



City of Keller

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Legislation Text

File #: 21-088, **Version:** 1

To: Planning and Zoning Commission

From: Matthew Cyr, Planner I

Subject:

PUBLIC HEARING: Consider amending the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending provisions to add a Single-Family Mixed-Use zoning district, located in Article Eight -Zoning Districts, Development Standards, Tree Preservation, and; providing penalties; authorizing publication; and establishing an effective date. (UDC-21-0002)

PUBLIC HEARING: Consider a zoning change from Commercial to Planned Development Single-Family Mixed-Use for an approximately 21.98 -acres of land, legally described as Tract 9C02K, Tract 9C02, Tract 9C02J, Tract 9C02H, Tract 9C02E, Tract 9C02F, Tract 9C02B, Tract 9C02C, Tract 9C02D out of the Holland, WJ Survey, Abstract No. 692, located on the northwest corner of the Wall-Price Keller Road and Whitley Road intersection. (Z-21-0001)

Action Requested:

- (1) Conduct a public hearing and consider a recommendation to City Council to amend the UDC by adding a new zoning district - Single-Family Mixed-Use.
- (2) Conduct a public hearing and consider a recommendation to City Council for a zoning change from Commercial to Planned Development Single-Family Mixed -Use related to the Wimberley Estates Planned Development.

Background:

Contour Real Estate and Development (Applicant) and JBI Partners (Engineer) submitted a detailed plan and request for rezoning approximately 22-acres on South Main from Commercial to Planned Development Single-Family Mixed Use. They are proposing 80, single-family detached units on 4,725 square-foot lots. The Applicant is also submitting a commercial “concept plan” for the adjacent property they do not own nor plan to develop. The Applicant’s cover letter summed up the vision for the development as follows:

“Wimberley is proposed to be a mixed-use neighborhood located at the northwest corner of Whitley Road and Wall Price-Keller Springs Road. The residential portion of the neighborhood provides 80 homes sites on approximately 15 acres of land. The homes will be single family detached homes with front entry garages. The homes will be for sale and each home will be

located on its own lot.

“The nonresidential portion of the neighborhood will be adjacent to US 377. This will allow for it to benefit from activity within the corridor while balancing its impact on the adjacent single-family neighborhoods. Vehicular access will be focused on US 377, while pedestrian linkages will allow residents to have accessible connections between living, working, and entertainment uses.”

Action Item #1: New UDC Zoning District Definition - Single-Family Mixed Use

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 Detailed Plan for the proposed residential Planned Development (PD). Because PDs must be designed based on a UDC base zoning district that supports the primary use of the PD (in this case small-lot single-family development), the Applicant had to create a new zoning district for consideration to add to the UDC.

The highest density, single-family zoning district currently available is SF-8.4, and that would not meet the need for 4,725 square-foot lots. (Though Center-Stage also has single-family small lots for part of their development, the Engler Settlement gave the property owner the ability to select the requisite zoning for the PD.) The Applicant is proposing the following new zoning district:

Single-Family Mixed-Use (SF-MU) definition:

“The SF-Mixed-Use, Single Family Residential District is designed to provide for a suitable residential environment on smaller and more compact lots or parcels of land which are integrated into a horizontal and/or vertical mixed use development pattern. Such a mixed use development will incorporate both residential and nonresidential uses into a walkable community with uninterrupted pedestrian connections that layer compatible land uses and public amenities, to foster community design and development that serves the economy, community, public health, and the environment.”

This definition requires nonresidential uses. However, the Applicant’s submittal only includes residential uses with possible future commercial uses indicated as a concept only on an adjacent tract that as a concept only on an adjacent tract that they do not own nor plan to develop and so cannot be included in the PD. Since the applicant has no proposed time-line of developing the Commercial portion, Staff has reservations whether this application can be considered “Mixed-Use” under the definition proposed. Not only is the commercial development not concurrent with the residential development, the commercial development has no timeline proposed at all.

UDC amendments of any kind require a public hearing before the Planning and Zoning Commission, a recommendation by the Commission to the City Council, a public hearing at City Council, and final determination by City Council.

Action Item #2: Consider a Rezoning Request from Commercial to Planned Development Single-Family Mixed Use

Currently, the nearly 22 acres is zoned entirely Commercial. In order to develop a small-Lot residential subdivision, the Applicant is requesting to rezone the area to PD-SF-MU (Planned Development -Single Family Mixed Use)

The Applicant is proposing a PD with a base zoning of SF-MU. The Applicant is proposing the criteria listed below for the proposed PD-SF-MU. The criteria are similar to those found in SF 8.4 zoning requirements but for lot sizes, dimensions, setbacks, lot coverage and uses allowed.

- Size of Lots

1) Minimum Lot Area - Four thousand five hundred (4,500) square feet.

2) Minimum Lot Width - Forty feet (40').

b) Lots with predominant frontage on a cul-de-sac or elbow - Thirty feet (30') at the front property line.

3) Minimum Lot Depth - One hundred feet (100').

- Setbacks

1) Minimum Front Yard-Primary House Facade -

a) Fifteen feet (15').

b) Lots with predominant frontage on a cul-de-sac or elbow - Twenty feet (20').

2) Minimum Front Yard-Unenclosed Front Porch - Ten feet (10').

3) Minimum Side Yard - Five feet (5'); ten feet (10') on corner lots adjacent to a street; twenty feet (20') adjacent to a thoroughfare.

4) Minimum Rear Yard - Twenty feet (20') if adjacent to an alley; ten feet (10') if no alley exists.

Maximum Lot Coverage:

Sixty-five percent (65%) for the home, exclusive of accessory buildings, driveways, and parking areas.

The remaining standards can be found in the Staff Attachment labeled "Proposed Base Zoning District (SF-MU)".

- Proposed Uses

Permitted uses shall be all principal and accessory uses which are allowed by right in the (C) Commercial District, in accordance with Section 8.03 of the Keller Unified Development Code, as amended.

Prohibited Use, which are normally allowed by right in the (C) Commercial District, shall be prohibited:

- A. Dry cleaning plant or commercial laundry
- B. Hotel/Motel
- C. Light Manufacturing wholly enclosed within a building
- D. Newspaper printing
- E. Pet grooming, no outdoor kennels
- F. Printing company (commercial)

In addition to these uses, detached single-family units are permitted by right.

- Elevations

The applicant is proposing 100% of the facades of the homes, exclusive of doors and windows, shall be constructed with the following materials: brick, stone, or man-made stone. Please see the attachment marked "Elevations".

The commercial portion is not described. The applicant is requesting they bring a detailed Site Plan for the Commercial Portion. If this development is approved, the applicant will bring this forward at a later date with this information.

- Landscaping

The Applicant is proposing the following regarding landscaping and trees:

"A minimum 15' wide landscape buffer is proposed along Wall Price-Keller Road and Whitley Road. This buffer will be owned and maintained by the Homeowners Association."

"Trees, a minimum 3" caliper in size at the time of planting, shall be provided at a ratio equal to 1 tree per 50 linear feet of frontage along Wall-Price-Keller Road and Whitley Road. The trees may be placed in an informal layout."

"The following trees shall be the only trees allowed to be used as street trees due to their tap root structure versus a horizontal root structure. Live Oak, Bur Oak, Red Oak, Cedar Elm, and Lace Bark Elm. Because of the vertical root structure, root barriers shall not be required for these street trees."

- Parking

The parking for the residential portion will consist of a two-car garage for every unit, and will

otherwise be consistent with the current UDC.

Staff Analysis of the Proposed Zoning Change:

As mentioned in the section related to the new proposed base zoning district above, staff has some concern about the lack of concurrent commercial development. Mixed use developments and many PDs rely on a mix of residential and commercial uses. Here, the only proposed use is small lot residential.

Adjacent zoning is as follows:

- North: Commercial (Everest Rehabilitation Hospital)
- East: SF-8.4 (Single Family- 8,400 square-foot lots or larger). (Flannigan Hill Subdivision and West Park Subdivision.)
- South: Commercial (Heritage House and other Commercial properties)
- West: Commercial (Multi-tenant building with various retail/commercial uses)

Drainage & Utilities:

There is a 100' utility easement that spans across the middle of the Planned Development.

Traffic Access, Connectivity, and Trip Generation:

There is one Access point from Wall-Price Keller Road for the residential portion of the development, while there is a conceptual another access point from South Main Street (Hwy 377) that could serve any future the commercial development.

The Applicant is providing two pedestrian connection points for the future commercial portion should it develop. One to the north and one to the northeast corner of the property. The applicant can provide additional information regarding any questions pertaining to the Pedestrian Access points.

After reviewing the Trip Generation Form, it was determined that a Traffic Impact Analysis (TIA) was required. The TIA was submitted and reviewed by the requisite Staff. Once all Staff comments were addressed, the TIA was accepted. (Please see Staff Attachment - "Traffic Impact Analysis.")

Citizen Input:

1. For the UDC amendment proposing a new zoning district, any amendment to the text of the UDC requires a public hearing notice to be published in the local newspaper ten (10) days prior to the scheduled Planning and Zoning Commission meeting date. The notice for the Planning and Zoning Commission public hearing was published in the February 12, 2021, edition of the Fort Worth Star-Telegram.

2. In terms of the request for a zoning change, the City mailed out 70 Letters of Notification on February 11, 2021, for this public hearing to all property owners within three-hundred feet (300') of the subject site for the zoning change. A public hearing notice sign was also posted on the site. As of February 18, 2021, Staff has not received any responses from the Public.

Summary:

1. UDC Amendment for New Zoning District
2. Request for a Zoning Change

Section 8.02 (D.1.e) of the UDC states that when considering an amendment to the zoning regulations or 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.

Alternatives:

The Planning and Zoning Commission has the following options when considering a Planned Development Zoning Change or a UDC Amendment change:

- Recommend approval as submitted

- Recommend approval with modifications or additional condition(s)
- Tabling 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 either or both of these agenda items, then this UDC Amendment and/or Planned Development Zoning Change application will be scheduled for City Council action on March 16, 2021.

Action Item #1: UDC Amendment Supporting Document:

- Exhibit A- Proposed Base Zoning District (SF-MU)

Action Item # 2: Zoning Change Supporting Documents:

- Aerial and Zoning Maps
- Exhibit A - Detailed Plan
- Staff Attachment- Elevations
- Staff Attachment- Traffic Impact Analysis