

**Excerpt From Minutes
City Council
Meeting of April 4, 2023**

25. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 3.8-Acre Tract Zoned To The (SF-12/20) Single-Family Residential District And Located At 2400 Briardale Drive And Approximately 480 Feet East Of Kelly Boulevard, To Amend And Reestablish Planned Development District 119 (PD-119) To Change The Base Zoning To The (SF-8.4/18) Single-Family Residential District And Modify Development Standards, And To Provide Conceptual Plans; Amending The Official Zoning Map Accordingly.
Case No. PLZPD 2022-196 The Enclave.

Loren Shapiro explained that the request is to expand an existing development and rezone the property. He stated that the applicant has met with the adjacent Parkside Subdivision located to the west of the subject site. He described the applicant's request for six lots with a minimum of 9,700 sq ft; minimum 3,000 sq ft homes; minimum lot size width of 80 ft. along with other development standards. He stated that while staff recommends approval, a super majority vote (6) is required to over-ride the opposition. He reviewed conceptual home elevations and provided a map highlighting the homeowners within 200 ft. in opposition to the request.

Deputy Mayor Pro Tem Cline asked about the feasibility of the removal of the flood plain. Shapiro replied that the applicant would need to acquire approval from FEMA and would have to provide civil plans that would comply with City ordinances regarding drainage which usually happens during the platting process.

Mayor Babick asked if a different developer could develop the site with more homes and still meet the minimum set out. Shapiro stated it would be very difficult and in addition, they would have to modify the concept plan which would require approval by the Planning and Zoning Commission and the City Council.

Councilmember Polter voiced concern about the drainage and the ability to develop the site.

Mayor Babick invited the applicant to make a presentation.

Victor Castro, representing the Enclave, did not make a formal presentation but was available to answer questions. He stated he could not answer questions about the drainage because they have not gotten to that step in the development process and assured the Council that they would follow all of the steps required. He felt it would benefit everyone.

Mayor Babick opened the public hearing and announced the receipt of one card in support by Syed Jafri, Jafri Construction.

Brian Farlow, 2301 Briardale Drive, advised that Parkside has expanded their HOA to include the subject site. He stated that the HOA covenants are more restrictive than the PD and they felt it was about the best they could do to govern that piece of land. He felt that the developer has done the right thing and he spoke in support of the request with confidence.

There being no other speakers, Mayor Babick closed the public hearing.

Councilmember Sung asked if the applicant had spoken with FEMA. Mayor Babick clarified that the question before the Council was with regard to zoning and drainage would be addressed as part of the subsequent process. City Attorney Meredith Ladd stated the applicant would be required to get a permit from FEMA but it is not part of the zoning process.

Councilmember Fleming moved approval of Item 25; second by Councilmember Pendleton. The vote was 4-2-1; Councilmembers Axberg and Polter opposed, and Councilmember Sung abstained. Mayor Babick explained that the initial vote was flawed due to the inappropriate use of an abstention. A second vote was called and the motion failed with a 5-2 vote; Councilmembers Polter and Sung opposed. Mayor Babick noted that the motion failed because the vote did not meet the super majority threshold of 6 votes in favor.