

City of Copperas Cove Information Item No.

MAY 21, 2015

The Development Process of Heartwood Park

Contact – Andrea M. Gardner, City Manager, 547-4221

agardner@copperascovetx.gov

SUBJECT: REPORT ON THE DEVELOPMENT PROCESS OF HEARTWOOD PARK (A WBW DEVELOPMENT LOCATED OFF OF COURTNEY LANE).

1. BACKGROUND/HISTORY

On June 20, 2011, WBW Development submitted a rezone application to the City requesting 224.084 acres be rezoned from AG-1 to PDD. Due to submittal of an incomplete application, the matter was not placed on the July 11, 2011 P&Z agenda for consideration. A July 5, 2011 letter executed by the City Engineer, Wesley Wright, notified the developer of the insufficient submittal and identified the traffic impact to Courtney Lane, the intersection at FM 116 and other residential streets in the area as a major concern regarding ability of those roadways to serve the proposed development. On August 19, 2011, WBW modified its request to reduce the area of the rezone request from 224.084 acres to 81.73 acres and the requested zoning designation from PDD to R-1 due to expressed concerns regarding the traffic impact. Thus, on August 22, 2011, the P&Z recommended approval to the City Council. On September 6, 2011, the City Council approved the rezone request for 81.73 acres to be designated as R-1, Single-family residential. A letter notifying CCISD of the rezone approval was sent to Dr. Rose Cameron on January 31, 2012.

On February 13, 2012, the P&Z approved the preliminary plat of Phase One subject to staff comments (1. Provision of 15' interior utility easements, 2. Assignment of utilities in the right-of-way as requested by staff. 3. The addition of a note stating: "Any rise in water surface elevation created by the placement of fill within the floodplain fringe must be contained wholly on site.").

On May 7, 2012, the P&Z recommended approval of the final plat of Phase One to the City Council subject to the following conditions:

1. A certification by the design engineer, stating that any rise in the water surface elevation created by the placement of fill within the floodplain fringe is managed consistent with the Flood Damage Prevention Ordinance.
2. Inclusion of street signs in the construction plans.
3. Inclusion of sidewalks construction plans.

4. The placement of a note on the plat, calling out the drainage easement as a "Limited Maintenance Drainage Easement". Place a note on the plat which states the following: "The City of Copperas Cove will maintain the Limited Maintenance Drainage Easement for positive drainage concerns only. Mowing, or removal of brush for aesthetic purposes will be performed on an infrequent basis. The erection of structures and fences are prohibited within the Limited Maintenance Drainage Easement."
5. The addition of a note prohibiting driveway access directly to Courtney Lane.
6. The addition of a note requiring driveway designs that discourage backing out for Lot 1, Block 1; Lots 1 and 40, Block 2; and Lot 1, Block 3.
7. The provision of 15' interior easements, located along one property line, or to the satisfaction of the city engineer.
8. The installation of automatic flush assemblies.

On June 13, 2012, Council approved the final plat for Phase One.

On June 6, 2012, WBW Development submitted a variance application requesting the lot width minimum of 55' for certain lots (51, 83, 84 & 128) and side-yard setback to accommodate 15' utility easements for certain lots (36, 37, 38, 49, 50, 51, 71, 72, 73, 80, 81, 82, 83, 84, 100, 101, 102, 103, 104, 105, 106, 125, 126, 127 & 128) of Phase One. On July 19, 2012, the Board of Adjustment granted the variance based on the topography, steep slopes and the fact that the variance would still provide a minimum of 12.5' separation between homes.

On April 25, 2012, WBW Development submitted a rezone request for 107 acres identified as Phase Two of the ultimate three phase development from AG-1 to PDD. The applicant sought four areas of relief from the standard R-1 zoning requirements: 1. A 45' minimum lot width instead of the required 60', 2. Minimum 5' side yard setback instead of the required 7.5', 3. Minimum 20' rear yard setback instead of the required 25' and 4. The average area of all lots may not be less than 6,000 sf instead of the required 6,000 sf for all lots. On June 11, 2012, the P&Z postponed action on the item to give the applicant additional time to provide information about possible home designs that are intended for the narrow lots. On June 25, 2012, the P&Z considered the rezone request again and after considerable discussion over the reduced lot widths and the appearance that the developer was trying to cram lots in the development, the Commission recommended approval subject to the following restrictions: not less than 50' frontage; 5' side yard setback; 20' rear yard setback; lot size not less than 6,000 square feet; 50' to 60' widths randomly disperse, with not more than 4 such lots connected; and staff conditions 3 and 4 with continuous sidewalks on all streets, both sides along Neff Drive, and at least two trailheads.

On July 17, 2012, the City Council approved Ordinance 2012-33 and Section One of the ordinance contained the following provisions:

That the hereinabove described property, shown in Exhibit A, 107 acres being a part of a called 168.661 acre tract described in deed to WSW Land Investments, L.P., be given the permanent zoning of POD (Planned Development District) with R-1 (Single-Family Residential base district, with the following the following specific departures from standard:

1. Lot width shall not be less than fifty feet (50')
2. Lots of width between fifty feet and sixty feet (50'-60') shall be dispersed within the development, such that no more than four such lots shall be connected.
3. Overall lot size shall not be less than six thousand square feet (6,000 sf)
4. Side yard setbacks shall not be less than five feet in width (5')
5. Rear yard setbacks shall not be less than twenty feet in width (20')

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6. Lot width shall not be less than fifty feet (50')
7. Lots of width between fifty feet and sixty feet (50'-60') shall be dispersed within the development, such that no more than four such lots shall be connected.
8. Overall lot size shall not be less than six thousand square feet (6,000 sf)
9. Side yard setbacks shall not be less than five feet in width (5')
10. Rear yard setbacks shall not be less than twenty feet in width (20')

Furthermore, Section Two of the ordinance requires the following:

That the following special conditions shall apply to the hereinabove described property, shown in Exhibit A:

1. Continuous sidewalks shall be provided on both sides of all streets
2. Continuous sidewalks shall be provided on both sides of Neff Drive, through Phase One.
3. The subsequent platting of the property shall provide for at least two trailheads to provide access to the open space reserve area.

On September 17, 2013, October 1, 2013 and June 3, 2014, the City Council discussed and took action on the floodplain matters disputed by WBW Development. During the October 1, 2013 Meeting, Council approved Resolution 2013-33 that was expected to resolve the matter. However, the matter was finally resolved after compliance from the developer upon Council requiring the resolution requirements be upheld and complied with by the developer.

2. FINDINGS/CURRENT ACTIVITY

At the May 19, 2015 Council Meeting, the developer's representative attempted to draw a correlation between the Heartwood Park development actions of the Council and the Creekside Hills development located off of Lutheran Church Road.

The City Manager informed the Council of her recollection of the sequence of events occurring on Heartwood Park and pointed out that the City negotiates PDDs independent of prior PDDs and that zoning is discretionary since slopes, topography and many other engineering and development issues can impact those decisions. Although, it has been confirmed that the BOA granted a variance for certain lots in Phase One to reduce the side yard setbacks from 7.5' required by City Code to the 5' requested and the PDD for Phase Two also granted the same reduction for all 107 lots with certain conditions being required of the developer, the Council is not bound to provide the same reduction in City Code for the proposed Creekside Hills development.

3. STAFF RECOMMENDATION

City staff recommends the City Council review the information provided in this thorough information Item and consider the facts of the proposed Creekside Hills development to determine if the Council should reconsider the direction provided during the May 19, 2015 Meeting. However, as City staff identified during the May 19, 2015 Meeting, the developer can submit a variance request in the future for consideration by the BOA to reduce the side yard setbacks or agree to sprinkler the homes of the development as preferred by NFPA.