting and voted 3-0 to recommend approval. Chairman Shiflet was present at the meeting but recused himself from the vote for a possible or perceived conflict of interest.

RECOMMENDATION:

To approve Ordinance No. 3409.