



City of Keller

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Legislation Text

File #: 18-111, **Version:** 1

To: Mark Hafner, City Manager

From: Susan Kenney, Community Development Director

Subject:

PUBLIC HEARING: Consider an Ordinance approving a Planned Development from R (Retail) to PD-SF-8.4 (Planned Development - Single Family Residential - 8,400 square-foot minimum), for Concordia, a planned development consisting of sixty-six (66) single-family residential lots and six (6) open space lots, on an approximately 23.067-acre property, being a portion of Lot 1, Block 1, A Church for the Communities, located on the north side of North Tarrant Parkway, approximately 1,000 feet from Rufe Snow Drive and North Tarrant Parkway intersection, addressed as 1870 Rufe Snow Drive. Jim Tchoukaleff, Contour Real Estate & Development, applicant/developer. Mark Kimmel, Northwood Baptist Church, owner. Jerry Sylo, JBI Partners, surveyor/engineer. (Z-18-0002)

Action Requested:

Conduct a public hearing and consider an ordinance approving a planned development zoning change for Concordia, a proposed single-family residential development.

Property Description:

Approximately 23.067-acre tract of land, being a portion of Lot 1, Block 1, A Church for the Communities, located on the north side of North Tarrant Parkway, located at 1870 Rufe Snow Drive.

Property Owner:

Mark Kimmel, Northwood Baptist Church

Applicant/Developer:

Jim Tchoukaleff, Contour Real Estate & Development

Surveyor/Engineer:

Jerry Sylo, JBI Partners

Current Zoning:

R (Retail)

Proposed Zoning:

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

Future Land Use Plan:

The Future Land Use Plan currently designates this site to be developed as HD-SF (High Density - Single Family Residential, 12,000 square feet to 14,999 square feet). No FLUP amendment is required as the zoning change request does not change the base district for the property at 1870

Rufe Snow Drive.

Background:

The zoning for the subject property was established in 1992 as part of the city wide rezoning effort. At that time, the property was rezoned from PD (Planned Development) for Commercial and Multi-Family uses to SF-8.4 (Single Family Residential - 8,400 square-foot minimum) and MF (Multi-Family) per the Comprehensive Zoning Ordinance in December 1992.

In March 1995, City Council approved Ordinance 770 pertaining to a comprehensive zoning ordinance by amending the zoning map and changing the zoning from SF-8.4 (Single Family Residential - 8,400 square-foot minimum) to R (Retail) on approximately 12-acres, located at the northwest corner of Rufe Snow Drive and the future extension of Wilson Lane.

This property was first platted in 1995 as Block 1, Lot 1, A Church of the Communities, being 45.299-acres of land.

In 1995, Northwood Baptist Church had a Site Plan Phase 1 approved per Resolution 564. This Site Plan indicated the chapel, playground, classrooms, offices and parking lot with an access drive located on Chase Oaks Drive.

In 1995, Northwood Baptist Church modified their Site Plan approved per Resolution 985 to allow new construction of a 2,400 square foot multi-use building.

In 1999, Northwest Baptist Church modified their Site Plan approved per Resolution 1270 to allow an 18,940 square foot addition to their existing building.

In 2001, Northwood Baptist Church amended their Site Plan that was approved by City Staff to add additional parking to their property.

In 2002, Northwood Baptist Church submitted a Site Plan per Resolution 1787 for a proposed 10,442 square foot addition to be Northwood Church Youth building.

In April 2005, City Council approved Ordinance 1258, amending the zoning map and changing the zoning for Northwood Church from MF (Multi-Family) to R (Retail) for 33.314 acres, being a portion of a 45.423-acre lot.

In 2006, Northwood Baptist Church submitted a Site Plan per Resolution 2405, to allow a proposed 47,931 square foot church building addition.

In 2013, Northwest Baptist Church modified their Site Plan approved per Staff to allow a 2,000 square foot accessory structure located on the northwest area of the subject property.

Analysis:

The purpose of this planned development is to allow a rezoning of a portion of Lot 1, Block 1, A Church for the Communities to PD-SF-8.4 (Planned Development-Single Family Residential-8,400 square-foot minimum) for Concordia Subdivision, a planned development consisting of sixty-six (66) single-family residential lots and six (6) open space lots.

According to TAD, the City of Keller has nearly 355-acres of vacant land zoned as residential use and 173-acres of vacant land zoned Retail/Commercial use. The subject property represents approximately thirteen percent (13%) of vacant land zoned for retail and commercial uses.

The applicant has provided a concept plan for the Planned Development. To develop the site, a Preliminary Site Evaluation, Site Plan, Construction Plans, Platting and Building Permits would be required.

Minimum Lot Size:

The applicant proposes to meet the minimum lot size of eight thousand four hundred (8,400) square feet established by the 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').

Per Section 8.15 supplemental Regulations, the minimum lot width is sixty feet (60').

Condition:

1. The proposed minimum lot depth of one hundred and twenty-five feet (125') in lieu of the required one hundred and ten feet (110').

Variance Request:

2. A variance is requested to allow a minimum lot width at cul-de-sac and elbow to be reduced from sixty feet (60') to fifty-five feet (55').

Minimum Dwelling Unit Area:

UDC Section 8.03 (J.e) states that the minimum dwelling unit area for the SF-8.4 district is one thousand four hundred (1,400) square feet.

Condition:

3. The proposed minimum dwelling size of two-thousand (2,000) square feet in lieu of the required one thousand four hundred (1,400) square feet.

Building Setback:

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, but not more than fifteen feet (15') for the side yard (twenty-feet (20') if adjacent to a thoroughfare), and fifteen feet (15') for the rear yard.

Per Section 8.07 (C.2) indicates that side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum twenty-five feet (25') from the door face of the garage to the side or rear property line for maneuvering.

Per Section 8.15 Supplemental Regulations, the minimum front yard to be thirty feet (30').

Variance Requests:

4. A variance is requested to allow a minimum front yard setback to be reduced from twenty-five feet (25') to fifteen feet (15').
5. A variance is requested to allow for a front entry garage setback to be reduced from twenty-five feet (25') to twenty feet (20').
6. A variance is requested to allow a minimum front yard setback at cul-de-sac and elbow setback to be reduced from thirty feet (30') to twenty feet (20').
7. A variance is requested to allow a minimum side yard setback to be set at five feet (5') in lieu of the required ten percent (10%) of lot width which would be six and a half feet (6.5') on each side.

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:

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 accessory buildings, driveways, and parking areas.

The applicant plans to meet these requirements.

Screening:

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. North Tarrant Parkway is designated as a thoroughfare. 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 North Tarrant Parkway, where lots have side yard or rear yard adjacency or where the rear yard adjacent to an open space faces a thoroughfare.

Section 8.13 (D) of the UDC states that screening walls are required if a single-family development is being constructed adjacent to a developed multi-family or a developed non-residential use without a screening wall in place. The single-family residential development is required to construct a screening wall in accordance with this code.

The applicant is proposing to place a minimum six foot (6') tall masonry screening wall along the eastern limits of the neighborhood.

Fencing:

Section 8.11 (L.1) of the UDC states that the location of fences for double frontage lots or corner lots adjacent to a street shall be in accordance to the setback line as shown in the final plat. The distance may be reduced to eight feet (8') from the property line if the fence is constructed of ornamental metal, tubular steel, or similar material with live screening.

Variance Request:

8. A variance to request the use of a minimum six foot (6') high solid, stained cedar fence with metal posts and caps to be allowed on side yards, located on corner lots may extend within eight feet (8') of the side property line in lieu of open-style fencing.

Street Trees:

Section 8.08 (G. 1 & 2) requires a minimum of two (2) three-inch (3") caliper trees to be planted within the front yard and an additional two (2) three-inch (3") caliper trees to be planted on side yard adjacent to a street of each residential lot in Keller.

Condition:

9. The proposed minimum of one (1) three-inch (3") caliper street tree located between the curb and sidewalk; one (1) three-inch (3") caliper tree shall be provided in the rear of each lot.

Variance Request:

10. A variance is requested to allow a one (1) three-inch (3") caliper tree to be planted within the front yard in lieu of two (2) three-inch (3") caliper trees.

11. A variance is requested to have two (2) street trees located between the curb and sidewalk to be allowed on the corner lots in lieu of the two (2) canopy trees planted in the required side yard adjacent to a street of all new single-family uses on corner lots.

Garage:

Per UDC Section 8.07 (C) in all subdivisions platted after December 15, 1992, garages shall not face or be in view from a public street unless allowed with a Planned Development zoning district...

Variance Request:

12. A variance is requested to allow sixty percent (60%) of the lots, which would be forty (40) residential lots to have front facing garages in lieu of the required J-Swing garages.

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 North Tarrant Parkway. An exhibit illustrating the proposed perimeter overview landscaping plan is within the attached Exhibit "A".

Tree Preservation:

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

Open Space:

The applicant is proposing approximately 192,531 square feet or 4.42-acres of land for open space

(approximately 19% of the total land area) with six (6) lots. Block A, Lot 30 will contain a retention pond with a fountain feature, walking path, and shade structures.

Hike/Bike Trail:

The hike and bike trail was redesigned to go north on Rufe Snow Drive, as opposed to go from east to west on North Tarrant Parkway. The City maintains the one hundred and twenty-five foot (125') width of public right of way for North Tarrant Parkway per Master Thoroughfare Plan.

Points of Access:

Section 5.03 (G) of the UDC states that for residential developments over fifty (50) lots, a minimum of two (2) functional access points shall be required. For this PD zoning change request, the applicant is proposing two (2) entry points, on North Tarrant Parkway and White Oak Trail. 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.

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.

Traffic Impact Analysis (TIA):

A trip generation form was submitted with the zoning application for the Concordia development which showed 710 max trips per day. Section 5.03(E) of the UDC requires that a Traffic Impact Analysis (TIA) be completed if the trip generation form shows that the development will exceed 500 trips per day.

The TIA shows that the proposed southbound Concordia Roadway approach to the median opening on North Tarrant Parkway is predicted to operate at a Level of Service (LOS) D during the PM peak hour under Buildout (2020) Total Conditions. According to the UDC, mitigation of impacts is required considering that the proposed development causes a facility or traffic movement to drop below a LOS C. The applicant is only required to mitigate the impact of the proposed development, and would not be responsible for alleviating any deficiencies in the thoroughfare system that may occur without the proposed development.

A TIA addendum was also submitted investigating options to mitigate to anticipated traffic impacts. The addendum states that although the traffic counts do not warrant a traffic signal, the installation of a traffic signal would best alleviate the predicted LOS D for the southbound Concordia Roadway approach during the PM peak hour.

City staff supports the addendum to the TIA as it meets the minimum requirements outlined in the Unified Development Code (U.D.C.). This TIA document is enclosed within Exhibit "A".

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').

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 five foot (5') wide sidewalk along the residential lots will be installed by the homebuilders at time of home construction. A five foot (5') wide sidewalk along North Tarrant Parkway was previously constructed.

Existing Roadway Access:

North Tarrant Parkway, a six (6) lane divided arterial.
White Oak Trail, a two (2) lane residential street.

Surrounding Zoning & Land Uses:

North: Chase Oaks Addition, a single-family residential subdivision zoned SF-8.4
South: Keely Addition, Multi-family residences, zoned MF
East: Northwood Baptist Church, zoned R
West: North Park Con of Jehovah's Witness and single family residences, zoned SF-36

Requested PD Conditions:

There are three (3) conditions and nine (9) variances being requested for this PD zoning change request.

1. The proposed minimum lot depth of one hundred and twenty-five feet (125') in lieu of the required one hundred and ten feet (110').
2. A variance is requested to allow a minimum lot width at cul-de-sac and elbow to be reduced from sixty feet (60') to fifty-five feet (55').
3. The proposed minimum dwelling size of two-thousand (2,000) square feet in lieu of the required one thousand four hundred (1,400) square feet.
4. A variance is requested to allow a minimum front yard setback to be reduced from twenty-five feet (25') to fifteen feet (15').
5. A variance is requested to allow for a front entry garage setback to be reduced from twenty-five feet (25') to twenty feet (20').
6. A variance is requested to allow a minimum front yard setback at cul-de-sac and elbow setback to be reduced from thirty feet (30') to twenty feet (20').
7. A variance is requested to allow a minimum side yard setback to be set at five feet (5') in lieu of the required ten percent (10%) of lot width which would be six and a half feet (6.5') on each side.
8. A variance to request the use of a minimum six foot (6') high solid, stained cedar fence with metal posts and caps to be allowed on side yards, located on corner lots may extend within eight feet (8') of the side property line in lieu of open-style fencing.

9. The proposed minimum of one (1) three-inch (3") caliper street tree located between the curb and sidewalk; one (1) three-inch (3") caliper tree shall be provided in the rear of each lot.

10. A variance is requested to allow a one (1) three-inch (3") caliper tree to be planted within the front yard in lieu of two (2) three-inch (3") caliper trees.

11. A variance is requested to have two (2) street trees located between the curb and sidewalk to be allowed on the corner lots in lieu of the two (2) canopy trees planted in the required side yard adjacent to a street of all new single-family uses on corner lots.

12. A variance is requested to allow sixty percent (60%) of the lots, which would be forty (40) residential lots to have front facing garages in lieu of the required J-Swing garages.

Citizen Input:

On April 13, 2018, the City mailed out fifty-six (56) letters of Notifications for a Public Hearing to all property owners within three hundred feet (300') of the subject site. Two (2) public hearing notice signs were also posted on the site.

As of May 7, 2018, City staff has received petitions that include 347 signatures in support from the applicant labeled 'Exhibit A' and staff also received 3 letters in opposition.

Summary:

The purpose of this planned development zoning change is to rezone from R (Retail) to PD-SF-8.4 (Planned Development Single Family Residential - 8,400 square foot minimum) for Concordia, a proposed sixty-six (66) lot residential subdivision with six (6) open space lots, on approximately 23.067-acres of land.

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.

Economic Development Opinion:

In light of the progression of the future land use plan update, the economic development staff believes it is more prudent to maintain the current zoning and thoughtfully consider the future development of this property. The increasing traffic counts along North Tarrant Parkway indicate that this 23 acre site would be best utilized for non-residential use. While we recognize that the depth of the property would propose a challenge for typical retail users and is not ideal for large retail, there is a significant opportunity for a mixed use development. Now that it has become known that the Northwood Church is looking to release their surplus property, our department has received multiple inquiries about the site over the past two months.

Professional Opinion:

Staff is not in support of the following planned development zoning change as the request will impact the amount of land in the city zoned for retail and commercial purposes, by allowing an approximately 23.067-acre tract of land to be rezoned from R (Retail) to PD-SF-8.4 (Planned Development - Single Family Residential - 8,400 square-foot minimum).

Staff is not in support of the following variances:

1. A variance is requested to allow a minimum lot width at cul-de-sac and elbow to be reduced from sixty feet (60') to fifty-five feet (55').
2. A variance is requested to allow a minimum front yard setback to be reduced from twenty-five feet (25') to fifteen feet (15').
3. A variance is requested to allow for a front entry garage setback to be reduced from twenty-five feet (25') to twenty feet (20').
4. A variance is requested to allow a minimum front yard setback at cul-de-sac and elbow setback to be reduced from thirty feet (30') to twenty feet (20').
5. A variance is requested to allow a minimum side yard setback to be set at five feet (5') in lieu of the required ten percent (10%) of lot width which would be six and a half feet (6.5') on each side.
6. A variance to request the use of a minimum six foot (6') high solid, stained cedar fence with metal posts and caps to be allowed on side yards, located on corner lots may extend within eight feet (8') of the side property line in lieu of open-style fencing.
7. A variance is requested to allow sixty percent (60%) of the lots, which would be forty (40) residential lots to have front facing garages in lieu of the required J-Swing garages.

If City Council desires to approve this Planned Development zoning change, staff is in support of the following conditions and variances:

8. The proposed minimum lot depth of one hundred and twenty-five feet (125') in lieu of the

required one hundred and ten feet (110').

9. The proposed minimum dwelling size of two-thousand (2,000) square feet in lieu of the required one thousand four hundred (1,400) square feet.
10. The proposed minimum of one (1) three-inch (3") caliper street tree located between the curb and sidewalk; one (1) three-inch (3") caliper tree shall be provided in the rear of each lot.
11. A variance is requested to allow a one (1) three-inch (3") caliper tree to be planted within the front yard in lieu of two (2) three-inch (3") caliper trees.
12. A variance is requested to have two (2) street trees located between the curb and sidewalk to be allowed on the corner lots in lieu of the two (2) canopy trees planted in the required side yard adjacent to a street of all new single-family uses on corner lots.

Board Review:

The Planning and Zoning Commission considered this planned development zoning change application on April 23, 2018 and recommended approval with conditions that variances 2, 3, 4, and 5 would not be considered; and will approve remaining variances 1, 6, 7, 8, 9, 10, 11, 12 and that the developer will work with staff regarding the traffic issues. The motion to approve the PD Zoning Change failed by a vote of 3-4.

Ayes: Ponder, McCrea, Osgood

Nays: Stansell, Page, Sagar, Bigbee

City Council Action:

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

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