



City of Keller

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Legislation Text

File #: 16-343, **Version:** 1

To: Mark Hafner, City Manager

From: David Hawkins, Planning Manager

Subject:

PUBLIC HEARING: Consider an ordinance approving a Planned Development Zoning Change from SF-8.4 (Single Family Residential-8,400 square-foot minimum) and SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square-foot minimum) and PD-SF-15 (Planned Development-Single Family Residential-15,000 square foot minimum) for Westbury Estates, a proposed residential subdivision consisting of twenty four (24) residential lots and two (2) open space lots, located on an approximately 9.57-acre tract of land, being Lots 1-R-1, 1-R-2, and 2-R, Block A, Delamora Addition, located on the southeast corner of Rapp Road and Whitley Road, at 1319 and 1325 Whitley Road and 210 Rapp Road. Sylvia De Lamora, owner. John Shehata, Elite Development and Construction, applicant, Jim Dewey, JDJR Engineers and Consultants, surveyor/engineer. (Z-17-0003)

Project Update:

This item was tabled at the May 16, 2017 City Council meeting on the request of the applicants. The item was tabled with the public hearing open. On June 2, 2017, the applicant has officially withdrawn this zoning change application. No action is needed by City Council.

Action Requested:

Consider an ordinance approving a Planned Development Zoning Change from SF-8.4 (Single Family Residential-8,400 square-foot minimum) and SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square-foot minimum) and PD-SF-15 (Planned Development-Single Family Residential -15,000 square foot minimum) for Westbury Estates.

Current Zoning:

SF-8.4 (Single Family Residential - 8,400 square foot minimum) and SF-36 (Single Family Residential - 36,000 square foot minimum)

Proposed Zoning:

PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square-foot minimum) and PD-SF-15 (Planned Development-Single Family Residential -15,000 square foot minimum)

Future Land Use Plan:

The Future Land Use Plan currently designates this site to be developed as MD-SF (Medium Density - Single Family Residential, 15,000 square feet to 24,999 square feet). No FLUP amendment is required as the zoning change request does not change the base district for the properties at 1319

and 1325 Whitley Road (currently zoned SF-8.4) and the requested base zoning district for 210 Rapp Road falls within the suggested lot size of the MD-SF designation.

Background:

The zoning for the subject property was established in 1992 as part of the city wide rezoning effort.

This property was first platted as Lot 1, DeLaMora Addition, being 9.16-acres in 1998. According to TAD, a single-family home was constructed on the lot in 1998. The house currently encroaches into the sixty-foot (60') front yard setback but was built before a sixty-foot (60') front yard setback was required. The UDC will allow additions to the house, however any new structure must adhere to the sixty-foot (60') building setback.

A hike and bike trail right-of-way along Whitley Road was vacated in 2004 per City Ordinance No. 1223 after the Parks Trail Master Plan was updated and removed a proposed section of trail adjacent to the property. The property was replatted in 2005 to reflect the trail right-of-way abandonment and subdivide the parcel into Lot 1-R-1, being 3.35-acres and Lot 1-R-2, being 5.46-acres.

In 2014, the subject property was included in a planned development rezoning case (Z-14-007). The proposed development consisted of twenty-six (26) residential lots and two (2) open space lots. This case was withdrawn after receiving a recommendation to deny by the Planning and Zoning Commission on June 9, 2014 before any consideration from City Council.

A final plat, which subdivided Lot 1-R-1 into two lots was approved by the Planning and Zoning Commission on September 26, 2016. This plat was withdrawn after approval was granted and has not been recorded by Tarrant County.

A right of way abandonment was approved by City Council on March 21, 2017, which abandoned the hike and bike trail right of way (dedicated by the original plat) and a portion of the Rapp Road right of way.

Analysis:

The purpose of this planned development zoning change is to establish a planned development residential subdivision, Westbury Estates, consisting of twenty four (24) residential lots and two (2) open space lots.

PD-SF-8.4:

Fifteen (15) lots, including the lot at 1319 Whitley Road (with the existing house) will be zoned as PD-SF-8.4. Three of these lots will front onto Whitley Road, the remainder will be accessed by public streets within the proposed subdivision. The lots zoned PD-SF-8.4 will comply with the requirements of the SF-8.4 zoning district with the exception of two lots with adjacency to Whitley Road.

PD-SF-15:

Nine (9) of the residential lots will be zoned PD-SF-15. These lots will meet all the zoning requirements of the base SF-15 zoning district. No variances are being requested for the lots in the PD-SF-15 district.

Minimum Lot Size:

The applicant proposes to meet the minimum lot size of eight thousand four hundred (8,400) square feet and fifteen thousand (15,000) square feet established by each base zoning district.

Minimum Lot Width/Depth:

Per the base SF-8.4 zoning district, the minimum lot width is sixty-five feet (65') and the minimum lot depth is one hundred ten feet (110'). All proposed residential lots zoned PD-SF-8.4 will meet the minimum zoning standards of the base district.

The SF-15 zoning minimum lot width is one hundred and five feet (105') and minimum lot depth is one hundred twenty-five feet (125'). All proposed residential lots zoned PD-SF-15 will meet the minimum zoning standards of the base district.

Building Setbacks:

UDC Section 8.03 (J.4.b) states that the minimum building setbacks for the SF-8.4 district are twenty-five feet (25') for the front yard (sixty feet (60') if fronting on a thoroughfare), ten percent (10%) of the lot width (not to exceed fifteen feet (15')) for the side yard (twenty-feet (20') if adjacent to a thoroughfare), and fifteen feet (15') for the rear yard.

Variance Request: The applicant is requesting a variance to the side yard setback along Whitley Road for Lots 5 and 6, Block A to be seventeen feet (17') instead of the required twenty feet (20'). Both lots meet the minimum lot area, width, and depth.

Lot Street Frontage:

The minimum street frontage for each residential lot in Keller is fifty feet (50') per Section 5.13 of the UDC. All lots within this development will meet this street frontage requirement of the UDC.

Lot Coverage:

Each residential zoning district in the UDC contains development standards that include the maximum lot coverage for the main dwelling or residence and second maximum lot coverage including other improvements such as driveways, sidewalks, patios, pools, accessory buildings, etc.

The base SF-8.4 district has the maximum lot coverage at thirty five percent (35%) for the main building and fifty percent (50%) including pools, accessory buildings, driveways, parking areas, and all impervious surfaces.

The base SF-15 district has the maximum lot coverage at thirty five percent (35%) for the main building and fifty-five percent (55%) including pools, accessory buildings, driveways, parking areas, and all impervious surfaces.

The applicant plans to meet these requirements.

Landscaping:

Section 5.10 (A) of the UDC states that screening walls are required when rear or side yards of residential lots are adjacent to arterial or collector streets as identified on the Keller Master Thoroughfare Plan. Both Rapp Road and Whitley Road are designated as thoroughfares. The screening wall and landscaping must be located in an easement or open space lot.

The applicant is proposing to place a masonry screening wall along Rapp Road and along Whitley Road, where lots have side yard or rear yard adjacency or where the rear yard adjacent to an open space faces a thoroughfare.

Screening:

No variances are being requested for the landscaping. Per UDC Section 5.10 (B) large canopy trees three (3) caliper inches at time of planting are required, spaced at a distance to accommodate the mature canopy width of the tree. This requirement will be met where the screening wall is required along Rapp Road and Whitley Road.

The applicant has provided a landscaping concept plan which shows the landscaping to be installed in the open spaces. Buffer trees are not required between residential developments. The applicant is proposing to install additional trees within the open space area to the east. This will help screen homes from view. Since these trees will be within a detention area, staff will recommend the species selected has a higher tolerance ground water saturation.

Fencing:

The applicant is proposing to install a wood fence along the south, northwest, and west property lines as indicated on the attached development plan in Exhibit "A". Residential lots within the subdivision, adjacent to an open space, and not facing or adjacent to a thoroughfare will utilize open tubular steel fencing as required by the UDC residential fencing standards.

Open Space:

The applicant is proposing approximately 62,800 square feet of open space (15% of the total land area) with two lots. Lot 1X will contain a pond with a fountain feature near the main entrance. Lot 7X will contain a walking path, seating area, and detention pond.

Tree Preservation:

The applicant has submitted a tree survey with this application. Most of the trees are located along the edges of the property. Tree mitigation will be evaluated at the time of Civil Plan review.

Drainage & Utilities:

Detailed Drainage and Utility Plans will be submitted for review at time of Preliminary Plat and Final Plat applications if this proposed planned development zoning change is approved by the City and will meet the requirements of the Unified Development Code (UDC) before any construction can begin on this property.

The applicant is proposing to allow the existing channel running along the rear of the properties fronting on Shady Lane into the proposed detention pond. More detailed drainage plans will be required with the Preliminary Site Evaluation and Civil Plans which must ensure no adverse impact to the adjacent properties.

Residents along the west side of Shady Lane South brought it to the attention of City staff that there is a concern with the way that the drainage is being conveyed from Rapp Road through the rear of their properties, specifically the amount of flow and the residual ponding of water which creates a potential breeding site for mosquitoes. This has been an issue for at least the past 15 years. Last year staff met with each resident onsite to assess the existing conditions and obtain feedback in

order to serve as a basis for developing a solution to address the issue. Multiple residents made it clear that the existing trees were to remain as the significant growth provides screening and value to their properties. Prior to meeting with the residents a preliminary plan was developed which shows that a proposed channel width of 20 ft and approximately 2.5-3.5 ft depth would be required in order to convey this amount of flow. Many of the trees are located within the limits of this channel and would either be removed or killed in the construction process so it became apparent that an alternative solution should be pursued. The driveway for the Underwood property to the south currently impedes drainage flow from the DelaMora property. During heavy storm events this area to the south ponds up significantly until overtopping the driveway and flowing south. The only record of the driveway is a plan view of the plot plan for the house permit from 1996 prior to the dedication of the drainage easement in 2008.

Late last year staff brought this drainage issue to the attention of the engineer of the adjacent property to the west who was in the process of developing preliminary plans for a future development in hopes that a more regional solution could be designed that would allow the existing trees and properties of Shady Lane South to remain undisturbed. The preliminary landscape plan for Westbury Estates shows multiple detention ponds along the East property line that will allow the existing channel to drain into so that the volume and rate of flow can be better managed.

Trip Generation:

Section 5.03 (E) of the UDC states that if the Trip Generation Form (TGF) indicates that there are more than five hundred (500) trips per day for a residential development and two thousand (2,000) trips per day for a non-residential development, then a Traffic Impact Analysis (TIA) is required to be completed and submitted to the City. The applicant submitted a Trip Generation Form that shows an expected two hundred twenty (220) daily trips. A TIA is not required. This Trip Generation Form document is enclosed within Exhibit "A".

Points of Access:

Section 5.03 (G) of the UDC states that for residential developments between twenty-one (21) and fifty (50) lots may be served with a single point of access and one point of future connection. For this PD zoning change request, the applicant is proposing one (1) entry point, on Rapp Road and one (1) future connection to the south. All street designs shall meet the requirements of the Unified Development Code at time of Construction Plans with the final plat.

Streets:

All streets are planned to be public and maintained by the City of Keller. All street designs shall meet the requirements of the Unified Development Code at time of construction plans with the final plat.

Cul-De-Sacs:

Section 5.03 (L) of the UDC states that a cul-de-sac street shall not be longer than six hundred feet (600') and at the closed end shall have a turnaround provided for, with an outside right-of-way diameter of one hundred twenty feet (120') and pavement diameter of one hundred feet (100'). Three of the residential lots will be accessed from Whitley Road and cannot be accessed from the proposed street. Even with a future connection being proposed the Fire Marshal is requiring Lots 12 and 13, Block A and Lots 5-10, Block B to have residential fire sprinklers due to the proposed single point of access on Rapp. It is unknown when the property to the south will redevelop and the future connection will loop back to Whitley Road.

Sidewalks:

The developer intends to install sidewalks along the street frontages of the interior open space lots and construct a walking path through the open spaces to serve as a neighborhood amenity. The four foot (4') wide sidewalk along the residential lots will be installed by the homebuilders at time of home construction. A five foot (5') wide sidewalk will also be constructed along the Rapp Road and Whitley Road.

Existing Roadway Access:

Rapp Road, a four (4) lane arterial; currently a two-lane street to the north.

Whitley Road, a three (3) lane collector; currently a two lane street to the west.

Surrounding Zoning & Land Uses:

North: Flannigan Hill Subdivision, a single-family residential subdivision zoned SF-8.4

South: Single family residences, zoned SF-8.4 and SF-36

East: Single family residences, zoned SF-36

West: Messiah Lutheran Church and single family residences, zoned SF-8.4

Request:

The purpose of this planned development zoning change is to rezone from SF-8.4 (Single Family Residential - 8,400 square foot minimum) and SF-36 (Single Family Residential - 36,000 square foot minimum) to PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square-foot minimum) and PD-SF-15 (Planned Development-Single Family Residential -15,000 square foot minimum) for Westbury Estates, a proposed fifteen (24) lot residential subdivision with two (2) open space lots, on approximately 9.5-acres of land.

There is one (1) variance being requested for this PD zoning change request:

1. A variance to allow the side yard setback along Whitley Road for Lots 5 and 6, Block A to be seventeen feet (17') in lieu of the required twenty foot (20') setback when adjacent to thoroughfares.

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.

The proposed change would be compatible with the existing Flannigan Hill development to the north. The PD-SF-8.4 area is not changing the base district and will not see an increase in housing density already allowed. The PD-SF-15 area will be in accordance 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.

There are adequate water services available. The developer will be responsible for providing sewer to the site. This can be done by connecting to the lift station at the end of Shady Lane

South. The developer will also be responsible for verifying the capacity of the lift station or increasing the capacity if the station cannot process the additional demand from the proposed development.

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.

The SF-8.4 district runs along the west side of Whitley Road. Most of this land is developed as single-family residences on lots much larger than the minimum lot size for SF-8.4.

The nearest SF-15 district is to the south along the south side of Frank Lane (connecting to Whitley Road) and the west side of Willis Lane. These lots are developed with the lot size being much greater than the minimum lot area of the SF-15 zoning district.

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.

The adjacent Flannigan Hill to the north has been fully built out. To the north of Flannigan Hill is West Park. West Park Phase III is nearing completion and will have twenty (20) SF-8.4 lots available.

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.

At this time, the City does not have any information regarding possible development south of the proposed subdivision. The area between Whitley Road and Willis Lane is designated as MD-SF on the future land use plan and residential properties fronting on Whitley Road are zoned SF-8.4. Properties between Whitley Road and Willis Lane which are not zoned SF-8.4 are zoned SF-36. Development similar to the proposed Westbury Estates may be possible with SF-8.4 close to Whitley Road and SF-15 or greater where the properties are zoned SF-36 (but designated MD-SF by the Future Land Use Plan).

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

Staff does not anticipate any other factors that would affect the health, safety, morals, or general welfare.

Citizen Input:

On April 28, 2017, the City mailed out forty-two (42) letters of Notifications for this Public Hearing and the associated planned development zoning change to all property owners within three hundred feet (300') of the subject site and KISD. Two (2) public hearing notice signs were also posted on the site (one (1) on the Whitley Road frontage and one (1) on the Rapp Road frontage).

As of May 12, 2017, five (5) letters and one (1) petition in opposition have been received. Current opposition to the rezoning requests equals 51.98% of total land area within two hundred feet (200') and **this item will require a supermajority vote to approve.**

City staff was present at a meeting between the neighboring residents and the applicant on March 30, 2017.

Professional Opinion:

Staff is in **support** of the zoning change as the request does not increase the density currently allowed in the SF-8.4 zoning district and the proposed PD-SF-15 area matches the Future Land Use Plan.

Staff is in support of the variance to the side yard along Whitley Road for Lots 5 and 6, Block A. Both lots meet the minimum lot dimensions and the reduced setback will still allow for seven feet (7') of clearance between the building and the screening wall.

Staff forwards this planned development zoning change application for City Council consideration with the following variance:

1. The variance for the side yard setback along Whitley Road for Lots 5 and 6, Block A to be seventeen feet (17') in lieu of the required twenty-foot (20') setback when adjacent to thoroughfares shall be allowed.

In order to maintain the current number of driveways accessing Whitley Road, staff would also support the following condition:

2. Lots 14 and 15, Block A shall have a mutual access easement with a shared driveway.

Board Review:

The Planning and Zoning Commission considered this item at their regular meeting on May 8, 2017 and have provided a recommendation to deny this Planned Development Zoning Change with a vote of 4-3.

Alternatives:

City Council has the following options when considering a Planned Development Zoning Change application:

- Approve as submitted (with variance)
- Approve with modifications or additional condition(s)
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Deny