

## Item H-3

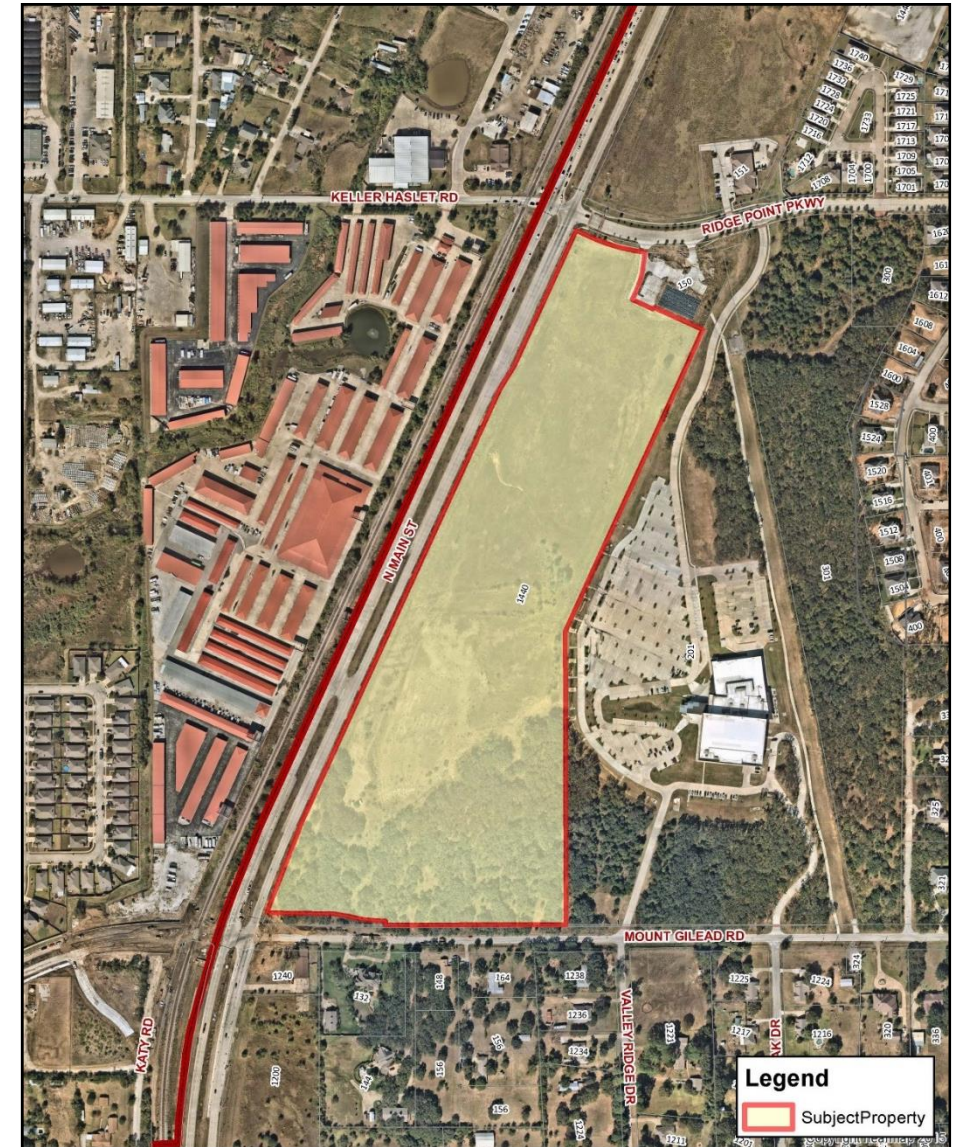
PUBLIC HEARING: Consider a recommendation for a Planned Development Zoning Change from C (Commercial) to PD-Mixed Use (Planned Development – Mixed-Use – Commercial/Residential), for Center Stage, a planned development consisting of seventy (70) single-family residential lots, five-hundred and fifty (550) Urban Residential Lofts, 59,500 square-feet of commercial uses (retail, restaurants, office), and 5.7 acres of open space, on an approximately 38-acre property, being Roberts, JJ Survey abstract 1305 Tract 1A1 & 3B, located on the east side of North Main Street, directly northeast of the North Main Street and Mount Gilead Road intersection, addressed as 1440 North Main Street. Realty Capital Management, LLC, applicant/developer. Engler Acquisition Partners, owner. Wier and Associates, surveyor/engineer. (Z-19-0002)



## Item H-3 Location Map



## Item H-3 Aerial View



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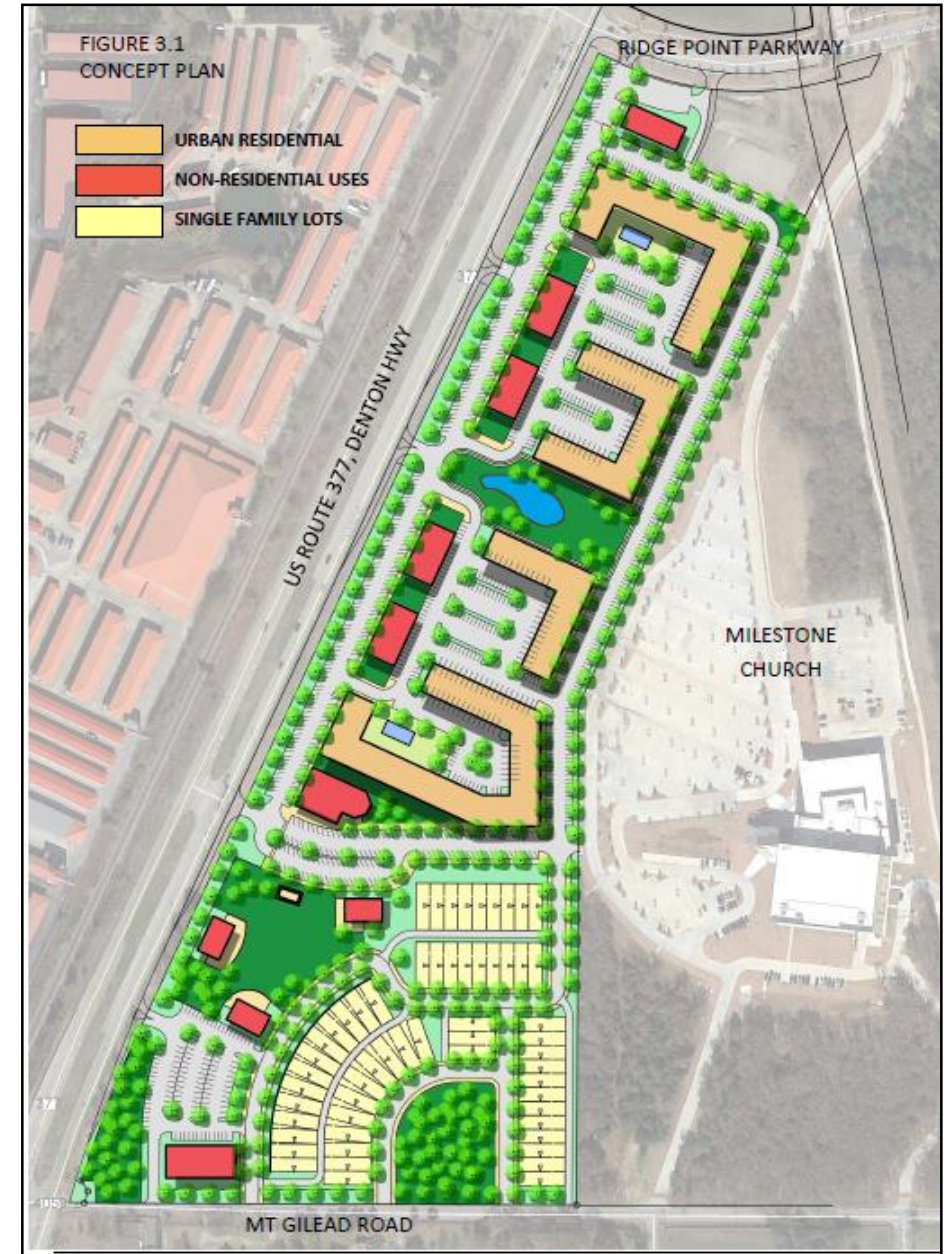


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### Center Stage Planned Development (PD) Zoning Request

The applicant, Realty Capital LLC (“RC”), is proposing a mixed-use PD. As RC stated in their cover letter:

“The project is located on the east side US 377 between Mount Gilead Rd and Ridge Point Parkway comprising approximately 38 acres adjacent to the Milestone Church. The intent of this project is to enhance the US 377 corridor with a project that includes a mixture of uses in an urban format, employing pedestrian oriented streets to connect living, working and entertainment uses within a walkable, tree-shaded environment.”



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### *Zoning – 2003 Engler Settlement*

Though the City Zoning Map indicates this property is zoned Commercial, that zoning is trumped by the 2003 Engler Settlement (“Settlement”) that addresses nearly 300 acres including this parcel.

The Settlement creates “The Commercial District” as the ruling zoning district. (Other parts of the Settlement laid out residential components now comprising Marshall Ridge and Milestone Church.)

Uses allowed:

- All uses in current UDC Retail District.
- Adds uses both by right (P) and with P&Z recommendation and City Council approval (SUP).
- Cannot be amended to add or subtract uses unless the PROPERTY OWNER requests a zoning change. Subsequently, **the City is prohibited from changing the zoning uses unilaterally as it can for all other zoning districts.**
- In this case, the property owner (via the applicant) is requesting a zoning change to Mixed-use Planned Development.

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### *Mixed-Use PD Zoning Request Process*

- UDC – Two Alternatives for a PD submittal
  - A Concept Plan shows the applicant's intent for the use of the land supported by written documentation of proposals and standards for development.
  - A Detail Plan sets forth the detailed information (similar to a preliminary plat) that provides the basis for final plats and construction plans.
- Concept Plan
  - Once approved, if no “substantive changes,” then a Detail Plan must be submitted and approved by City Council (without a public hearing). If any substantive changes are proposed, the Detail Plan must go to P&Z for a recommendation and then to City Council for approval. In this case, both meetings require public hearings.

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### *Mixed-Use PD Zoning Request Process*

- Substantive changes include:
  - Altering the relationship of the proposed development to the adjacent property
  - Changing the uses permitted
  - Increasing density
  - Increasing building height
  - Increasing site coverage
  - Changing off-street parking ratio
  - Significantly altering landscape plans (greenspace reduction)



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The Commercial District Uses\* (in addition to uses allowed under the UDC's Retail Zoning District) include the following by right (SUP not required):

Administrative or Corporate Offices  
Church  
City, County, State, and Governmental Offices  
College, University or Private Boarding School  
Copy Shop or Printing Shop  
Dry Cleaning - shop  
Dry Cleaning Plant or Commercial Laundry  
Family Home/ Adult Care/ Day Care  
Funeral Parlor or Mortuary  
Furniture Restoration  
Gunsmith (repair only)  
Heating and Air Conditioning Sales & Services  
Hospital  
Hotel and Motel

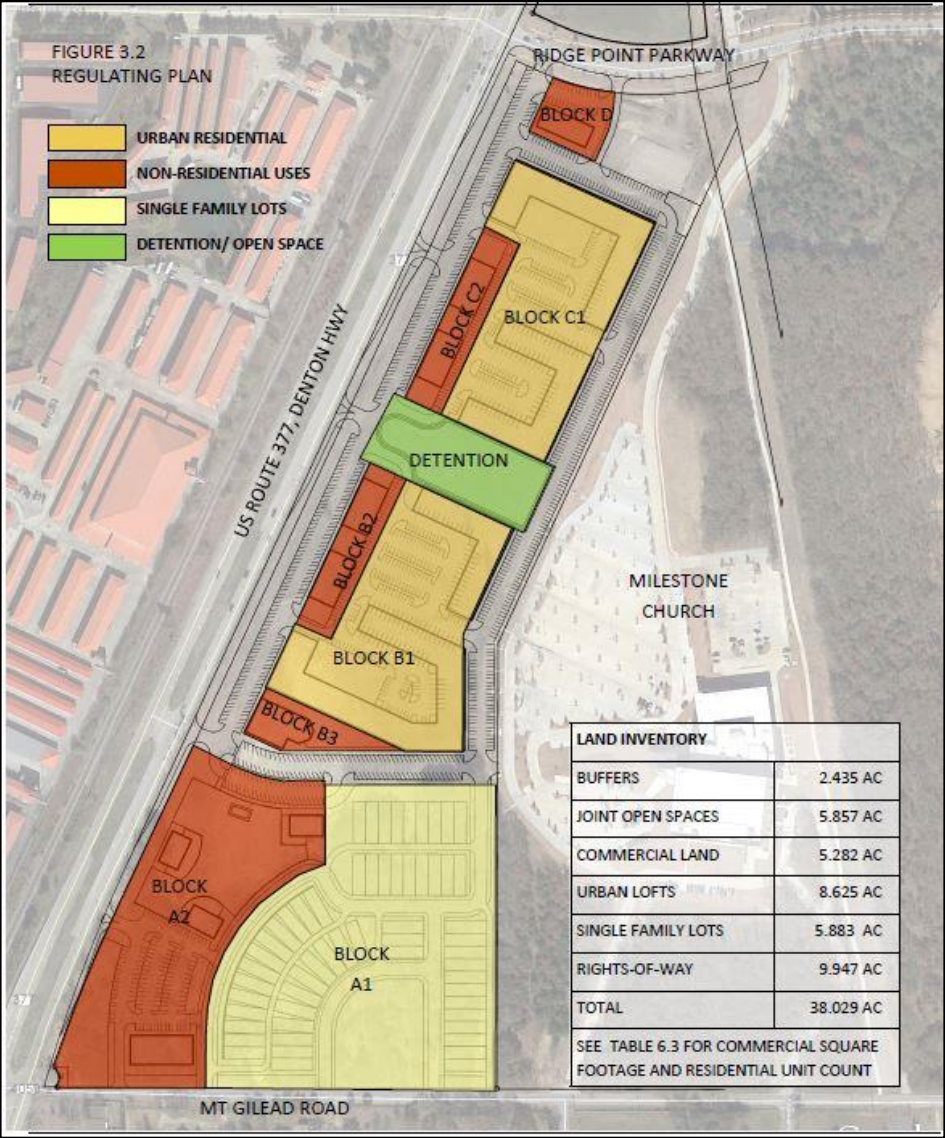
Light Manufacturing  
Newspaper Printing  
Pawnshop  
Pet Grooming (no outside pens)  
Printing Company (commercial)  
Private Club with Alcoholic Beverage Sales  
Quarters for Caretaker (as a part of primary structure)  
Research and Scientific Laboratories  
Retail and Services  
Retirement Home/Nursing Home  
Theater  
Wallpaper, Flooring, and Carpet Supply  
Wholesale Distribution Center and Warehousing

\* Page 31 of Exhibit C

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| TABLE 3.1 PERMITTED USE TABLE   |             |           |               |           |
|---|-------------|-----------|---------------|-----------|
| PERMITTED USES  | BLOCK A1    | BLOCK A2  | BLOCKS B, C   | BLOCK D   |
| UDC ZONE 'C' AND 'R' USES   |             | Permitted | Permitted     | Permitted |
| UDC ZONE 'C' AND 'R' MODIFICATIONS  |             |           |               |           |
| Entertainment, Indoor and Outdoor   |             | Permitted | Permitted     | Permitted |
| Bar, Tavern   |             | Permitted | Permitted     | Permitted |
| Grocery under 20,000 square feet  |             | Permitted | Permitted     | Permitted |
| Minor medical Emergency Clinic  |             | Permitted | Permitted     | Permitted |
| Public Parking Garage   |             | Permitted | Permitted     | Permitted |
| Restaurant, Café: On-premise alcohol sales  |             | Permitted | Permitted     | Permitted |
| Spa, Cosmetology or Massage   |             | Permitted | Permitted     | Permitted |
| ADDITIONAL PERMITTED USES   |             |           |               |           |
| URBAN LOFTS   |             |           | 550 UNITS MAX |           |
| SINGLE FAMILY DETACHED LOTS   | 57 LOTS MAX |           |               |           |
| MINIMUM OPEN SPACE  | 15% OVERALL |           |               |           |
| DETENTION   | Permitted   | Permitted | Permitted     | Permitted |
| NOTE 1: BLOCK 'A' NON-RESIDENTIAL USES ARE NOT REQUIRED TO ORIENT THE BUILDINGS TO FACE US 377.               |             |           |               |           |
| NOTE 2: NON-RESIDENTIAL USES MAY INCLUDE ANCILLARY USES SUCH AS LEASING OFFICE, FITNESS CENTER, OR MAIL ROOM. |             |           |               |           |

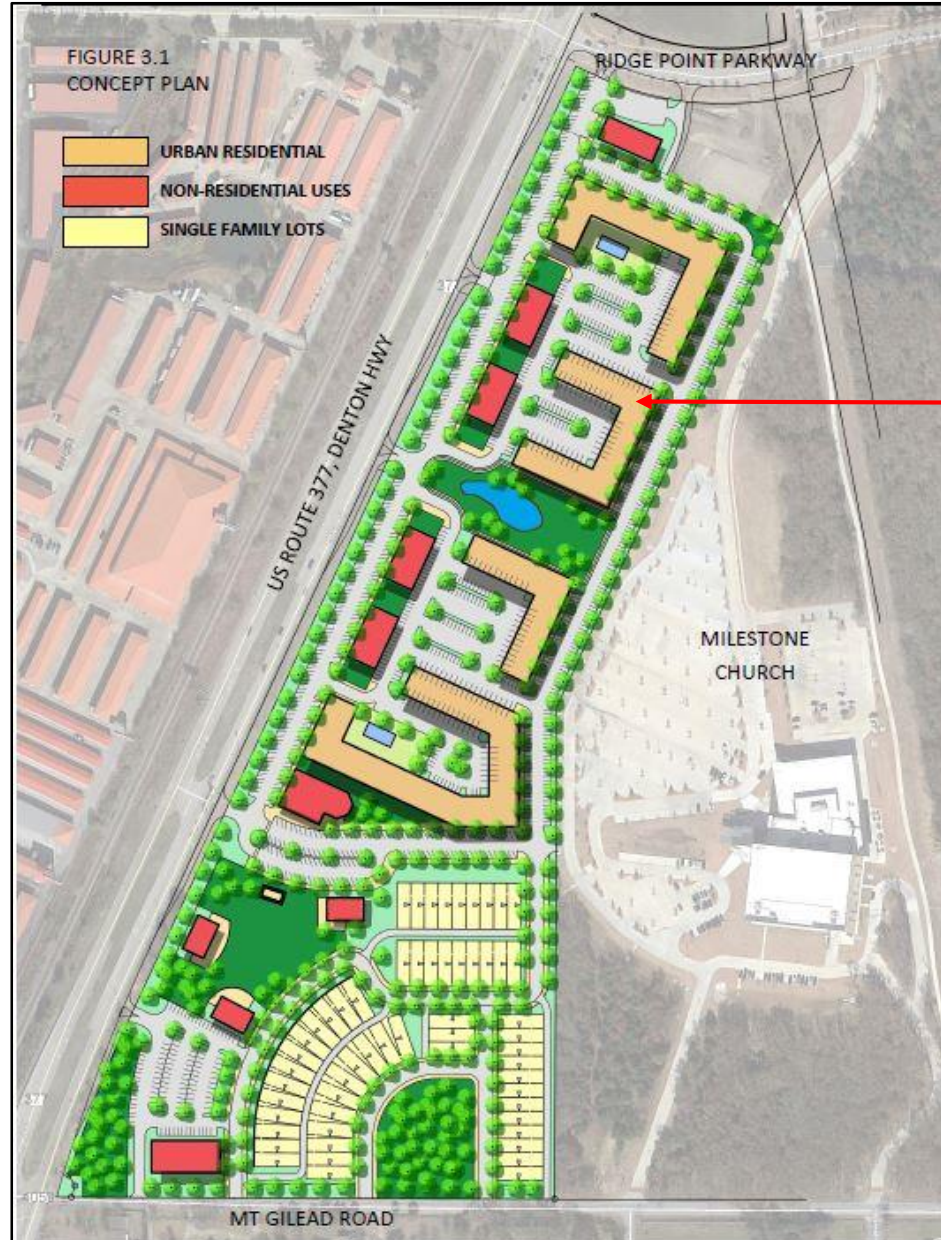




Site Design

| LAND INVENTORY   |           |
|--|-----------|
| BUFFERS  | 2.435 AC  |
| JOINT OPEN SPACES  | 5.857 AC  |
| COMMERCIAL LAND  | 5.282 AC  |
| URBAN LOFTS  | 8.625 AC  |
| SINGLE FAMILY LOTS   | 5.883 AC  |
| RIGHTS-OF-WAY  | 9.947 AC  |
| TOTAL  | 38.029 AC |
| SEE TABLE 6.3 FOR COMMERCIAL SQUARE FOOTAGE AND RESIDENTIAL UNIT COUNT |           |

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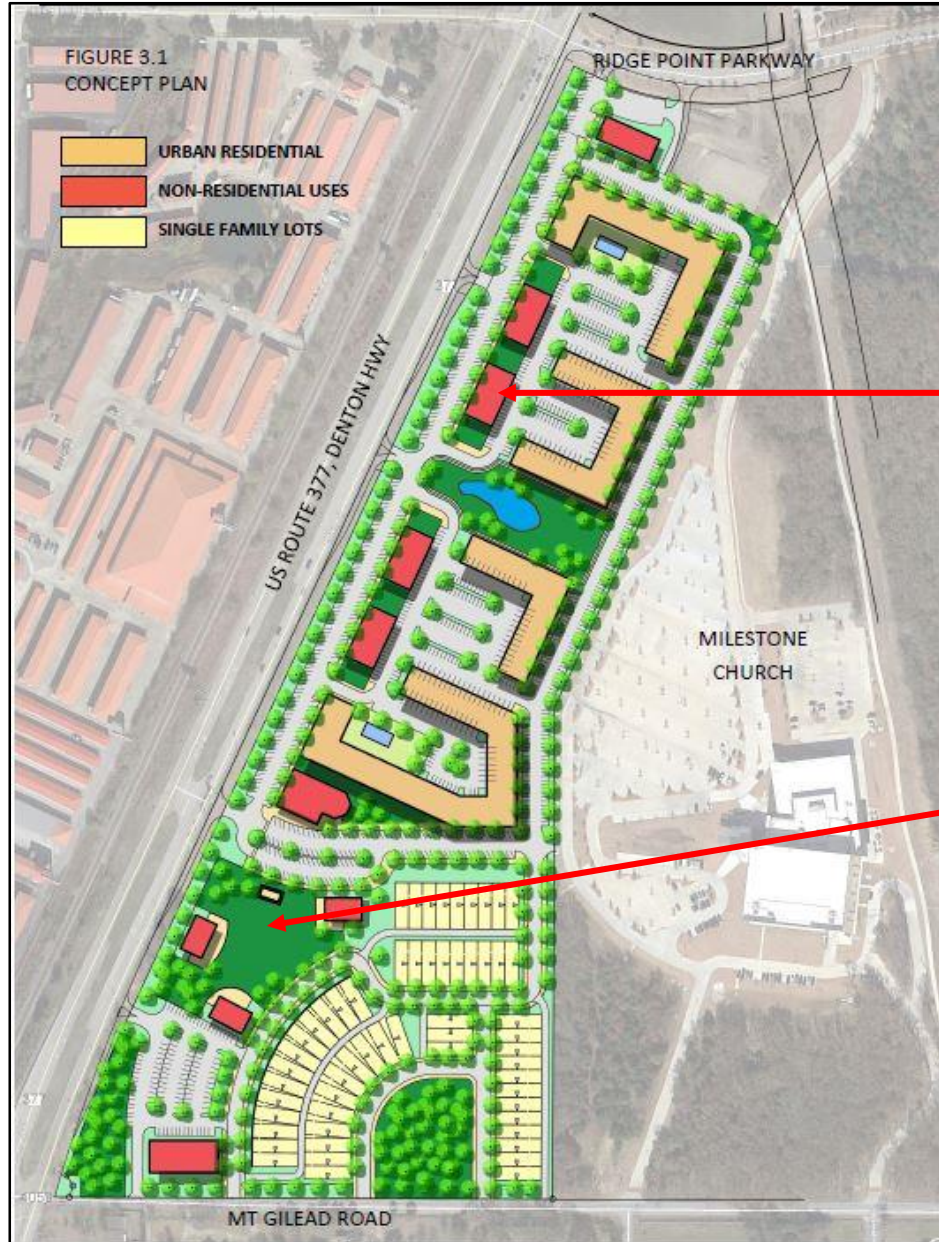


### Lofts

- The Planned Development includes 550 urban lofts
- The lofts are standalone structures located on the northern two-thirds of the property



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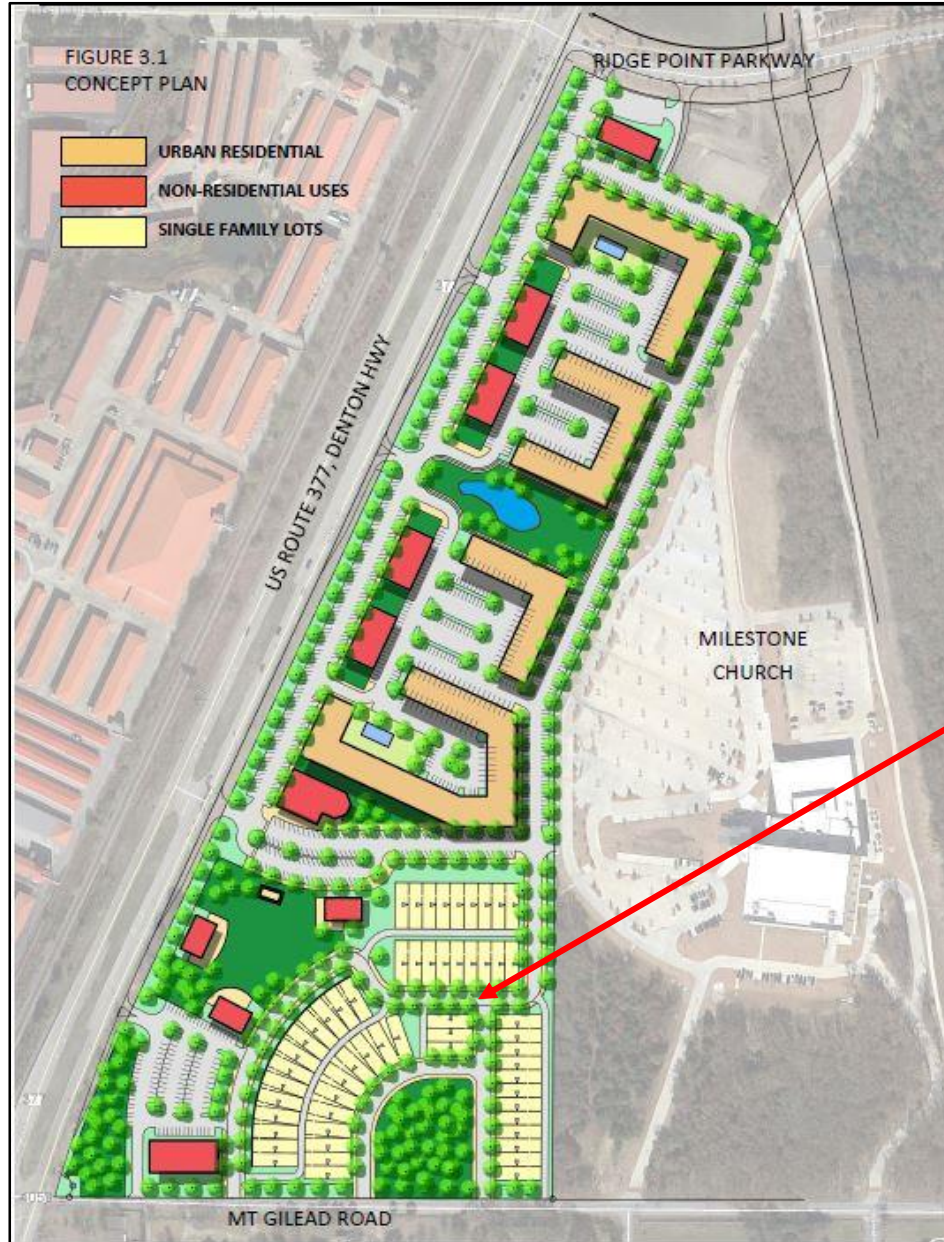


### Commercial

- Approximately 5.2 acres are dedicated to commercial/retail uses
- Uses proposed include:
  - Indoor & Outdoor entertainment
  - Bars & Taverns
  - Grocery Stores
  - Minor medical emergency clinics
  - Restaurants
  - Spas






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### Single-Family

- There are 57 detached single-family homes proposed
- Lot Standards include:
  - Minimum lot area: 2,700 sqft
  - Minimum lot width: 30'
  - Minimum lot depth: 90'
  - Front Set Back: 10'
  - Side Setback: 0' / 5'
  - Rear Setback: 18'

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| TABLE 7.1 FAÇADE TYPES          | FAÇADE A  | FAÇADE B  | FAÇADE C  |
|---------------------------------|---|---|---|
| GROUND FLOOR BUILDING STANDARDS |          |   |  |
| DESCRIPTION OF GROUND FLOOR     | COMMERCIAL STOREFRONT   | DWELLING UNITS WITH INTERIOR OR EXTERIOR ENTRY                                      | DWELLING UNITS OR GARAGE  |
| OCCUPANCY                       | RESIDENTIAL OR NON-RESIDENTIAL  | RESIDENTIAL   | RESIDENTIAL OR GARAGE   |
| FINISH FLOOR ABOVE SIDEWALK     | NO STEPS  | ONE-HALF STORY MAXIMUM  | NO RESTRICTION  |
| SEPARATION BETWEEN FLOORS       | FIRE SEPARATION PER CODE  | RESIDENTIAL SEPARATION  | RESIDENTIAL SEPARATION  |
| GROUND FLOOR GLASS              | 60% MINIMUM   | 20% MINIMUM   | NO MINIMUM  |
| SIGNAGE                         | COMPLY WITH RETAIL SIGNAGE  | NO COMMERCIAL SIGNAGE   | NO COMMERCIAL SIGNAGE   |
| GROUND FLOOR ENTRY              | DIRECT FROM SIDEWALK  | INTERIOR CORRIDOR OR SIDEWALK   | INTERIOR CORRIDOR OR SIDEWALK   |
| FRONTAGE STANDARDS              | MAY BE USED WHERE FRONTAGE TYPE A IS REQUIRED, MAY ALSO BE USED IN B, OR C FRONTAGE TYPES | MAY BE USED WHERE FRONTAGE TYPE B IS REQUIRED, MAY ALSO BE USED IN C FRONTAGE TYPES | MAY BE USED WHERE FRONTAGE TYPE C IS REQUIRED                                       |

Planning by  
Roaring Brook Development Co

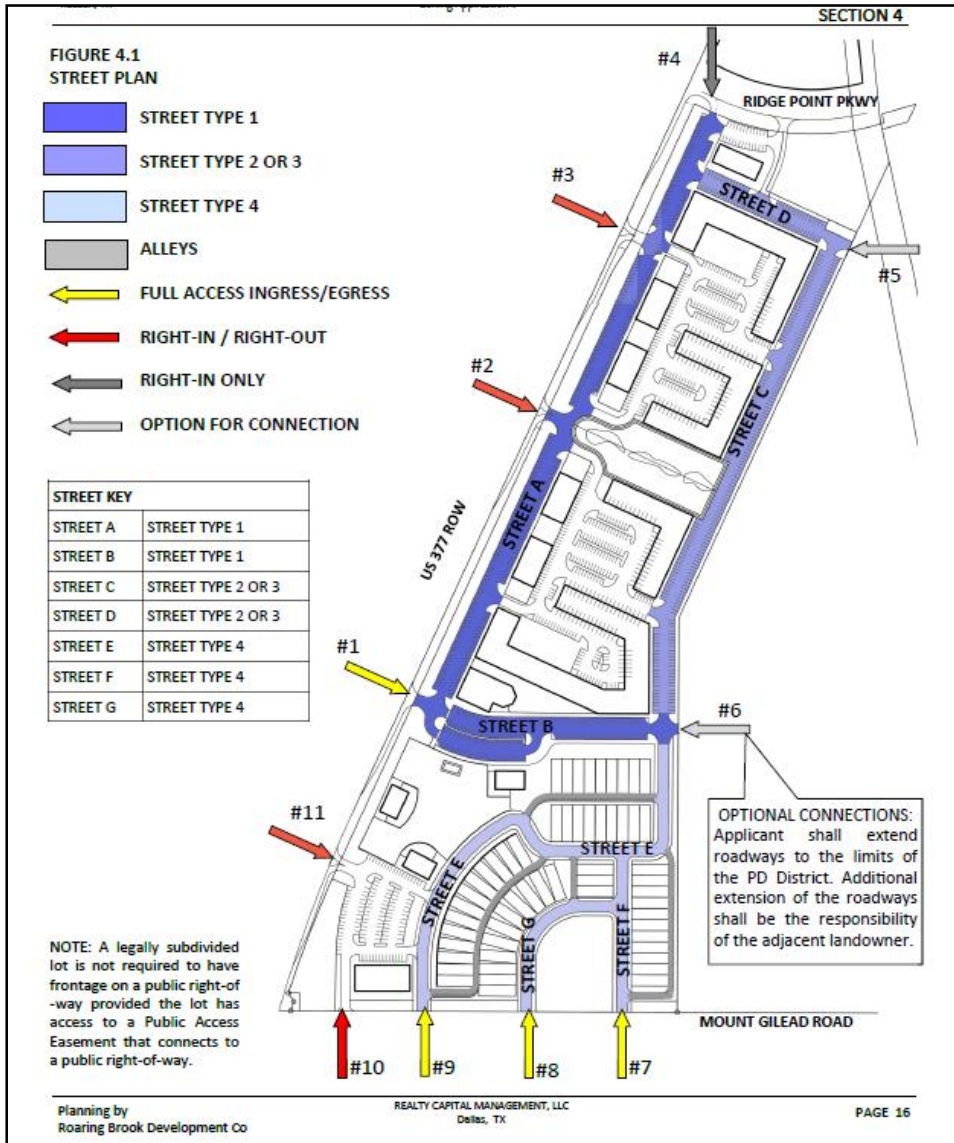
REALTY CAPITAL MANAGEMENT, LLC  
Dallas, TX

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## Building Elevations

Specific elevations, details related to building materials, and a description of the materials for residential homes are described on pages 31-33. Façade A & B meet the City of Keller's 80% masonry requirement. Façade C would allow up to 75% Hardi-Board and the single-family homes would be 90% masonry.

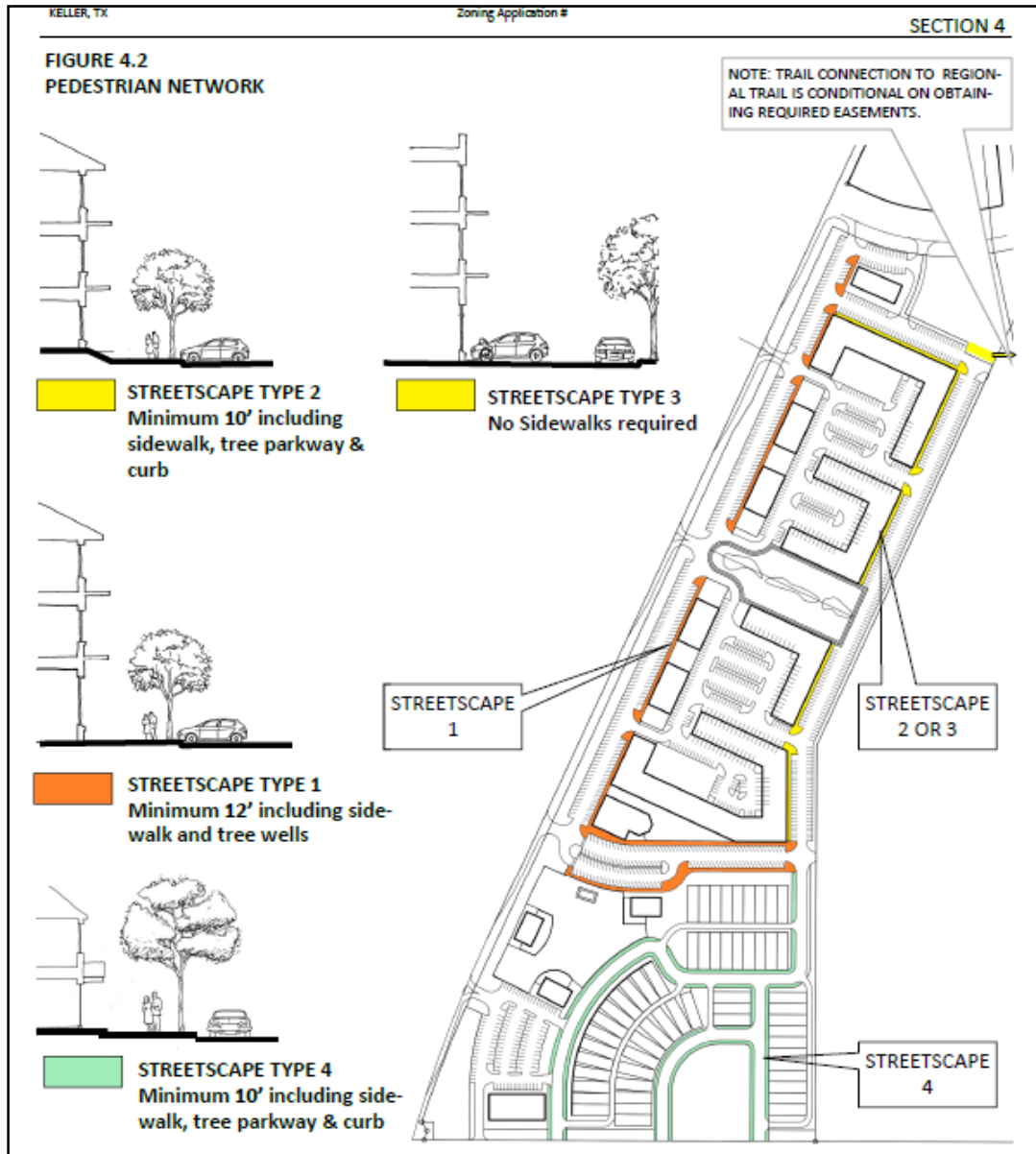
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- Draft TIA will need to be finalized and approved during the Detail Plan process.
- Items still in play:
  - Intersection analysis
  - Turn lane requirements
  - Driveway spacing (#4 & #10)
  - Throat distances
  - Development-related improvement requirements
- In terms of internal street design, all proposed streets will be private streets except for those in the Single-Family block including the alleyways.
- Connectivity with Milestone Church to the east is anticipated as is shared parking



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### The Pedestrian Network

Streetscapes are described on pages 18, 21, and 22. The streetscape along Main Street (Streetscape 1) includes a 30-foot landscape buffer. Within this buffer will be a 12-foot sidewalk with trees planted on 30-foot centers.

The overall open space of 5.7 acres includes these landscape buffers and is shown on page 24. However, the UDC does not permit “street yard landscaping” so these buffers would not be included in the calculation for open space. The proposal allows flexibility in terms of whether to utilize Streetscape Type 2 or Type 3 along the east side of the development. Type 3 would not require a sidewalk or tree parkway along the length of the east side of the development.

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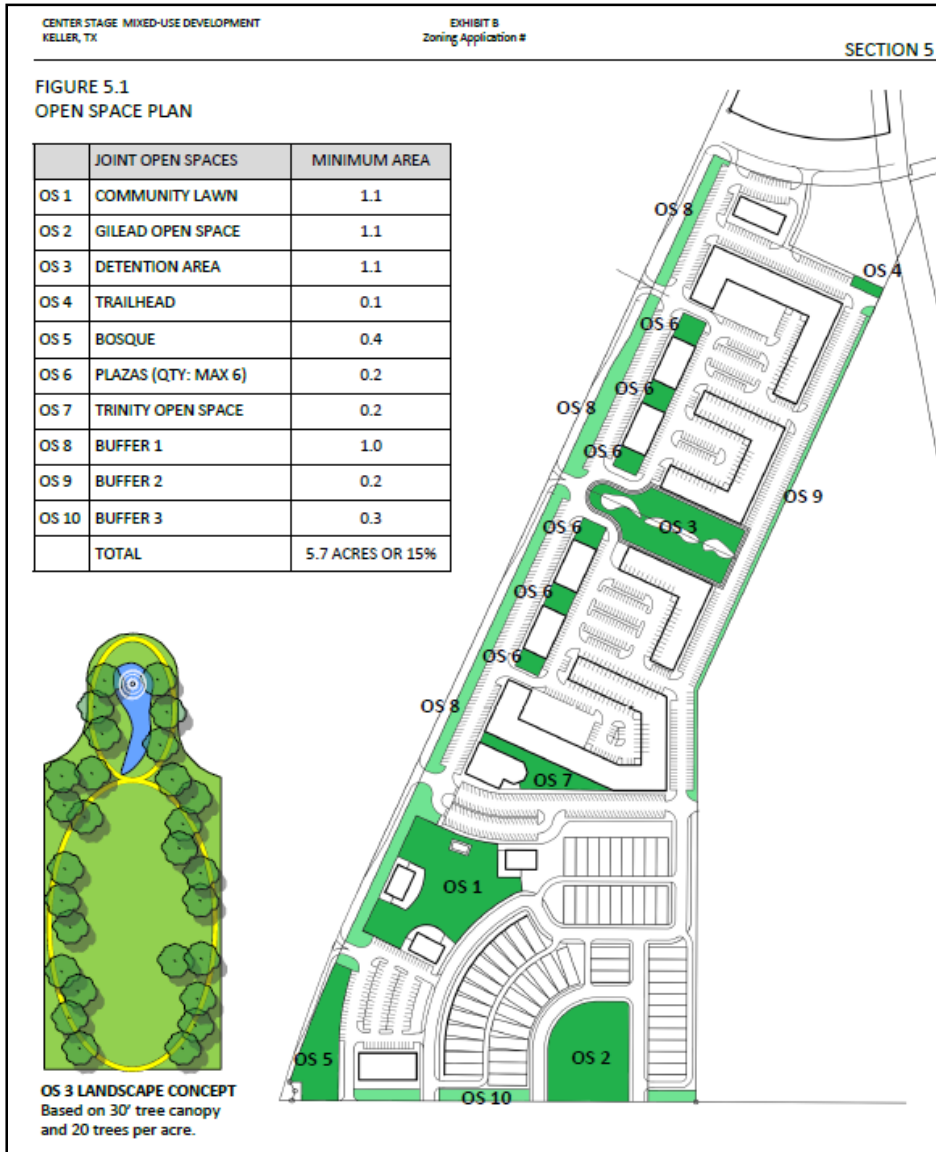
### Parking Standards (Page 28-9)

Because of shared parking opportunities (retail shops open during the day while loft dwellers are working; access to Milestone Church Parking lot), the Applicant is requesting higher ratios for parking (less parking). For example, retail parking under the UDC is one space for each 200 square-feet of retail space. The Applicant is proposing one space for each 250 square-feet.

| TABLE 6.3 PARKING TABULATION (See Figure 3.2 for Land Use Inventory Acreage) |              |            |            |            |           |                    |                     |
|--|--------------|------------|------------|------------|-----------|--------------------|---------------------|
|  | BLOCKS       |            |            |            |           | LAND USE<br>TOTALS | PARKING<br>REQUIRED |
|  | A1           | A2         | B          | C          | D         |                    |                     |
| URBAN RESIDENTIAL LOFTS (# OF UNITS)   |              |            | 275        | 275        |           | 550                | 825                 |
| RESIDENTIAL LOTS (# OF LOTS)   | 57           |            |            |            |           | 57                 | 2/LOT               |
| IN-LINE RETAIL (ESTIMATED AREA)  |              |            | 18,000     | 12,000     | 7,000     | 37,000             | 185                 |
| RESTAURANTS (ESTIMATED AREA)   |              | 12,000     |            |            |           | 12,000             | 80                  |
| OFFICE (ESTIMATED AREA)  |              | 10,500     |            |            |           | 10,500             | 30                  |
| <b>TOTAL REQUIRED PARKING</b>  | <b>2/LOT</b> | <b>110</b> | <b>485</b> | <b>460</b> | <b>28</b> | <b>59,500</b>      | <b>1120</b>         |
| <b>PARKING PROVIDED</b>  |              |            |            |            |           |                    |                     |
| ON-STREET PARKING  |              | 92         | 419        | 328        | 5         |                    | 844                 |
| SURFACE PARKING LOT  |              | 118        | 152        | 146        | 24        |                    | 440                 |
| GARAGE PARKING   |              |            | 59         | 56         |           |                    | 115                 |
| TANDEM PARKING   |              |            | 46         | 55         |           |                    | 101                 |
| <b>TOTALS</b>  | <b>2/LOT</b> | <b>210</b> | <b>676</b> | <b>585</b> | <b>29</b> |                    | <b>1500</b>         |

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### Open Space



- Open space is comprised of 5.7 acres. This includes all open space as well as landscape buffers and drainage areas.
- The UDC requires 15% open space in a PD. If street yard landscaping is included and all of the green spaces on this diagram, the 15% can be met.
- The open space along Mt. Gilead Road and the community lawn/performance area are each 1.1 acres for a total of 2.2 acres of open space.



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### Economic Impact

| Comparative Analysis                      | Current                            | Uses allowed by right |                                |                           | Uses under Planned Development |                         |                             |
|---|------------------------------------|-----------------------|--------------------------------|---------------------------|--------------------------------|-------------------------|-----------------------------|
| Revenues from                             | undeveloped land with ag exemption | 1.55 acres of Office  | 4.71 acres of Office Warehouse | .27 acres of Small Retail | One (7 per acre) Single Family | 6.51 acres of Mixed Use | 14.56 acres of Multi-Family |
| *TAD appraised values                     | \$6,553,529.48                     | \$251,397.00          | \$1,770,667.00                 | \$205,710.00              | \$585,000.00                   | \$37,000,000.00         | \$28,700,000.00             |
| TAD taxable values                        | \$5,668.00                         | \$251,397.00          | \$1,770,667.00                 | \$205,710.00              | \$20,475,000.00                | \$37,000,000.00         | \$28,700,000.00             |
| Estimated Value psf land                  | \$4.47                             | \$3.72                | \$8.52                         | \$9.32                    | \$100.58                       | \$152.94                | \$45.26                     |
| Real Estate Property Tax                  | \$22.67                            | \$1,005.34            | \$7,080.90                     | \$822.63                  | \$2,339.42                     | \$147,963.00            | \$114,771.30                |
| Sales Tax (per Zac Tax)                   | \$0.00                             | \$0.00                | \$0.00                         | \$446.90                  | 0                              | \$58,307.10             | \$0.00                      |
| Translation of Tax Revenue Value per acre | \$0.76                             | \$648.60              | \$1,503.38                     | \$4,697.28                | \$17,522.22                    | \$31,685.12             | \$7,882.64                  |

The economic analysis provided illustrates that mixed-use centers generate the most annual tax revenues per acre\*. The 38-acre planned development proposal could generate more than one million dollars in annual revenues for the city. This considers only primary impacts and does not include secondary or tertiary impacts.

\*Based on similar development within the city limits using 2019 dollars. Note: the single- family taxable value is based on a five-acre development.

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### Fire Department

Because of the distance from the nearest fire station, should the PD be approved, Chief Jones notes that the potential impact on the City of Keller's ISO Public Protection Classification (Class 2) would be jeopardized.

In order to maintain our rating and meet the Fire Code and City ordinances, all structures in the PD must install sprinkler systems. Staff recommends adding this requirement to the PD. *(This development alone does not accelerate the need for a fourth Fire Station.)*



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### Police Department

- The Keller Police Department has never registered a spike in area crime following construction of a multi-family development in our community.
- Department data consistently shows similarities in Calls for Service when comparing calls to multi-family units vs. single-family units.
- Total Part 1 crime figures in recent years have remained significantly lower than 20-25 years ago, before most of our multi-family units were constructed and when Keller had a smaller population.



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## 2019 Crime & Calls Snapshot

| Apartment Complex     | Units | Part 1 Crime-Property | Part 1 Crime-Violent | Disturbance | Other | Part 1 Crime Rate per 1,000 Units | Percentage of Total Calls for Service |
|-----------------------|-------|-----------------------|----------------------|-------------|-------|-----------------------------------|---------------------------------------|
| Olympus at T.C.       | 276   | 3                     | 3                    | 6           | 60    | 21.7                              | 0.5%                                  |
| Olympus at Stone Glen | 216   | 4                     | 0                    | 6           | 52    | 18.5                              | 0.5%                                  |
| Evergreen             | 240   | 0                     | 0                    | 0           | 8     | 0.0                               | 0.1%                                  |
| Grand Estates         | 160   | 3                     | 0                    | 7           | 57    | 18.8                              | 0.5%                                  |
| Art House             | 187   | 3                     | 0                    | 5           | 68    | 16.0                              | 0.6%                                  |
| Totals                | 1079  | 13                    | 3                    | 24          | 245   | 14.8                              | 2.2%                                  |

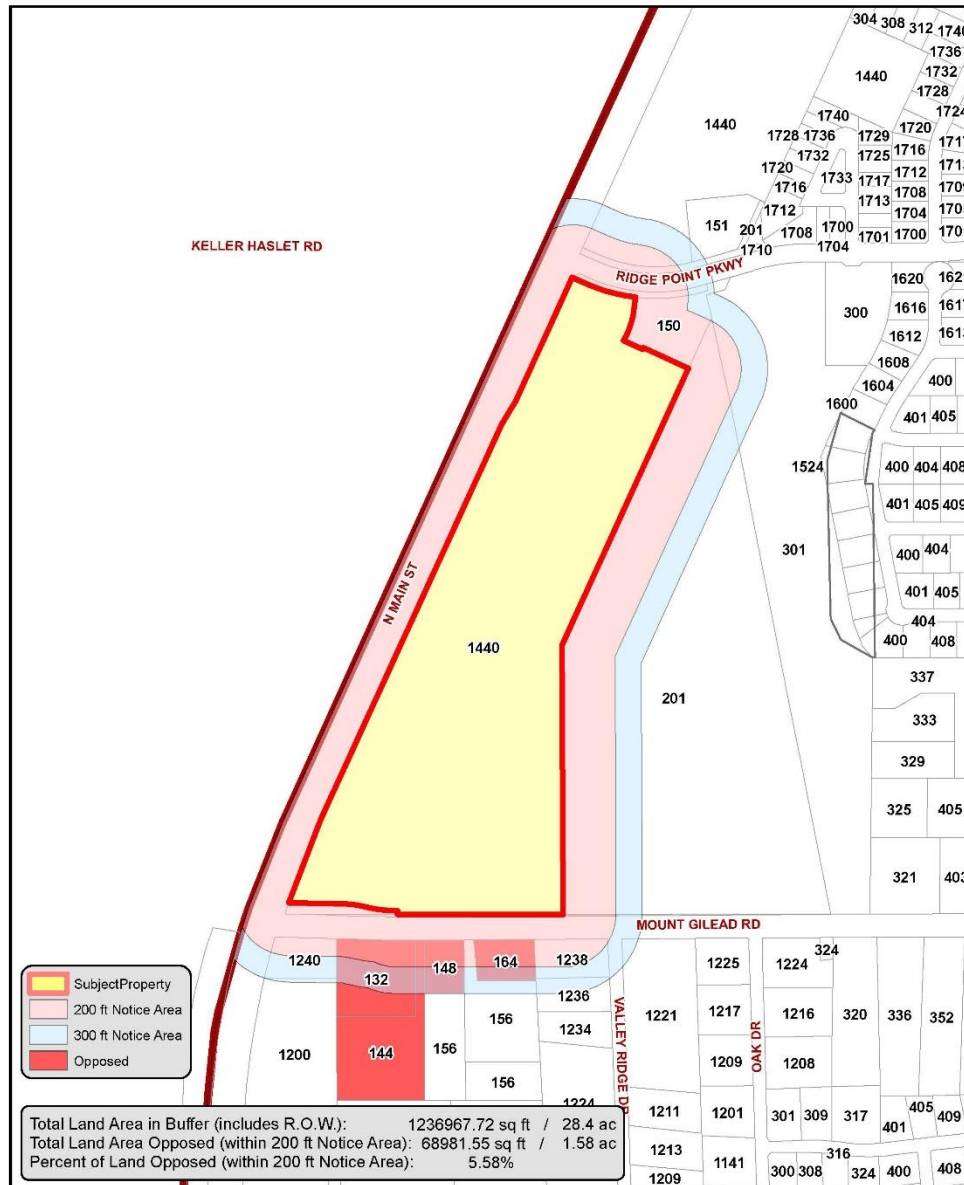
| Subdivision    | Homes | Part 1 Crime-Property | Part 1 Crime-Violent | Disturbance | Other | Part 1 Crime Rate per 1,000 Units | Percentage of Total Calls for Service |
|----------------|-------|-----------------------|----------------------|-------------|-------|-----------------------------------|---------------------------------------|
| Saddlebrook    | 177   | 14                    | 3                    | 7           | 92    | 96.0                              | 0.9%                                  |
| Willis Coves   | 181   | 4                     | 0                    | 3           | 97    | 22.1                              | 0.8%                                  |
| Quail Valley   | 240   | 2                     | 0                    | 3           | 45    | 8.3                               | 0.4%                                  |
| Carriage Gate  | 263   | 14                    | 0                    | 11          | 236   | 53.2                              | 2.0%                                  |
| Marshall Ridge | 839   | 29                    | 9                    | 11          | 355   | 45.3                              | 3.1%                                  |
| Totals         | 1700  | 63                    | 12                   | 35          | 825   | 44.1                              | 7.1%                                  |

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Section 8.02 (D)(1)(e) of the UDC states that when considering a zoning change request, the Planning and Zoning Commission and City Council shall consider the following factors:

- 1) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole, and in compliance with the Future Land Use Plan.
- 2) Whether the proposed change is in accord with any existing or proposed plans for providing streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- 3) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.
- 4) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- 5) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- 6) Any other factors which will substantially affect the health, safety, morals, or general welfare.

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- On January 2, 2020 the City mailed out 20 letters.
- As of the date of the Staff Report (January 15, 2020), at 2 p.m., Community Development had received 88 emails and 4 letters in opposition; 7 emails were received in support of the project. We do not believe any of the people sending emails reside within the 300' buffer of the proposed project. All four written letters of opposition are located within the 200' buffer. Combined, these comprise 5.58% and therefore do not trigger the supermajority vote requirement.



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The Planning and Zoning Commission recommended approval of the Concept Plan (Rezone to Mixed-Use PD) with four conditions by a vote of 6-1 at the January 14, 2020, meeting. The conditions included the following:

- Reduce the number of apartments
- Ensure upscale, high-quality, “luxury” products
- Conduct a noise study in relation to the highway and train tracks during the Detail Plan phase
- Install sprinkler systems in each and every building located in the PD

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The City Council has the following options when considering a Planned Development Zoning change:

- Approve as recommended by the Planning and Zoning Commission
- Approve with modified or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny



**Questions?**  
**Julie Smith**  
**817-743-4129**