

January 12, 2021 Bee Cave City Council Meeting

Staff Transmittal Letter for Item 7: *Discuss and consider action on a Vested Rights Consent Agreement for an approximately 126 acre parcel located southeast of the Shops at the Galleria and north of Spanish Oaks, occasionally referred to as “Cassandra Interests.”*

Introduction

Pursuant to Code [Section 30.01.007](#), discuss and consider action on a Consent Agreement prompted by a vested rights application submitted by the owner of an approximately 126 acre parcel located southeast of the Shops at the Galleria and north of Spanish Oaks, occasionally referred to as “Cassandra Interests.”

Background

The subject property is an approximately 126 acre tract of land located southeast of the Shops at the Galleria and north of the Spanish Oaks neighborhood, through which the property exclusively takes its access.

Code [Section 30.01.007](#) provides a procedure for a land owner to seek a determination of vested rights, commonly referred to as grandfathering or a “Chapter 245 determination.”

On April 23, 2020, the property owner submitted via email a Chapter 245 vested rights determination for a property referred to as “Cassandra Interests.” (See Attachment A of the City Manager Final Determination Letter attachment).

On May 8, 2020 the City issued via email a written notification of missing and incomplete items (See Attachment B of the City Manager Final Determination Letter attachment).

On June 8, 2020, the property owner transmitted to the City via email the missing and incomplete items (See Attachment C of the City Manager Final Determination Letter attachment).

Based on a review of the documentation, via a letter emailed and dated May 8, 2020, Mr. Garza made the determination that the application for vested rights under Chapter 245 was denied. (See City Manager Final Determination attachment)

Pursuant to Code provision 30.01.007(f)(8), the landowner, via a letter dated and emailed July 31, submitted an appeal of the determination of the City Manager to the City Council. (See Letter of Appeal attachment). On August 6, 2020, the property owner provided additional analysis of anticipated necessary variances to current Code (See Additional Analysis).

The City may enter into a consent agreement with the applicant that is intended to resolve a good-faith dispute concerning development rights and applicable regulations in order to avoid the cost and uncertainty of litigation to both parties.

On [August 11, 2020](#) City Council directed staff to work with the applicant toward preparing a Consent Agreement.

Issues & Analysis

The project is proposed to have 30 single-family residential lots with an average size of 26,000 sf and a minimum size of no less than 19,000 sf; each lot will have a maximum of one unit. The streets and shared access driveways are proposed to be privately constructed, owned, and maintained. The project is anticipated to take access to/from the broader road network through the existing private roads within Spanish Oaks subdivision; receipt of associated easements will be required prior to development.

The development is permitted up to 40% impervious cover.

Pursuant to the Cassandra Development Agreement executed in late 2016 and recorded in early 2017 under document number 2017005834 OPRTCT, upon annexation, the property will be zoned **Single-Family 20** ("SF-20").

Staff and the Applicant have reached agreement on the attached draft Consent Agreement, which reflects that the Applicant will comply with Bee Cave Codes in effect on October 1, 2020, except for the following modifications related to 1) minimum lot area; 2) private street access onto public thoroughfare; 3) block length; 4) cul-de-sac design; and 5) water quality buffer zones.

32.03.004(d)(1)(A) Minimum Lot Area

Proposed Language: Lots designated as residential shall average 26,000 square feet or greater. No lot shall be less than 19,000 sf feet.

Proposed Language Redlined Over Current Code: ~~Minimum Lot Area 20,000 square feet Lots designated as residential shall average 26,000 square feet or greater. No lot shall be less than 19,000 sf feet.~~

30.03.001 (c) (10) (C) Private Streets: Access Onto Public Thoroughfare

Proposed Language: The private street subdivision shall provide a number of access points that complies with the International Fire Code and amendments, as applicable, adopted by the City of Bee Cave and in effect at the time of Preliminary Plat approval. Restricted access entrances shall not be allowed. Right-of-way width for the streets should be a minimum of fifty feet (50') with minimum of twenty-six feet (26') of pavement width.

Proposed Language Redlined Over Current Code: Private Streets: Access Onto Public Thoroughfare. ~~A-The private street subdivision shall provide a minimum of eighty feet (80') of access frontage on a public collector or arterial street for subdivision entrances in order to accommodate a median-divided entrance with appropriate vehicle stacking, queuing and turnaround area. Primary access into a private street subdivision shall be from a major collector, which has a minimum right-of-way of eighty feet (80'), or from a larger roadway, as shown on the City thoroughfare plan. a number of access points~~

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that complies with the International Fire Code and amendments, as applicable, adopted by the City of Bee Cave and in effect at the time of Preliminary Plat approval. Restricted access entrances shall not be allowed. Right-of-way width for the streets shall be a minimum of fifty feet (50') with minimum of twenty-six feet (26') of pavement width. ~~from residential collector streets, minor residential or local streets, or from alleys or private driveways or parking lots. No more than two (2) gated street entrances may intersect a thoroughfare within any one-mile segment.~~

30.03.001 (o) Block Length

Proposed Language: The maximum length of any block or street segment shall be two thousand four hundred feet (2,400'), as measured along the street centerline and between the point(s) of intersection with other through, not dead-end or cul-de-sac, streets and there shall be no minimum length of any block or street segment.

Proposed Language Redlined Over Current Code: The maximum length of any block or street segment shall be two thousand four hundred feet (2,000'~~400'~~) ~~and the minimum length of any block or street segment shall be five hundred feet (500')~~, as measured along the street centerline and between the point(s) of intersection with other through, not dead-end or cul-de-sac, streets and there shall be no minimum length of any block or street segment.

30.03.001 (p) Cul-de-sac Design

Proposed Language: A cul-de-sac street shall not be longer than eight hundred and fifty feet (850'), and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.

Proposed Language Redlined Over Current Code: A cul-de-sac street shall not be longer than ~~six~~ eight hundred and fifty feet (~~600'~~850'), and at the closed end shall have a turnaround bulb with an outside pavement diameter of at least eighty feet (80') and a right-of-way diameter of at least one hundred feet (100'). The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.

20.04.045 Water Quality Buffer Zones

Proposed Language:

(a) All development activities, including temporary construction activities and landscaping activities, shall be restricted from the WQBZ, except

- (1) the following development activities, which shall be allowed
 - (A) Up to six (6) residential lots, each of which may have up to a maximum of 20 percent impervious cover. All impervious cover must be a minimum of 100 feet from the two-year floodplain; and
 - (B) Water Quality controls utilized for compliance with § 20.04.050. Controls must be located a minimum of 100 feet from the two-year floodplain and comply with all other standards in City Code and the City’s adopted Technical Construction Standards and Specifications Manual, including those related to location.
- (2) and the following development activities, which may be allowed if approved by the city:
 - (A) Roadway and driveway crossings;
 - (B) Hike and bike trails in accordance with the comprehensive plan;
 - (C) Maintenance and restoration of natural vegetation;
 - (D) Water quality control monitoring devices;
 - (E) Removal of trash, debris, and pollutants;
 - (F) Utilities, as subject to the restrictions of subsection (b) of this section;
 - (G) Fences that do not obstruct flood flows;
 - (H) Public and private parks and open space, with development in the parks and open space limited to hiking, jogging, or walking trails, and excluding stables and corrals for animals;
 - (I) Private drives to allow access to property not otherwise accessible.
- (b) All utilities, roads, and joint access drives shall be located a minimum of one hundred feet (100’) from the two year floodplain. Wastewater lift stations shall be located outside the WQBZ. On-site wastewater disposal systems shall be located outside the WQBZ. Wastewater trunk lines and lateral lines shall be located outside the WQBZ to the maximum extent practical except for crossings All wastewater trunk lines located in the WQBZ shall meet design standards and construction specifications of testing to a zero (0) leakage allowable.

Proposed Language Redlined Over Current Code:

- (a) All development activities, including temporary construction activities and landscaping activities, shall be restricted from the WQBZ, except
 - (1) the following development activities, which shall be allowed~~may be allowed if approved by the city:~~
 - (A) Up to six (6) residential lots, each of which may have up to a maximum of 20 percent impervious cover. All impervious cover must be a minimum of 100 feet from the two-year floodplain; and
 - (B) Water Quality controls utilized for compliance with § 20.04.050. Controls must be located a minimum of 100 feet from the two-year floodplain and comply with all other standards in City Code and the City’s adopted Technical Construction Standards and Specifications Manual, including those related to location.

(2) and the following development activities, which may be allowed if approved by the city:

- (~~1A~~) Roadway and driveway crossings;
- (~~2B~~) Hike and bike trails in accordance with the comprehensive plan;
- (~~3C~~) Maintenance and restoration of natural vegetation;
- (~~4D~~) Water quality control monitoring devices;
- (~~5E~~) Removal of trash, debris, and pollutants;
- (~~6F~~) Utilities, as subject to the restrictions of subsection (b) of this section;
- (~~7G~~) Fences that do not obstruct flood flows;
- (~~8H~~) Public and private parks and open space, with development in the parks and open space limited to hiking, jogging, or walking trails, and excluding stables and corrals for animals;
- (~~9I~~) Private drives to allow access to property not otherwise accessible.

(b) All utilities, roads, and joint access drives ~~other than wastewater~~, shall be located outside the WQBZ except for crossings a minimum of one hundred feet (100') from the two year floodplain. Wastewater lift stations shall be located outside the WQBZ. On-site wastewater disposal systems shall be located outside the WQBZ. Wastewater trunk lines and lateral lines shall be located outside the WQBZ to the maximum extent practical except for crossings. ~~In no case shall any wastewater line be located less than one hundred feet (100') from the centerline of Little Barton Creek or Barton Creek or fifty feet (50') from the centerline of an upland waterway except for crossings, unless approved by the city, and unless the applicant has shown that installation outside of this zone is physically prohibitive or environmentally unsound.~~ All wastewater trunk lines located in the WQBZ shall meet design standards and construction specifications of testing to a zero (0) leakage allowable.

Recommendation

Approval.