



Legislation Text

File #: 20-065, **Version:** 1

To: Mark Hafner, City Manager
From: Julie Smith, Community Development Director

Subject:

PUBLIC HEARING: Consider an ordinance approving 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.

Action Requested:

Conduct a public hearing and consider an ordinance approving the Center Stage Planned Development.

Current Zoning:

Commercial (C)

Proposed Zoning:

PD- Mixed Use (Planned Development - Mixed-Use - Commercial/Residential)

(During the Planning and Zoning Commission Public Hearing for this item January 14, 2020, the Applicant clarified that the PD proposal was for 57 - rather than 70 - single-family residential lots. This item had been noticed with 70, so the header could not be changed. The correct number is 57.)

Future Land Use Plan:

(IC) Industrial/Commercial

Background:

Realty Capital (Applicant) submitted a concept plan and request for rezoning approximately 38 acres on North Main from Commercial to Planned Development - Mixed Use - Commercial/Residential. The Applicant's cover letter summed up the vision for the development as follows:

“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.

As stated in the US Highway 377 North Overlay District, the area should: 'Create Unique site design, building architecture, and streetscape that enhance the overall image of the corridor while remaining compatible with adjacent developed and planned residential neighborhoods.'

Open spaces and streetscapes are most appealing when they are activated. Activation can take the form of destinations such as shopping, restaurants, or open spaces for leisure gathering, or simply by being filled with people. Center Stage PD proposes to use both strategies to activate the public spaces by adding a Community Lawn in conjunction with multiple restaurants, retail shopping opportunities along a pedestrian-oriented streetscape, and adding urban style residential lofts to ensure the public spaces constitute a vibrant attraction for all residents of Keller." (See Exhibit A: Center Stage Concept Plan.)

Section 8.04 of the UDC dictates how Planned Development Districts (PDs) may be designed and adopted. (See Exhibit B: UDC Section 8.04.) In this case, the Applicant opted to submit a Concept Plan (rather than a Detailed Plan) and to use the existing zoning (Commercial) as the base zoning district with specific uses identified in addition to the commercial uses permitted - namely, residential lofts and single-family homes.

Zoning changes of any kind require a public hearing before the Planning and Zoning Commission (Commission), a recommendation by the Commission to the City Council, a public hearing at City Council, and final determination by City Council. PD zoning districts have an additional approval step:

Should City Council approve the Center Stage PD request, an approved Detailed Plan will be required prior to the issuance of any building permits. Detail Plans set forth the final plans for development. (See Exhibit B: UDC Section 8.04 (D)(2).) A Detailed Plan that generally conforms to the approved Concept Plan would still require City Council approval but no public hearings or recommendation from the Commission. If a Detailed Plan did differ from the previously approved Concept Plan, the Detailed Plan would require a public hearing and recommendation by the Commission as well as a public hearing and final determination by City Council.

Proposed Uses:

The Center Stage PD generally proposes Retail, General Office, Restaurants, Open Space, Urban Lofts, and Single-Family Homes.

The Concept Plan calls out the following uses specifically (see page 13; uses not permitted in the base zoning district (Commercial) are in bold):

- Entertainment, Indoor and Outdoor (SUP)

- Bar, Tavern (SUP)
- Grocery under 20,000 square feet (SUP)
- Minor medical emergency clinic (SUP)
- Public Parking Garage
- Restaurant, café: on premise alcohol sales
- Spa, Cosmetology or Massage (SUP)
- **Urban Lofts**
- **Single Family Lots**
- Open Space

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	70 LOTS MAX			
MINIMUM OPEN SPACE	15% OVERALL			
DETENTION	Permitted	Permitted	Permitted	Permitted
<i>NOTE 1: BLOCK 'A' NON-RESIDENTIAL USES ARE NOT REQUIRED TO ORIENT THE BUILDINGS TO FACE US 377.</i>				
<i>NOTE 2: NON-RESIDENTIAL USES MAY INCLUDE ANCILLARY USES SUCH AS LEASING OFFICE, FITNESS CENTER, OR MAIL ROOM.</i>				

Site Design:

The Concept Plan provides a Site Plan which is broken out into eight blocks and four sections - A1, A2, B1, B2, B3, C1, C2, and D. Detention is separate from these. (See page 12.) The four sections are grouped as indicated in Table 3.1, above.

Each block has specific criteria related to uses, elevations, and landscaping (including streetscapes and sidewalks). "Open space" includes the performance venue, the detention area, landscape

buffers, and the approximate one-acre park (Gilead Open Space). (See page 24.) Tree mitigation for all but Block A1 would have to be included in the Detail Plan (and thus approved by City Council). The Applicant is requesting no tree mitigation for Block A1, because of the zero lot-line design of the single-family homes. (See page 25.) Block A1 is located on the far southeast portion of the parcel that also contains the only large tree stand. The Gilead Open Space (OS2) - which will preserve all the trees within this 1.1-acre park - is also located within this tree stand.

Elevations:

Specific elevations for each block begins on page 31 of the Concept Plan. Details related to building materials and specific facades are listed on pages 31-33. The buildings facing North Main will utilize Façade A (pages 31 and 32). Facades B and C will be used for dwelling units and depend on orientation (also on pages 31 and 32). Though elevations are not provided for the single-family homes, page 33 describes the materials. All facades meet the City of Keller 80% masonry requirement.

Landscaping:

Streetscapes are described on pages 18, 21, and 22. The streetscape along Main Street (Streetscape 1) includes a 30-foot buffer. Within this buffer will be a 12-foot sidewalk with trees planted on 30-foot centers. The overall open space calculation includes these landscape buffers and is shown on page 24. Page 18 indicates the Pedestrian Network. However, it allows flexibility in terms of whether to utilize Streetscape Type 2 or Type 3; Type 3 does not require a sidewalk or tree parkway.

Drainage & Utilities:

The Detail Plan will finalize the actual drainage and utilities required.

Fire:

Because of the distance from the nearest fire station, should the PD be approved, the City's Fire Chief 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. This development alone does not accelerate the need for an additional Fire Station 4.

Traffic Access, Connectivity, and Trip Generation:

Access from Main Street (US 377) shall require TXDOT approval. TXDOT has required a Traffic Impact Analysis (TIA), and Staff has provided comments to the Applicant regarding the TIA. The TIA has not yet been approved. Also, Staff requested access points 4 and 10 be eliminated.

In terms of internal street design, all proposed streets will be private streets except for those in the Single Family block including the alleyways. Details such as radii and street lighting would be included on the Detail/Site Plan.

Connectivity with Milestone Church to the east is anticipated as is shared parking.

The traffic study has yet to be accepted as revisions to the analysis are still required. This means the conclusions of impact have yet to be determined and what will be required of the development has yet to be assigned.

Parking:

Parking standards are on pages 28 and 29. Because of shared parking opportunities (retail shops open during the day while loft dwellers are working and access to the Milestone Church Parking lot), the Applicant is requesting higher ratios for parking. For example, retail parking under the UDC is one space for each 200 square feet of retail space. However, the Applicant is proposing one space for each 250 square feet. The proposed parking stall dimensions are not supported by Staff.

Economic Impact:

The Economic Analysis (see Staff Attachment 1) 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.

In each survey conducted that relates to economic development and land use, our residents have indicated an overwhelming desire for more retail and restaurant options.

One of the struggles faced in the attraction effort, and also in the retention efforts, is increasing the number of consumers that help keep these businesses going. While traffic counts do play a large role in the decision-making paradigm, psychographics (how consumers behave) is also considered.

Consumers are attracted to high-energy, experiential activity centers. Mixed-use developments such as this provide this dynamic.

Zoning and Surrounding Land Uses:

As is zoned now (Commercial) and per the Engler Settlement (see Exhibit C, page 31), numerous uses including wholesale distribution centers and warehousing, pawn shops, funeral mortuary, and corporate offices are permitted by right (no public hearings or City Council approval required).

Adjacent zoning is as follows:

North: Commercial (Learning Experience and Undeveloped north of Ridge Point Parkway)

East: PH (Patio Home) 6.5 and SF (Single Family)-15. (Milestone Church Site and Marshall Ridge subdivision)

South: Commercial and SF-36 (Homes)

West: City of Fort Worth (warehouses)

Citizen Input:

On January 2, 2020, the City mailed out 20 Letters of Notification for this Public Hearing and the associated planned development zoning change to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site.

As of the date of this Staff Report (January 15, 2020), at 2:00pm, the Planning Division has received 64 emails and 4 letters in opposition and 3 emails in support of the project. Though these emails do not meet the requirements of legal opposition because most contain no address nor signatures,

these interested residents may not realize what the requirements are for filing formal opposition. 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.

We are including them in Exhibit D for the Council's information. Any additional emails and/or letters received by noon on Tuesday, will be provided to the Council during the pre-meeting Tuesday evening.

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 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.

Planning and Zoning Recommendation:

During the public hearing, 19 people spoke in opposition and four spoke in support.

The Commission acknowledged the challenges related to considering a Concept Plan rather than reviewing the more typical Site Plan with all of the details worked out before consideration. Without the details provided in a Detail Plan, certain areas of concern could not be fleshed out - the number of apartments in relation to retail, the outcome of the TIA and related traffic concerns, topography challenges, noise related to trains in proximity to apartments, and other topics. However, the Commission noted that if City Council approves the Concept Plan and Mixed-Use PD zoning, the applicant would then be able to work through all the details with City staff before presenting the required Detail Plan to City Council for consideration and approval. Several of the Commissioners

expressed a desire to provide an opportunity for City Council to consider permitting the applicant to develop such a Detail Plan.

The Planning and Zoning Commission recommended approval with four conditions by a vote of 6-1 at the January 14, 2020, meeting. (Commissioner Sagar voted to recommend denial.) 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.

Alternatives:

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