

CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** March 27, 2017

SUBJECT: SUP 2017-01, Ordinance No. 3450, Public Hearing and consideration of a request from Arcadia Land Partners 25, LTD for a Special Use Permit for a retention pond located in the HomeTown Canal District, Phase 5A, near the intersection of Bridge Street and Ice House Drive. PUBLIC HEARING CONTINUED FROM MARCH 6, 2017.

PRESENTER: Clayton Comstock, Planning Manager

SUMMARY:

Arcadia Land Partners is requesting a Special Use Permit for retention pond associated with the final plat of HomeTown Canal District Phase 5A. The property is located east of the lakes on the south side of Ice House Drive and west of Bridge Street.

The public hearing was continued from the March 6, 2017, meeting in order to allow the applicant time to provide updated engineering plans for the retention pond and canal.

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.

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.

In addition to its function as drainage infrastructure, the retention pond would create a water feature in the Canal District. The primary pond would be located in the northeast area of the development, which would drain to the lakes through a canal with a system of weirs designed to generate a cascading water flow. The primary pond is designed to have an average water depth of 7-8 feet, and the canal a water depth of 4 feet with a 2-

foot “safety ledge.” The water depth and flow would be regulated by a water pump recirculating system that connects to the lakes below.

The canal portion of the system is located between two rows of lots on Montreal Mews and Morris Mews. Essentially, the lots front on the canal. A pedestrian bridge would cross the canal near the middle of block. The bridge connects to a series of open space lots that link two small parks in the Canal District phases.

Landscaping

Zoning standards require that all retention ponds be landscaped. A conceptual landscape plan was provided by the applicant and is attached. Also attached is the first submittal of a formal landscape plan for the open space and canal area. This plan is still in review by the Development Review Committee (DRC).

Concern was raised with the applicant regarding the proliferation of Typha (cattail plants) in the existing HomeTown lakes and whether the same issue would occur along the canal. To address this, the depth of the canal has been increased and all references to intentional wetland plants have been removed. As part of the Detention/Retention Storage Facility Maintenance Agreement, the developer and/or HOA would be also responsible for removing any wetland plants that inhibit proper flow and circulation of the pond and canal sections.

Maintenance

The property owner is responsible for the maintenance of the pond and all associated landscaping. A formal maintenance agreement is attached and is recommended for approval with the special use permit. Generally, the agreement will require the owner to mow and maintain all grass and landscaping, remove trash and debris, 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 retention pond.
2. *Engineering approval.* Construction of the retention pond is subject to final approval of the engineering plans, including safety measures, by the Development Review Committee and City Engineer.

3. *Landscaping.* The retention pond must be landscaped in accordance with Chapter 114 – Vegetation of the Code of Ordinances and the Town Center zoning district. The landscape plan is subject to final approval by the Development Review Committee and Town Center Architect.
4. *Retention pond criteria.* The following design criteria apply to the retention pond:
 - a) Pond outlet structures shall be located at least 50 feet from a property line.
 - b) Retention basin side slopes shall be 4H:1V below normal pool depth and 5H:1V above.
 - c) The minimum depth of the retention basin shall be four feet from the normal pool elevation to the bottom between the toe of slopes. The maximum depth of a retention basin shall be no greater than ten feet.
5. *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 “Town Center.” This designation relates to the Town Center zoning district, which establishes development standards to promote a sustainable, high quality, mixed-use development. Each subzone provides a gradient of development and use intensity. The components of each subzone – buildings, streets, and public spaces – are scaled to create and sustain an integrated living environment.

CURRENT ZONING: The property is currently zoned TC Town Center.

PROPOSED ZONING: The applicant is requesting a special use permit for a retention pond in the HomeTown Canal District.

SURROUNDING ZONING | LAND USE:

North: TC Town Center | Town Center
West: TC Town Center | Town Center
South: TC Town Center | Town Center
East: TC Town Center | Town Center

PLAT STATUS: The property is currently unplatted, however a final plat of HomeTown Canal District Phase 5A was approved at the March 6, 2017, City Council meeting.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the March 16, 2017, meeting



and voted 6-0 to recommend approval, subject to the developer working with staff to lower the canal wall on the eastern end of the canal.

RECOMMENDATION:

Approve Ordinance No. 3450 and associated Detention/Retention Storage Facility Maintenance Agreement.