



## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager     **DATE:** May 18, 2020

**SUBJECT:** ZC 2020-03, Ordinance No. 3649, Public hearing and consideration of a request from The John R. McAdams Company Inc. for a zoning change from AG (Agricultural) to R-PD (Residential Planned Development) at 8320 Davis Boulevard, being 3.93 acres described as Tract 7A4, Stephen Richardson Survey, Abstract 1266.

**PRESENTER:** Clayton Comstock, Planning Director

**SUMMARY:**

On behalf of LCT Properties (owner) and Real Estate Equities Development, LLC (developer), The John R. McAdams Company Inc. is requesting a zoning change from AG (Agricultural) to R-PD (Residential Planned Development) to allow for the development of independent senior-living apartments on 3.93 acres located at 8320 Davis Boulevard.

**GENERAL DESCRIPTION:**

The site under consideration is located on the east side of Davis Boulevard, between Thornbridge Drive and Timber Drive. The site is currently developed with a single-family residence and detached garage.

The proposed use of the property is a 61-unit independent senior-living apartment development. This proposal includes a single four-story building housing six (6) one-bedroom units and 55 two-bedroom units. The height of the building varies with the terrain, ranging from about 47 feet on the east side of the building to nearly 59 feet on the southwest corner of the building along Davis Boulevard.

Common amenities in the project include a community room, exercise room, garden plots, an outdoor walking trail, and other indoor and outdoor gathering spaces.

<u>SITE DATA SUMMARY CHART</u>	
EXISTING ZONING	AG
PROPOSED ZONING	R-PD
EXISTING LAND USE DESIGNATION	Office Commercial
PROPOSED LAND USE DESIGNATION	High Density Residential
GROSS ACREAGE	3.928 A.C.
GROSS SQUARE FOOTAGE	171,190 S.F.
LOT DENSITY	15.53 Dwelling Units Per Acre
SQURE FOOTAGE OF PERVIOUS SPACE	89,143 S.F.
% OF PERVIOUS SPACE	52%
AREA OF IMPERVIOUS COVERAGE	82,047 SF
% OF IMPERVIOUS COVERAGE	48%
NUMBER OF STORIES	4
BUILDING HEIGHT (FT)	56' 4.55"
NUMBER OF 1 BEDROOM UNITS	6
NUMBER OF 2 BEDROOM UNITS	55
TOTAL NUMBER OF UNITS	61
<u>PROVIDED PARKING</u>	
REQUIRED PARKING (1.5 PER UNIT)	92
STANDARD SUFACE PARKING	42
UNDERGROUND PARKING	63
ADA PARKING	5
TOTAL	105
START CONSTRUCTION M/Y	TBD
END CONSTRUCTION M/Y	TBD



**Site Plan.** The primary purpose of this Planned Development zoning district is to permit the uses proposed. Independent senior-living apartments require special use permit approval in the R-7-MF zoning district and are not normally allowed in commercial zoning districts. The attached site plan package would also be a component of the PD zoning.

**Detention Pond.** A detention pond is proposed near the southwest corner of the site. Detention ponds require approval of a special use permit and is included in the PD zoning standards for this request.

**Landscaping.** Approximately 53.6% of the apartment site would be maintained in landscaped area. This includes buffer yards, landscape setbacks, the detention pond area, parking lot, and general site landscaping. An open space area on the north side of the property includes a looped walking trail and the preservation of nine (9) existing oak and cedar trees. Garden plots and the detention area are located on the south side of the property.

**Driveway access.** Two driveways are proposed to serve the property. The primary driveway is located on the north side of the development. The Texas Department of Transportation has granted conceptual approval of a drive approach on the south side of the property, with the condition that the driveway include a mountable curb and be used only for emergency access. As such, an emergency access gate is provided on the southern driveway. No gate is proposed on the northern driveway.

**Solid waste service.** A permanent refuse container enclosure is not provided on the property, as the containers would be located in the underground parking garage. The developer proposes to roll the containers out of the garage on the designated pickup day, and place the containers in an area adjacent to the garden plots for pickup. The containers would be moved to the location inside the garage after being serviced.

**Parking.** There are 105 total parking spaces provided, which is equivalent to 1.72 spaces per unit. The site includes 42 surface parking spaces around the building and 63 parking spaces underneath the building. Ingress and egress from the parking garage is located on the south side of the building. As described below, the required number of parking spaces under the R-7-MF Multifamily zoning district would be 150 spaces. The applicant has provided a parking study of their other properties nationwide indicating the minimum parking required specific to their clientele and property design. The parking study is attached for review and reference. For further reference and comparison, the TOD code would require 92 parking spaces (1.5 spaces per unit) and Town Center (Hometown) zoning district would require 119 parking spaces (1.95 spaces per unit).

The application for Residential Planned Development proposes to adopt a base district of R-7-MF Multifamily. The table below summarizes the requested deviations from the R-7-MF zoning standards. These standards are also covered in the attached "Land Use and Development Regulations."

PROPOSED ALTERNATIVE PD STANDARDS TO R-7-MF ZONING		
STANDARD	R-7-MF DISTRICT	PROPOSED PD
Minimum lot area	4 acres	3.928
Minimum front building line	25 feet	18 feet
Maximum Height	50 feet	59 feet
Maximum Number of Stories	Buildings placed within 60 feet of property lines adjacent to R-1 districts shall be single story. Beginning at 60 feet from said property line, additional height of structures shall be allowed at a ratio of a three to one slope until a maximum height of 50 feet is obtained. (i.e. three stories permitted at approximately 120 feet set back from single family).	Three-story building permitted within 52 feet of property zoned R-1 Single Family.
Masonry screening walls and fences	Where a multifamily development is adjacent to a C4U thoroughfare, or larger, as shown on the master thoroughfare plan, said screening shall consist of a permanent decorative masonry screening wall, not less than six feet in height, constructed along and adjacent to said thoroughfare.	No screening wall requirement along Davis Blvd
Gated entry	All multifamily developments shall provide for secured and controlled access to the development. Gated entries utilizing guard stations and/or security gates shall be required.	No gated entry required.
Parking	2 spaces per one bedroom unit 2.5 spaces per two or more bedroom unit. (application would require 150 parking spaces)	1.7 spaces per unit (105 spaces)



**UPDATE TO PROPOSAL SINCE PLANNING & ZONING COMMISSION:** The applicant has indicated that they are working on the following items in preparation for the May 18 City Council meeting to address comments and concerns raised during the May 7 Planning & Zoning Commission meeting.

- *Screening wall.* Applicant has agreed to construct an 8-foot perimeter masonry wall on the north, east, and south property lines rather than the 6-foot wall previously proposed.
- *Lighting.* Applicant is seeking opportunities to address the overflow exterior lighting concerns from the neighbors.
- *Building height.* All solutions are being explored by the applicant to reduce the height of the building.
- *Landscaping.* The applicant's Landscape Architect is revising the plans to address the buffering to the neighbors.
- *PTAC units.* The applicant will provide further detail on the scope of PTAC use during their presentation.
- Line-of-sight and shadowing studies may also be provided by the applicant to City Council at the meeting.

**STAFF REVIEW:** While independent senior-living apartments may provide an amenity to North Richland Hills residents to age in place, have residents' parents and grandparents closer, and provide an alternate source of daytime population in the community, the Development Review Committee does not support the proposed zoning change. The reasons for DRC's recommendation for denial are outlined in the attached "DRC Comments," and include the following:

- Requested land use not consistent with Vision2030 Land Use Plan
- Increase in High Density Residential land use outside of planned walkable "Urban Village" areas and other properties already entitled for high density residential
- Scale/height of building and the proximity to single-family residential
- Building architecture

**PUBLIC INPUT:** Following posting of the public hearing signs on the subject property, the Planning & Zoning Department received written support of and opposition to the request. Copies of the correspondence is included in the "Public Input" attachment.

The Texas Local Government Code states in part that if written opposition is signed by the owners of at least 20% of the area of the lots or land included in the 200-foot notification area surrounding the property, the affirmative vote of at least three-fourths of all members of the governing body is required to approve the request.

The analysis of the written petition indicates that the owners of 50.3% of the land area signed a petition in opposition to the request. Consequently, approval of the application



will require at least six (6) affirmative votes by City Council. A copy of the petition and a map showing the opposition area are attached.

**COMPREHENSIVE PLAN:** This area is designated on the Comprehensive Land Use Plan as Office Commercial. This designation encourages professional, medical, and administrative office as well as limited commercial establishments that benefit adjacent and nearby residential areas, and in which all business and commerce is conducted indoors. It encourages the development of a variety of office types including traditional office buildings, executive suites, and co-working spaces.

**CURRENT ZONING:** The property is currently zoned AG Agricultural. The AG district is intended to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use, land suited to eventual development into other uses pending proper timing for practical economical provisions of utilities, major streets, schools, and other facilities so that reasonable development will occur.

**PROPOSED ZONING:** The proposed zoning is R-PD Residential Planned Development. The proposed change is intended to allow the use of the property and establish site and building design standards for the development.

**SURROUNDING ZONING | LAND USE:**

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	R-1 Single-Family Residential	Low Density Residential	Single-family residences
WEST	AG Agricultural C-1 Commercial PD Planned Development	Office Commercial	Vacant Veterinarian clinic
SOUTH	R-3 Single-Family Residential	Low Density Residential	Single-family residences
EAST	R-1 Single-Family Residential	Low Density Residential	Single-family residences

**PLAT STATUS:** The property is currently unplatted. A subdivision plat of the property will be required prior to the issuance of building permits for the site. Engineering plans must also be approved by the City Engineer prior to plat application.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted a public hearing and considered this item at the May 7, 2020, meeting and voted 4-2 to recommend denial (Welborn, Deupree). The applicant has submitted the required appeal in order to be considered by City Council.

**RECOMMENDATION:**

Deny Ordinance No. 3649.