



## Legislation Details (With Text)

**File #:** 19-649      **Version:** 1

**Type:** New Business      **Status:** Agenda Ready

**File created:** 12/4/2019      **In control:** Planning & Zoning Commission

**On agenda:** 12/10/2019      **Final action:**

**Title:** PUBLIC HEARING: Consider a request to rezone from Single Family Residential - 36,000 square-foot minimum (SF-36) to Single Family Residential - 25,000 square-foot minimum (SF-25), on a 5.173-acre tract of land, being Tract 1B01, Abstract 1651 of Weatherford, Hardin Survey, and Block 1, Lot 1, of the Gary Addition-Keller, located on the east side of Keller Smithfield Road South, situated at the intersection of Village Trail and Keller Smithfield Road, addressed as 1085 Keller Smithfield Road and 1109 Village Trail. Brian and April Adams, Owner. Sage Group, Inc. for Burk Collins Company, Applicant/Developer. (Z-19-0003)

**Attachments:** 1. 121019\_CollinsRezoneZ-19-0003\_Maps, 2. 121019\_CollinsRezoneZ-19-0003\_ExhibitA(1of3), 3. 121019\_CollinsRezoneZ-19-0003\_ExhibitA(2of3), 4. 121019\_CollinsRezoneZ-19-0003\_ExhibitA(3of3), 5. 121019\_CollinsRezoneZ-19-0003\_StaffAttachment(1of3), 6. 121019\_CollinsRezoneZ-19-0003\_StaffAttachment(2of3), 7. 121019\_CollinsRezoneZ-19-0003\_StaffAttachment(3of3)

Date	Ver.	Action By	Action	Result
12/10/2019	1	Planning & Zoning Commission	close the public hearing	
12/10/2019	1	Planning & Zoning Commission	deny	Fail
12/10/2019	1	Planning & Zoning Commission	approve	Pass

**To:** Planning and Zoning Commission

**From:** JP Ducay, Planner I

### Subject:

PUBLIC HEARING: Consider a request to rezone from Single Family Residential - 36,000 square-foot minimum (SF-36) to Single Family Residential - 25,000 square-foot minimum (SF-25), on a 5.173-acre tract of land, being Tract 1B01, Abstract 1651 of Weatherford, Hardin Survey, and Block 1, Lot 1, of the Gary Addition-Keller, located on the east side of Keller Smithfield Road South, situated at the intersection of Village Trail and Keller Smithfield Road, addressed as 1085 Keller Smithfield Road and 1109 Village Trail. Brian and April Adams, Owner. Sage Group, Inc. for Burk Collins Company, Applicant/Developer. (Z-19-0003)

### Background:

According to Tarrant County Appraisal District, the home that exists on a portion of the subject site was constructed in 1983. The property is currently for sale.

The Applicant is proposing to rezone the property from SF-36 to SF-25 and develop a seven lot subdivision. This project will offer to custom builders seven minimum 25,000 square-foot lots, with an average density of 1.36 homes per acre. Providing access to all the lots is a proposed internal cul-de-sac with access off of Village Trail. (ExhibitA 3)

### Drainage & Utilities:

The Applicant provided a preliminary drainage plan that was reviewed by the Public Works Department. The trail alignment they have proposed does not allow for any road width expansion since it is 10 feet from the edge of the existing 2 lane Keller Smithfield. An example of how it should look is further south on the east side of Keller Smithfield - Cherry Groves Linear Park (i.e. trail is adjacent to right-of-way and not 20 feet off like they have shown). Subsequently, the trail location will change with final plans as it needs to be shifted further east if approved.

### **Citizen Input:**

On November 27, 2019, the City mailed out 20 letters of notifications for this public hearing and the associated zoning change to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was posted on the site.

As of December 3, 2019, Staff has received five letters of opposition from the public regarding the zoning change. Of the five letters of opposition, four were provided by property owners within 200' feet of the subject property. The total land area of opposition makes up 42.29% of the total land. Exceeding the threshold of 20% requires a supermajority vote. (Staff Attachment 2 & 3)

### **Analysis:**

This request is currently consistent with the City of Keller Future Land Use Plan, as all lots proposed will be at least 25,000 square-feet. Spot zoning does not apply because the tract exceeds five acres. The nine residential lots adjacent to the tract to the east are zoned SF-25. To the south, across Village Trail, are various developments Zoned SF-15 and SF-20. The concept plan being proposed would require variances to reduce the minimum lot width of four out of the seven lots. Due to the irregularity of the shape of the lots caused by the cul-de-sac.

### **Summary:**

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 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.
- 5) 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.
- 6) How other areas designated for similar development will be, or are unlikely to be, affected if

the proposed amendment is approved.

- 7) Any other factors which will substantially affect the health, safety, morals, or general welfare.

**Alternatives:**

The Planning and Zoning Commission has the following options when considering a Zoning Change application:

- Recommend approval as submitted.
- Recommend approval with modifications or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Recommend denial.

**City Council Action:**

If the Planning and Zoning Commission takes action and makes a recommendation on this agenda item, then this zoning change request will be scheduled for City Council action on January 21, 2019.

**Supporting Documents:**

- Maps
  - o Aerial & Zoning
- Exhibit A
  - o Application
  - o Narrative
  - o Concept Plans
- Staff Attachments
  - o Survey
  - o Letters of opposition