



# City of Keller

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## Legislation Text

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**File #:** 16-414, **Version:** 1

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**To:** Mark Hafner, City Manager

**From:** David Hawkins, Planning Manager

**Subject:**

**Consider an ordinance approving a Planned Development Zoning Change from SF-36 (Single Family Residential-36,000 square-foot minimum) to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for Enclave at Sky Creek, a proposed private and gated residential subdivision consisting of eleven (11) residential lots and two (2) open space lots, on a portion of an approximately 9.4-acre property, being Tracts 4D, 4E, 4G, 4H and 4J, out of the Lewis A. Clay Survey, Abstract No. 346, located on the south side of the Union Church Road and Pearson Lane intersection, addressed as 2012, 2022, and 2030 Union Church Road. Larry and Gwen Pipes, Ronny and Jeanette Pipes, owners. DR Trinity Land, applicant/developer. Thomas Hoover Engineering, engineer. (Z-17-0009)**

**Action Requested:**

City Council tabled this agenda item at the August 1, 2017 meeting to allow the developer to consider revising the concept plan based on input from concerned citizens and City Council members. The public hearing was closed at the previous meeting. Any persons wanting to speak on this agenda item may do so during the "Persons To Be Heard" portion of the meeting.

At the publishing of this agenda packet on August 10, 2017, the developer was still working on revisions to the concept plan. On August 14, 2017, City staff received a revised concept plan for this PD zoning change. The PD-SF-20 zoning district has been removed, only PD-SF-30 is proposed. The number of lots has been reduced from 11 to 10 and each lot is a min. of 30,000 sq. ft. in size.

Consider approving a Planned Development Zoning Change request from SF-36 to PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum) for the Enclave at Sky Creek, a private, gated subdivision.

**Current Zoning:**

SF-36 (Single Family-36,000 square foot lot minimums)

**Proposed Zoning:**

PD-SF-30 (Planned Development-Single Family Residential-30,000 square-foot minimum) and PD-SF-20 (Planned Development-Single Family Residential-20,000 square foot minimum)

The applicant has revised the concept plan and removed SF-20 zoning from this PD. Only SF-30 is being considered.

### **Future Land Use Plan:**

HD-SF (High Density-Single Family-12,000-14,999 square foot lots) and LD-SF (Low Density-Single Family-25,000 square foot lots and greater)

### **Background:**

This property was part of the area annexed in 1969 by Ordinance Nos. 61, 62, and 63. The subject property is currently zoned SF-36 (Single Family Residential- 36,000 square foot minimum) and has been since 1992.

The Future Land Use Plan designates the area HD-SF (High Density-Single-Family-12,000 sq. ft. to 14,999 sq. ft.) and LD-SF (Low-Density Single-Family-25,000 sq. ft. and greater). The area currently designated LD-SF was designated Open Space. This designation was changed on June 16, 2015 by Resolution No. 3631. At that time, a different applicant was proposing a development under the SF-8.4 (Single-Family - 8,400 square foot lot minimums). That rezoning application was denied but the Council did choose to amend the Future Land Use Plan.

### **Proposed Uses:**

The purpose of this rezoning request is to develop the 9.4-acre site for a single-family residential development consisting of eleven (11) residential lots, two (2) open space lots, and one (1) private street lot. The applicant has addressed the proposed use in their narrative letter. **The applicant has removed one (1) residential lot from the original concept plan for a total of ten (10) residential lots.**

### **Analysis:**

The Planned Development request is in conformance with the Future Land Use Map. The Future Land Use designation for this property is HD-SF (High Density-Single-Family-12,000 sq. ft. to 14,999 sq. ft.) and LD-SF (Low-Density Single-Family-25,000 sq. ft. and greater). The base SF-20 zoning district has been assigned to the area called for HD-SF on the Future Land Use Map and the base SF-30 Zoning is assigned to the area called for LD-SF on the Future Land Use Map. No amendment to the Future Land Use Map is required for this rezoning request. Several variances have been requested with this subdivision. They are outlined throughout this staff report.

**The SF-20 has been removed from consideration. The revised concept still meets the intent of the Future Land Pan and no amendment is required.**

### **Fencing:**

Fencing along the golf course will be six-foot (6') ornamental iron fence.

Along the east side of property, the applicant is proposing a six-foot (6') wood fence. There is a condition that each property owner would maintain the wood fence with a consistent appearance. *Please note that the UDC does not require a privacy fence between two (2) residential properties but the developer is proposing this condition.*

### **Condition Requested:**

1. The condition that on the east side of the property a six-foot (6') wood fence shall be constructed and then maintained by each property owner with a consistent appearance.

### **Sidewalks:**

That applicant is proposing the required four-foot (4') wide sidewalk throughout the subdivision.

### Lot Dimensions:

The development will need to meet all standards in the respective SF-20 or SF-30 zoning district unless called out as a variance with the Planned Development. The standards and variances requested are highlighted in the tables below. **The SF-20 has been removed. The proposed standards for the SF-30 have remained unchanged.**

<b>Standard</b>	<b>SF-20</b>	<b>PD-SF-20</b>
<del>Min. Lot Size</del>	<del>20,000 S.F.</del>	<del>20,000 S.F.</del>
<del>Min. Lot Width*</del>	<del>120'</del>	<del>100'</del>
<del>Min. Lot Depth</del>	<del>150'</del>	<del>150'</del>
<del>Min. Floor Area</del>	<del>2,200 S.F.</del>	<del>2,200 S.F.</del>
<del>Max. Height</del>	<del>2.5 stories</del>	<del>2.5 stories</del>
<del>Min. Front Yard</del>	<del>35'</del>	<del>35'</del>
<del>Min. Side Yard*</del>	<del>10% Lot width up to 15'</del>	<del>10'</del>
<del>Min. Rear Yard</del>	<del>15'</del>	<del>15'</del>
<del>Max. Lot Coverage*</del>	<del>30% (main bldg.). 50% impervious area</del>	<del>30% (main bldg.). 60% impervious area</del>

<b>Standard</b>	<b>SF-30</b>	<b>PD-SF-30</b>
Min. Lot Size	30,000 S.F.	30,000 S.F.
Min. Lot Width*	140'	110'
Min. Lot Depth	200'	200'
Min. Floor Area	2,400 S.F.	2,400 S.F.
Max. Height	2.5 stories	2.5 stories
Min. Front Yard	35'	35'
Min. Side Yard*	10% Lot width up to 15'	12'
Min. Rear Yard	15'	15'
Max. Lot Coverage	30% (main bldg.). 50% impervious area	30% (main bldg.). 50% impervious area

**The minimum lot size shown on the revised concept plan is 30,016 square feet. The largest lot shown on the concept plan is 31,216 square feet. There are ten (10) lots in the SF-30 base zoning district. With the removal of the SF-20 district, there are several variances being removed from consideration.**

**Variances and Conditions Requested:**

2. ~~A variance to allow a minimum lot width of one hundred feet (100') in the SF-20 base zoning district.~~
3. A variance to allow a minimum lot width of one hundred ten feet (110') in the SF-30 base zoning district.
4. ~~A variance to the minimum side yard setback to be ten feet (10') in the SF-20 base zoning district.~~
5. A variance to the minimum side yard setback to be twelve feet (12') in the SF-30 base zoning district.
6. ~~A variance to allow sixty percent (60%) lot coverage in the SF-20 base zoning district.~~

**Homes:**

The development is intended to have custom homes exceeding one million dollars (\$1,000,000) in value, per the applicant's letter.

**Trip Generation:**

Per Section 5.03 of the UDC, *"The adequacy of the road network for developments of more than five hundred (500) trips per day for residential traffic and more than two thousand (2,000) trips per day for commercial traffic, or for developments involving collector or arterial streets not appearing on the City's approved Thoroughfare Plan, shall be demonstrated by preparation of a Traffic Impact Analysis ."*

For the development, the trip generation estimate is one-hundred ten (110) trips per day based on the submitted trip generation form. A Traffic Impact Analysis (TIA) is not required based on the trip generation information provided.

**Street Connectivity:**

Section 5.03 (G) of the UDC states that developments twenty (20) lots or less may be served with one (1) point of access. One point of access is provided meeting UDC requirements.

**Private Street:**

This neighborhood is proposed to be a gated, private-street subdivision. Per the use charts for the SF-36, SF-30 and SF-20 zoning districts, 'Private street residential development (gated subdivision)' require Planned Developments. A Homeowner's Association will be established to ensure maintenance of the street. The applicant intends to meet all requirements of Section 5.04 of the UDC regulating private streets and all fire code requirements for emergency access.

**Street Access:**

~~The revised concept plan shows the main entrance from Union Church Road pushed further east along this street frontage. The applicant has provided an exhibit illustrating that the visibility distance requirements are still being met with the revised entrance location. Seven (7) of the proposed buildable lots have access onto the private street.~~ Three (3) lots will have access from a shared access easement. Section 5.13 of the UDC limits the number of lots that may use a shared access easement to three (3) and requires the shared access easement to be a minimum of sixty feet (60') wide.

The applicant is requesting that this access easement be forty-four feet (44') wide. Per their letter, forty-four feet (44') allowed for a 24' wide fire lane and curb and nine and one-half feet (9.5) on either

side of the pavement for utilities.

**Variances and Conditions Requested:**

7. A variance to allow a shared access easement to be a minimum forty-four feet (44') in width.

**Landscaping & Screening:**

Per Section 5.10 and 9.08 of the UDC, a residential subdivision screening wall and street trees are required as a buffer along Union Church Road. On the original application, space was left for the required wall, easement and landscaping but no details were provided. At the Planning and Zoning Commission meeting on July 10, 2017, the applicant stated their desire to have a low pony wall with iron fence and living screening. This style of screening wall would be permitted by right in the SF-36 zoning district but is not permitted in all other residential zoning districts where a six-foot (6') solid masonry wall is required. The proposed screening wall will require a variance and has been added to this planned development request.

**Variances and Conditions Requested:**

8. A variance to allow a low wall with iron fence and living screening in-lieu of a six-foot (6') screening wall.

**Tree Preservation:**

A tree survey plan has been provided. Only those trees in the private street would be removed by the developer. Trees on lots would be reviewed at the time of each building permit.

**Open Space:**

The property is adjacent to the Sky Creek Ranch Golf Course on the south and west. The proposed Planned Development will have two (2) open space lots maintain by a Home Owners Association (HOA). These open space lots account for approximately fifteen percent (15.1%) of the 9.4-acre property. One open space area is a drainage easement and in the floodplain adjacent to the golf course. The second open space area is adjacent to the home on the east side of the property. **With the revised concept plan, the percentage of open space remains unchanged.**

**Utilities:**

There are existing water utilities on Union Church Road. Wastewater utilities will be provided by connecting to a Trinity River Authority main running through the golf course. The sewer line will be extended through the development.

**Drainage:**

At the time of site plan and platting, all drainage requirements of the UDC will be met. Without a more detailed site plan, the need for drainage facilities cannot be accurately determined at this time. A LOMR from FEMA will be required for floodplain reclamation. The City's third party consultant has reviewed preliminary drainage plans. There will be a one-foot to six-foot (1'-6') tall retaining wall behind at least three homes along the golf course.

**Existing Roadway Access:**

Union Church Road, a City of Southlake Thoroughfare

**Surrounding Zoning & Land Uses:**

North: City of Southlake, zoned AG (Agricultural) and R-PUD (Residential-Planned Unit

### Development)

South & Southwest: Sky Creek Ranch Golf Course, zoned PD-GC

Northwest: Single-family residences zoned SF-36,

Bloomfield at Hidden Lakes zoned PD-SF-8.4 and PD-SF-6.

East: Single-family residences zoned SF-36, Hidden Lakes zoned PD-SF-8.4 and PD-SF-6.

### Request:

There are five (5) variances and conditions requested based on the revised concept plan:

1. The condition that on the east side of the property a six foot (6') wood fence shall be constructed and then maintained in by each property owner with a consistent appearance.
2. A variance to allow a minimum lot width of one hundred ten feet (110') in the SF-30 base zoning district.
3. A variance to the minimum side yard setback to be twelve feet (12') in the SF-30 base zoning district.
4. A variance to allow a shared access easement to be a minimum forty-four feet (44') in width.
5. A variance to allow a low wall with iron fence and living screening in-lieu of a six-foot (6') screening wall.

Variances pertaining to the SF-20 (minimum lot width of one hundred feet (100'); minimum side yard setback to be ten feet (10'); and sixty percent (60%) lot coverage) have been removed from City Council consideration.

### Citizen Input:

On June 30, 2017, the City mailed out thirteen (13) letters of Notifications for a Public Hearing to all property owners within three hundred feet (300') of the subject site, Keller Independent School District and the City of Southlake. One (1) public hearing notice sign was posted on the site. Notice of the City Council hearing was published in the Fort Worth Star-Telegram on July 16, 2017.

As of August 14, 2017 the City has received thirteen (13) letters in support of the request and two (2) e-mails and two (2) letters in opposition to the request. Letters and a response map are included in the Staff Attachment.

### Written Opposition:

State laws and the UDC both state that if written objections are received from twenty percent (20%) of the area of the adjacent property owners extending two-hundred feet (200') from the subject property, then a three-fourth ( $\frac{3}{4}$ ) vote (super majority is 6 out of 7) is required by City Council for approval of this rezoning request. The two (2) letters in opposition represent thirty percent (30%) of the area within two-hundred feet (200'). **This request will require a three-fourth ( $\frac{3}{4}$ ) super majority vote by City Council for approval.**

### 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 use complies with the comprehensive plan and development within this area of the City. The Future Land Use Plan designation is HD-SF (High Density-Single Family) and LD-SF (Low Density-Single Family). The 30,000 square foot lots correspond with the LD-SF area and meet the definition of being lots 25,000 square foot or greater. There is adequate access for the proposed ten (10) lots.***

- 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.

***City water and wastewater services are available on Union Church Road. The City of Southlake has jurisdiction over Union Church Road and all required Right-of-Way is planned to be dedicated.***

- 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.

***There are approximately 5.7 acres of Keller zoned SF-30. These six (6) lots are all developed. The closest of these neighborhoods is approximately 1.5 miles away measured in a straight line.***

***There are approximately 4,500 acres of Keller zoned SF-36. Very little of this land is vacant. The largest unbuilt area zoned SF-36 is currently under development as the Gean Estates subdivision with one-hundred fifteen (115) lots. Other developing subdivisions zoned SF-36 is Wellsgate Terrace with nine (9) lots, and Ottinger Place with eight (8) lots.***

- 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.

***In the vicinity of the proposed development, there is no additional land of the same zoning under development or available for development. Approximately 1.3 miles away the Trails at Bear Creek subdivision, zoned SF-25 is under development with seventeen of thirty-five lots having building permits***

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

***Staff does not see this rezoning having a significant impact on other areas designated for similar development, as all are developed or currently under development.***

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

***Staff does not anticipate any other issues affecting the health, safety, morals, or general welfare.***

**Professional Opinion:**

Staff's professional opinion is to **support** this Planned Development zoning change request with the following variances and conditions:

1. The condition that on the east side of the property a six foot (6') wood fence shall be constructed and then maintained in by each property owner with a consistent appearance.
2. A variance to allow a minimum lot width of one hundred ten feet (110') in the SF-30 base zoning district.
3. A variance to the minimum side yard setback to be twelve feet (12') in the SF-30 base zoning district.
4. A variance to allow a shared access easement to be a minimum forty-four feet (44') in width.
5. A variance to allow a low wall with iron fence and living screening in-lieu of a six-foot (6') screening wall.

**Board Review:**

At their July 10, 2017 regular meeting the Planning and Zoning Commission vote (6-1) to approve the Planned Development zoning change request with the following variances and modified condition #1:

1. The condition that on the east side of the property a six foot (6') wood fence shall be constructed and then maintained *by the Home Owner's Association* with a consistent appearance shall be required.
2. A variance to allow a minimum lot width of one hundred feet (100') in the SF-20 base zoning district shall be allowed.
3. A variance to allow a minimum lot width of one hundred ten feet (110') in the SF-30 base zoning district shall be allowed.
4. A variance to the minimum side yard setback to be ten feet (10') in the SF-20 base zoning district shall be allowed.
5. A variance to the minimum side yard setback to be twelve feet (12') in the SF-30 base zoning district shall be allowed.
8. A variance to allow a screening wall of less than six feet (6') in height shall be allowed.

They did not support the two (2) variances requested below:

6. A variance to allow sixty percent (60%) lot coverage in the SF-20 base zoning district.



7. A variance to allow a shared access easement to be a minimum forty-four feet (44') in width.

**City Council Action:**

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

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