

## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager    **DATE:** September 23, 2019  
**SUBJECT:** SUP 2019-09, Ordinance No. 3604, Public hearing and consideration of a request from Builders Funding Mgt LP for a special use permit for detention/retention storage facilities at 7109-7201 Eden Road and 8751 Hightower Drive, being 9.982 acres described as Lot 1, Block 17, Stoneybrooke Addition, and Tracts 4B1 and 4E, JB Edens Survey, Abstract 499.  
**PRESENTER:** Clayton Comstock, Planning Director

### **SUMMARY:**

Builders Funding Mgt LP is requesting a special use permit for two detention/retention storage facilities associated with the final plat of Eden Estates. The property under consideration is located on the west side of Eden Road across from the intersection of Marti Lane.

### **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***

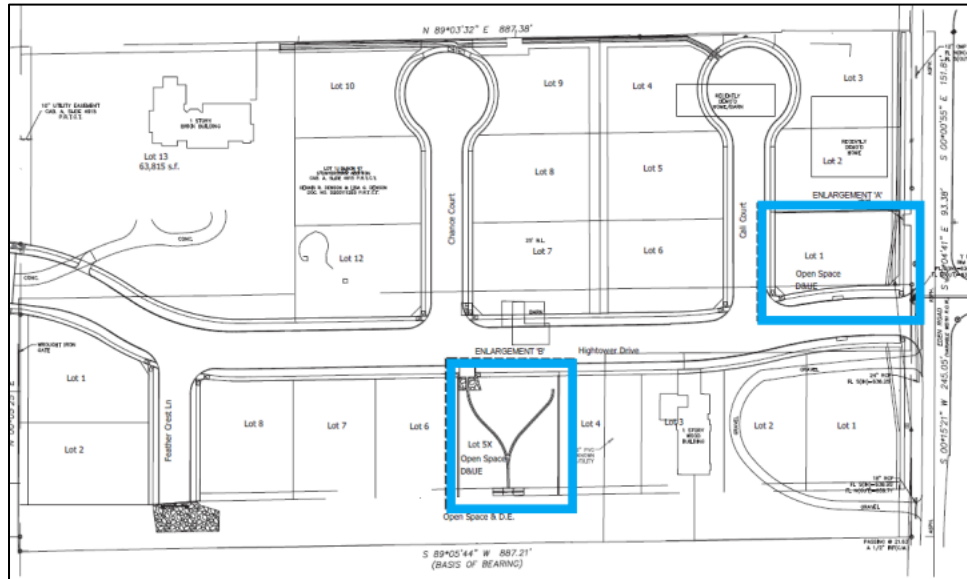
City codes allow for detention ponds if the proposed development is discharging stormwater into a developed downstream system that does not have the capacity to handle the runoff. During the evaluation of the site and the existing conditions of the area, the applicant concluded that a detention pond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

Two detention/retention storage facilities are proposed in the development. The facilities would be located on open space lots owned and maintained by the homeowners association.

Pond A (Lot 1X). This pond is located at the northwest corner of Eden Road and Hightower Drive. It is intended to be a wet pond with a water depth of approximately six feet and be aerated through use of a bubbler or fountain.

Pond B (Lot 5X). This pond is located on the south side of Hightower Drive approximately 350 west of Eden Road. This pond is intended to be a dry pond. It

includes two concrete pilot channels to direct water to an outfall structure on the south side of the lot, where water would discharge into the open space lot.



*Two detention ponds are proposed. A "wet" retention pond with fountain at the intersection of Hightower & Eden (right) and a dry detention pond midblock on the south side of the new Hightower Drive.*

### **Landscaping**

Zoning standards require that all retention ponds be landscaped. A conceptual landscape plan is attached. A formal landscape plan for the open space areas must be reviewed and approved by the Development Review Committee (DRC) before final acceptance of the public infrastructure for Eden Estates.

### **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 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 ponds on the site. The proposed conditions of approval for this SUP application are attached.



**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.

**CURRENT ZONING:** The property is currently zoned AG Agricultural and R-1-S Special Single-Family.

**PROPOSED ZONING:** The proposed zoning is R-2 Single-Family Residential (see ZC 2018-23). 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.

**SURROUNDING ZONING | LAND USE:**

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	R-1-S Special Single-Family	Low Density Residential	Single-family residence
WEST	R-2 Single-Family Residential R-3 Single-Family Residential	Low Density Residential	Single-family residences (Stonybrook Addition and Stoney Ridge Addition)
SOUTH	AG Agricultural	Low Density Residential	Single-family residence
EAST	R-2 Single-Family Residential	Low Density Residential	Single-family residences (Eden Addition)

**PLAT STATUS:** A portion of the property is currently unplatted and a portion is currently platted as Lot 1, Block 17, Stonybrooke Addition. A preliminary plat and final plat are associated items on the September 23, 2019, agenda (see PP 2018-05 and FP 2019-05).

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted a public hearing and considered this item at the September 5, 2019, meeting and voted 6-1 (Werner) to recommend approval.

**RECOMMENDATION:**

Approve Ordinance No. 3604.