



## MEMORANDUM

**TO:** Mayor and City Council Members

**FROM:** Greg Guernsey, Director  
Neighborhood Planning and Zoning Department

**DATE:** January 8, 2009

**RE:** NP-2008-0025 (Part) Oak Hill Combined Neighborhood Plan; C14-2008-0125 (Part) West Oak Hill Plan Rezoning;

At the Council hearings of December 11, 2008 the following tracts were postponed to the January 15, 2009 City Council hearing.

**Tract AG – 2808 William Cannon Drive, associated with zoning case C14-2008-0115**

At the October 23, 2008 City Council hearing, Tract AG was approved for Neighborhood Mixed Use land use on the Future Land Use Map (FLUM) with the zoning approved for LO-MU-CO-NP. At the December 11, 2008 City Council hearing, the tract was postponed to January 15, 2009.

**Tracts 12a (Waters Tract)**

At the December 11, 2008 City Council hearing, the following conditions were approved on 2<sup>nd</sup> Reading. The following conditions are ready for approval on 3<sup>rd</sup> reading.

- Development of the property may not exceed 20 residential units;
- All vehicular access to the property shall be by way of Waters Way as the primary access point (with access to Twilight Mesa prohibited);
- Upon redevelopment of Tract 12a, vehicular access between Tract 12a and Hot Springs Drive is limited to the existing residence, emergency and pedestrian uses only.

There is a 30-foot wide private access easement for the benefit of the current property owner (Waters) and successive heirs, recorded in April 2003. The easement extends from the Waters tract and along Lot 10, Block B of the Amended Plat of Shadowridge Crossing Section 9 to Hot Springs Drive. Please refer to the Modification of Easement document. The City Council action at 2<sup>nd</sup> Reading narrows the use of the easement to the current property owner. Upon redevelopment, use of the easement is limited to the existing property owner's (Waters) residence and for emergency vehicles and pedestrian uses only.

Waters Way extends from the cul-de-sac of Dark Valley Cove as a 50-foot wide right-of-way. Please refer to the Shadowridge Crossing Section 12 plat, recorded in May 2000.

Since 2<sup>nd</sup> reading approval, it has been brought to the Staff's attention that 60 feet of right-of-way is available to the Waters tract at the terminus of the Twilight Mesa Drive cul-de-sac.

**Tracts H and I (PromiseLand Church – 8901 State Hwy 71 West)**

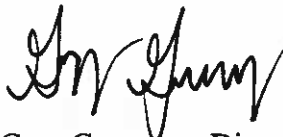
At the October 23, 2008 City Council hearing, these tracts were approved for Large Lot Rural Residential Single Family land use on the FLUM.. The PromiseLand Church owns part of Tract H and I with the address of 8901 State Hwy 71 West. PromiseLand Church requests Single Family land use on Tract I and Mixed Use/Office on Tract H. See attached letter from John P. Donisi, PromiseLand's attorney for more details on this request.

Council should note that Tracts H and I as shown on the contested FLUM, also includes property not owned by PromiseLand Church. The other tract of land is owned by Worrell Rosie Estate. The address is 8955 State Hwy 71 West. Staff recommends that the property not owned by PromiseLand Church remain Large Lot Rural Residential Single Family land use on the FLUM.

**Attachments:**

- Attachment 1: Tract Map for Contested Tracts
- Attachment 2: Motion Sheet for Contested Tracts
- Attachment 3: Modification of Easement document
- Attachment 4: Shadowridge Crossing Section 12 plat, recorded in May 2000
- Attachment 5: Attorney John P. Donisi letter on behalf of PromiseLand Church.
- Attachment 6: Draft Zoning Ordinance for Tract 12a
- Attachment 7: Draft NP Ordinance for Tracts H, I, and AG.

If you have any additional questions, please do not hesitate to contact me at 974-2387.



Greg Guernsey, Director  
Neighborhood Planning and Zoning Department

X: Marc A. Ott, City Manager  
Sue Edwards, Assistant City Manager