



## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager    **DATE:** January 13, 2020

**SUBJECT:** ZC 2019-03, Ordinance No. 3633, Public hearing and consideration of a request from Farrukh Azim for a zoning change from C-1 Commercial and TOD Transit Oriented Development to R-PD Residential Planned Development at 6900-7100 Davis Boulevard and 8205-8219 Odell Street, being 18.965 acres described as Tracts 3, 3D, and 3D1, William Cox Survey, Abstract 321; Tracts 1 and 1B, Eliza Ann Cross Survey, Abstract 281; and Lots 28-32, WE Odell Addition.

**PRESENTER:** Clayton Comstock, Planning Director

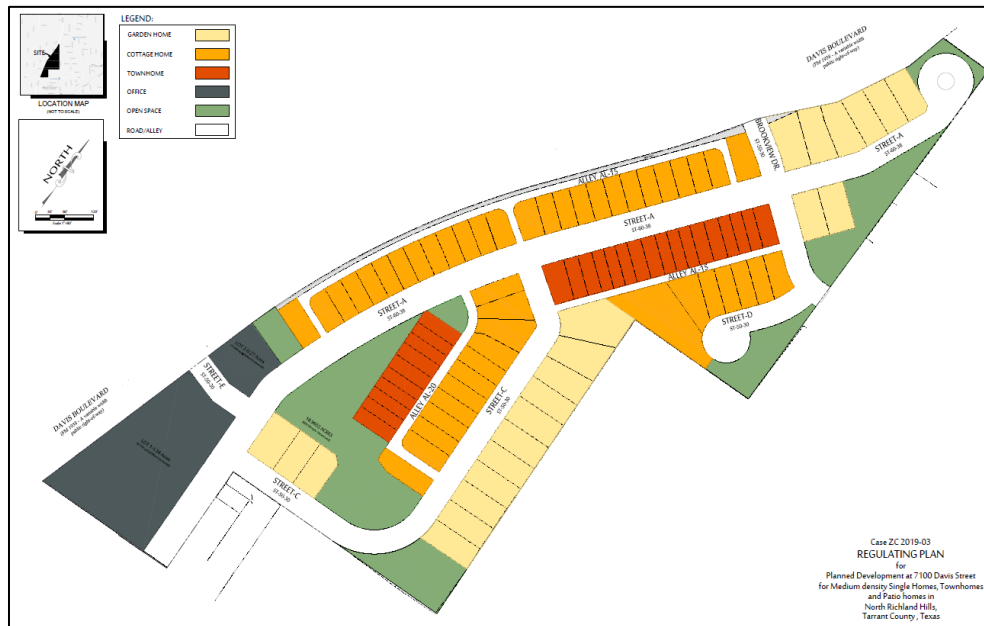
### **SUMMARY:**

On behalf of Texas New Real Estate LLC, Farrukh Azim is requesting a zoning change from C-1 Commercial and TOD Transit Oriented Development to R-PD Residential Planned Development on an 18.965-acre site generally located on the east side of Davis Boulevard between Odell Street and Hightower Drive. The applicant is proposing 94 single-family residential homes on 17.1 acres and two office/commercial sites on 1.83 acres.

### **GENERAL DESCRIPTION:**

The property under consideration is an 18.965-acre site with approximately 2,100 linear feet of frontage on Davis Boulevard and approximately 300 feet of frontage on Odell Street. The proposal abuts the Stonybrooke subdivision on the east and north sides of the site.

The proposed development includes 94 single-family residential lots, as described below, for a gross project density of 4.96 dwelling units per acre (du/acre), or 5.5 du/acre on just the residential portion of the development. Townhomes and cottage homes would be served by alleys at the rear of the lots. Garden homes would have front access driveways. Two commercial lots totaling 1.83 acres are located at the corner of Odell Street and Davis Boulevard.



LOT TYPE	NUMBER OF LOTS	LOT AREA (TYPICAL)	LOT WIDTH (TYPICAL)	LOT DEPTH (TYPICAL)
Single-Family Detached "Garden Home"	22 lots	5,500 SF	50 feet	110 feet
Single-Family Detached "Cottage Home"	45 lots	2,800 SF	35 feet	80 feet
Single-Family Attached "Townhome"	27 lots	2,125 SF	25 feet	85 feet

The development incorporates approximately 3.03 acres of open space, which makes up 17.7% of the site. A conceptual landscape plan is attached.

**EXISTING SITE CHARACTERISTICS:** The site features a hill that crests approximately 26 feet above Davis Boulevard and about 38 feet above Brookview Drive to the east. From the hill's peak, the site also falls to the south about 54 feet over the course of 800 feet into a creek bed. The creek carries drainage from Davis Boulevard and points northwest to the Walker Branch concrete drainage channel, located at the southeast corner of the site. The topographical map provided at right shows the location of the hill and drainage channel.

Approximately 8 acres of old-growth Cross Timbers forest sits on the property, primarily on and around the steeper slopes of the large hill. According to historical aerial research, the other 11 acres of the property were





generally pasture or prairie prior to the early- to mid-1980s, which is consistent with property ownership changes at the time.

A number of beaten pedestrian paths are present throughout the property primarily north of the creek channel. The concrete basement or cellar of a former building is also present on the property, which has been covered with graffiti over the years.

**PLANNING & ZONING HISTORY OF THE AREA:** The subject property has been zoned for commercial uses since at least 1977, according to historical zoning maps. The Stonybrooke residential subdivision, which is zoned R-2 Single Family, R-3-1600 Single Family (minimum 1,600 square foot home size), and R-8 Zero Lot Line, developed in phases between 1978 and 1999. Brookview Drive and Brookhaven Drive were stubbed streets to the west meant for future connections and extensions of the neighborhood.

To the north, two smaller phases of Stonybrooke were developed post-2000 as planned developments. These are located at the northeast and southeast corners of Hightower and Davis Boulevard. These properties were zoned C-1 Commercial prior to their approval as residential planned developments.

In 2009, the City worked cooperatively with numerous property owners in the Smithfield area to rezone over 100 acres to Transit Oriented Development (TOD). This included the properties along Odell Street, changing much of the zoning from I-2 Heavy Industrial to a district that permitted the Villas at Smithfield medium density residential development by right.

Between 2003 and 2011, a North Texas development company owned the six-acre parcel where much of the hill and tree cover is located. That particular firm marketed the property for ten garden office buildings and prepared a concept plan for the development.

In 2012, Chesapeake Energy was granted special use permit approval for a two-acre gas well pad site located on the hill mentioned above. The approval, supported by numerous North Richland Hills residents, would have resulted in considerable grading and tree removal had the site been developed. This special use permit expired December 17, 2017.

The six-acre middle parcel (the hill tract) has had multiple ownerships over the years. The ten-acre southern parcel has had a consistent ownership since 1985. At no time has a comprehensive proposal of the entire undeveloped land area been under one common ownership or project proposal.

#### **COMPREHENSIVE PLANNING:**

**LAND USE PLAN:** This area is designated on the Vision2030 Land Use Plan, adopted by City Council July 22, 2019, as *Medium Density Residential*. This designation provides for attached dwelling units such as duplexes and townhomes as well as higher density detached dwelling units such as zero lot line patio/cottage homes. General characteristics of these neighborhoods include amenitized neighborhood open spaces, wide sidewalks, street trees, alley-accessed driveways and garages, a



density of six to eleven dwelling units per acre, and houses of one, two, and three stories.

The 1992 Land Use Plan recommended this area for *Low Density Residential*. That recommendation changed with the 2001 Land Use Plan to *Neighborhood Service*. The *Neighborhood Service* recommendation remained in place until the Vision2030 Plan was adopted this year with a *Medium Density Residential* recommendation. The Strategic Plan Committee, a committee of 15 North Richland Hills citizens, evaluated the community’s land use mix and remaining vacant properties. A common theme heard throughout the process was the need to appropriately plan the use of remaining land to make existing commercial properties more viable and attractive. This created recommendations that increased residential and office uses and decreased commercial and neighborhood service uses.

**TRANSPORTATION PLAN & TRAFFIC ANALYSIS:** The development has frontage on the following streets. Right-of-way dedication requirements, if any, will be determined at the time of platting.

STREET	FUNCTIONAL CLASSIFICATION	LAND USE CONTEXT	DESIGN ELEMENTS
Davis Boulevard	P6D Major Arterial	Suburban Commercial	<ul style="list-style-type: none"> <li>• 6-lane divided roadway</li> <li>• variable right-of-way width</li> </ul>
Odell Street	TOD General Street	Urban Village	<ul style="list-style-type: none"> <li>• 2-lane undivided roadway</li> <li>• 60-foot right-of-way width</li> <li>• On-street parallel parking</li> <li>• 6-foot sidewalks</li> <li>• Street trees</li> </ul>

The applicant has submitted a traffic analysis threshold worksheet that has demonstrated the need for a full traffic impact analysis (TIA) for the project. That TIA is scheduled to be delivered to the applicant by their consultant on or before January 10, 2020. The worksheet indicates that the residential component of the project is generating 18 inbound and 54 outbound trips during AM peak hour. The PM peak hour estimates 61 inbound and 36 outbound trips.

The property is accessed from two proposed street entrances on Davis Boulevard, one on Odell Street, and one to Brookview Drive east of the site. The connection to Brookview Drive provides street access to the existing Stonybrooke neighborhood. The reasons for this connection are to (1) address Planning and Zoning Commission and City Council concerns about fragmentary or piecemeal approaches to developing the remaining property in the city; (2) increase emergency access to the Stonybrooke neighborhood; (3) expand the street grid network for more efficient flow of vehicles; and (4) increase safer access to Davis Boulevard via future traffic signals at Hightower/Davis and Northeast/Davis.

It is important to note that TxDOT has plans to construct medians on Davis Boulevard. When that happens, it is unlikely that smaller intersecting streets and driveways will be provided median openings. Median openings are likely at Odell Street and Hightower Drive, and access to both of those intersections is necessary for safer access to southbound Davis Boulevard.

**PARKS, RECREATION & OPEN SPACE MASTER PLAN:** The Vision 2030 Strategic Plan identifies 1,069 acres of developed and undeveloped open space and flood plain areas where future development is prohibited. This equates to 9% of the city’s land area. The most recent population estimate for North Richland Hills is 70,836, which yields 15.1 acres of open space per 1,000 residents. The national average is 9.5 acres of open space per 1,000 residents. The following is a comparison of other North Texas cities’ land area dedication for open space preservation as well as additional information collected from the Trust for Public Land’s *2017 City Park Facts*:

City / Grouping	Gross area dedicated to preserved open space
Keller	3.5%
Arlington	7.5%
North Richland Hills	9.0%
Grapevine	12.0%
Irving	4.5%
Fort Worth	5.5%
Plano	9.3%
High Density Cities Nationally	12.1%
Medium-High Density Cities Nationally	8.9%
Medium-Low Density Cities Nationally	7.9%
Low Density Cities Nationally	8.1%
All Cities National Average	9.3%

Several developed and undeveloped parks and preserved open spaces in North Richland Hills have significant Cross Timbers and other hardwood forests that will be preserved in perpetuity because of their status as a public park or other designation. Staff estimates that approximately 300 acres of parkland and open space contains significant preserved tree canopy.

It has also been a long-standing development policy in North Richland Hills that planned development proposals integrate common area open space into their development plans. Planned development open space requirements have generally maintained or exceeded the 9% average and feature enhanced landscape areas for trees and common lawns. The Vision 2030 Strategic Plan recommends the following:

*“New developments should provide usable open spaces such as pocket parks, central greens, squares, plazas, and pedestrian passages (paseos) of meaningful size and value for the neighborhood.”*

This development proposal does not clearly indicate any intent to save any existing trees on the property; but it does plan for the creation of 3.03 acres of open space, or 17.7%, that would be an area for tree mitigation.



**CITY IMAGE STUDY:** The City Council adopted an Urban Design Plan in 2001, referred to as the “City Image Study.” This plan makes recommendations for aesthetic and functional enhancements to public improvements. One recommendation is for terraced earthen drainage channels and bridge crossings. The most relevant implementation of a terraced earthen channel design is at The Reserve at Forest Glen neighborhood on Bursey Road, just east of Smithfield Road. If improvements are needed to the drainage channel cutting across this subject property, they would be the same design as The Reserve, with a small concrete pilot channel for the constant low-flows, then terraced sections to handle the larger rain events. Bridge crossings, of which two are proposed by this development, would require masonry column abutments at both ends and decorative railings.

The City Image Study also recommends improvements to the major arterial corridors (i.e., Davis Boulevard) by implementing a consistent street tree pattern. The proposed development standards and landscape plans implement this recommendation of the City Image Study.

**TREE PRESERVATION ORDINANCE:** Chapter 114, Article II of the City Code includes regulations encouraging the protection and preservation of trees. It prohibits removal of “protected trees” on private property prior to authorization for a development permit. The code does allow for “selective thinning” of densely forested areas, and exempts trees that do not meet the definition of a “protected tree,” which is defined as a tree that has a trunk size of four (4) caliper inches or more, as measured 4.5 feet above natural grade level. Protected trees do not include Bois d’Arc, Cottonwood, Chinaberry, Hackberry, Honeylocust, Mesquite, Mulberry, Tree of Heaven, and Black Willow.

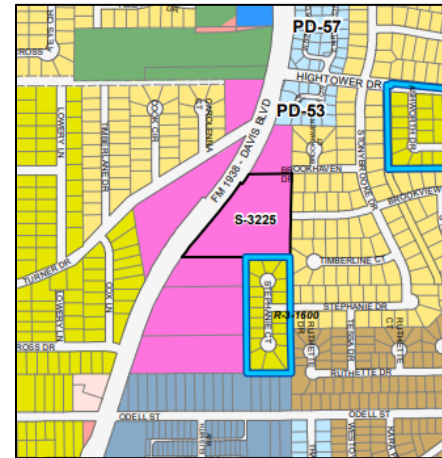
Chapter 114 does allow for the removal of trees without requirement of mitigation for the following circumstances:

1. Any protected tree located within street rights-of-way, utility or drainage easements as shown on a preliminary plat approved by the planning and zoning commission. If certain trees outside the above areas or trees based partially outside the easement or right-of-way are requested to be removed to allow the operation of equipment, the applicant shall submit a recorded plat, and a site plan which indicates the exact operation area needed. The building official or his designee may approve selected removal under this condition.
2. Any protected tree that is required to be removed in order to properly grade and drain the property as required on a final grading plan that is approved by the public works department. If this option is utilized on any lot in a single family residential district, a total of three trees per lot shall be required. These replacement trees will meet the minimum requirements subsection 114-35(a) and shall be planted prior to the final building inspection. At least one of these trees shall be planted in the required front yard setback.

Given the existing topography of the site, the grading required to properly grade and drain the property and provide streets and utilities to the lots would permit the removal of trees under Chapter 114. The applicant's proposed landscape plans call for tree mitigation that will exceed the three trees per lot mitigation requirement. If the development were approved, any additional tree preservation or mitigation requirements for this planned development should be outlined clearly by the Planning and Zoning Commission and City Council.

**CURRENT ZONING:** Most of the property is currently zoned C-1 Commercial, with a small portion zoned TOD Transit Oriented Development at the northeast corner of Odell Street and Davis Boulevard. A special use permit for a gas well drill site was also approved on a six-acre portion of the property in 2012 by Ordinance 3225.

The C-1 district is intended to provide for development of retail service and office uses principally serving community and regional needs. The district should be located on the periphery of residential neighborhoods and be confined to intersections of major arterial streets. It is also appropriate for major retail corridors as shown on the comprehensive plan.



The TOD district supports the development of the community's station areas into pedestrian-oriented, mixed-use urban neighborhoods, with convenient access to rail transit, shopping, employment, housing, and neighborhood retail services. The goal of each station area is to encourage an efficient, compact land use pattern; encourage pedestrian activity; reduce the reliance on private automobiles; promote a more functional and attractive community through the use of recognized principles of urban design; and allow property owners flexibility in land use, while prescribing a high level of detail in building design and form.

**PROPOSED ZONING:** The proposed zoning is R-PD Residential Planned Development. This district is intended to be used with base districts and appropriate standards to permit flexibility in the use and design of land and buildings in situations where modification of specific base district regulations is not contrary to its intent and purpose, or significantly inconsistent with the planning on which it is based. The R-PD zoning district must be at least 10 acres in size.

**PLAT STATUS:** Most of the property is unplatted. The portion of the property located on Odell Street is platted as Lots 28-32, WE Odell Addition.



**SURROUNDING ZONING | LAND USE:**

DIRECTION	ZONING	LAND USE PLAN	EXISTING LAND USE
NORTH	PD Planned Development	Low Density Residential	Single-family residences
WEST	C-1 Commercial R-3 Single-Family Residential	Low Density Residential Office Commercial	Single-family residences Vacant
SOUTH	TOD Transit Oriented Development	Urban Village	Single-family residences
EAST	R-2 Single-Family Residential R-3 Single-Family Residential	Low Density Residential	Single-family residences

**NEIGHBORHOOD MEETINGS & PUBLIC INPUT:** The applicant held two neighborhood meetings to present the proposed development to area residents. Staff attended both meetings to observe the discussions and clarify any zoning- or code-related questions. The first meeting was held on Saturday, November 16, 2019, at 11:00 a.m. in the Library Community Room and was attended by approximately 25 residents. The second meeting was on-site on Saturday, November 23, 2019, at 9:00 a.m. and was attended by only a few residents.

At the December 19, 2019, Planning and Zoning Commission public hearing, eleven people spoke in opposition to the request and four people spoke in favor of the request. Two of the people in opposition spoke on behalf of ten other people and addressed the Commission for the allowed ten minutes.

Written correspondence and emails associated with the request are included in the Public Input attachment.

**DEVELOPMENT REVIEW COMMITTEE:** This application was originally submitted on March 3, 2019, with 140 residential units proposed: 117 townhomes and 23 cottage homes. Over the course of the past nine months, the Development Review Committee (DRC) worked with the applicant to lower the unit count from 140 to 94 units, reducing the gross density from 7.38 du/acre to 4.96 du/acre, and create a better balance in product type that includes more detached single-family homes. The DRC also recommended the applicant buffer existing single-family residences to the north and east with a larger lot design.

**DRC RECOMMENDATION:** Based on the Vision2030 recommendation for Medium Density Residential, use of this property and general consistency with residential planned development standards for North Richland Hills, the Development Review Committee recommends approval of ZC 2019-03. Specific conditions regarding tree preservation, residential unit types and counts, street or lot layouts, open space planning, and similar subjects may also be considered by City Council.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted public hearings at their December 5 and December 19 meetings and voted 6-0 to recommend approval.





**RECOMMENDATION:**

Approve Ordinance No. 3633.