

## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager    **DATE:** June 26, 2023

**SUBJECT:** ZC23-0051, Ordinance No. 3793, Public hearing and consideration of a request from Kimley-Horn and Associates for a zoning change from C-1 (Commercial) to R-PD (Residential Planned Development) at 6900-7100 Davis Boulevard, being 16.54 acres described as Tracts 3, 3D, and 3D01, William Cox Survey, Abstract 321; and Tracts 1 and 1B, Eliza Ann Cross Survey, Abstract 281. (CONTINUED FROM JUNE 12 CITY COUNCIL MEETING)

**PRESENTER:** Clayton Comstock, Planning Director

### **SUMMARY:**

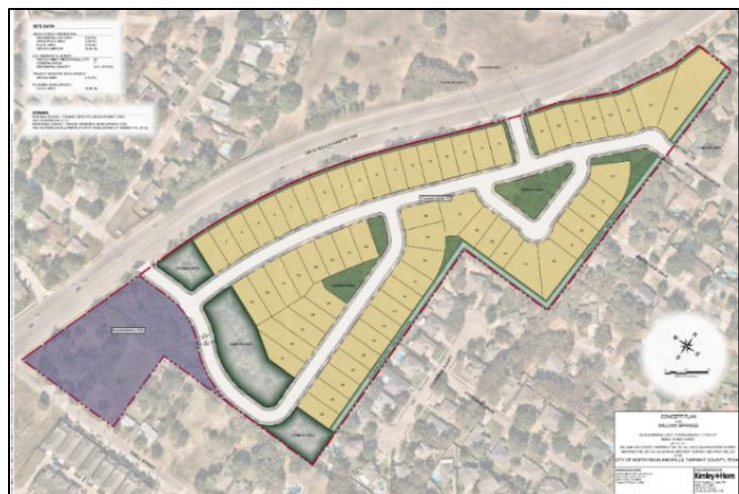
On behalf of Texas New Real Estate LLC, Kimley-Horn and Associates is requesting a zoning change from C-1 (Commercial) to R-PD (Residential Planned Development) on a 16.54-acre site generally located on the east side of Davis Boulevard between Odell Street and Hightower Drive. The applicant is proposing a single-family residential development of 63 homes on the site.

### **GENERAL DESCRIPTION:**

The property under consideration is a 16.54-acre site with frontage on Davis Boulevard. The development abuts the Stonybrooke subdivision on the east and north sides of the site, and vacant lots and existing residences on Odell Street on the south. The property is currently undeveloped.



Site plan exhibits and the applicant's project narrative for the project are attached, and a layout of the development is shown to the right. The proposed development includes 63 residential lots, with an overall density of 3.8 dwelling units per acre. The minimum lot size is 5,000 square feet.

The proposed conditions of approval for this R-PD district are attached.



Applications for rezoning to the R-PD district provide an opportunity to address modifications to specific site development and building design standards for the site. These conditions are based on the applicant’s proposed development of the property and may be modified throughout the public hearing process.

City Council denied a zoning application for this property in January 2020. While that application was not approved, there was extensive public discussion about the plans for the property. A comparison of the previous plan and proposed plan is below.

	PREVIOUS PLAN (2020)	PROPOSED PLAN (2023)
		
Residential Lots	94 single-family residential lots: <ul style="list-style-type: none"> <li>o 22 cottage home lots, 35-foot wide</li> <li>o 45 garden home lots, 50-foot wide</li> <li>o 27 townhome lots, 25-foot wide</li> </ul>	63 single-family detached lots, 50-foot wide
Residential Density	5.5 units/acre	3.8 units/acre
Lot Sizes	Garden home lots: 5,000 SF Cottage home lots: 2,500 SF Townhouse: 2,000 SF	All lots: 5,000 SF
Open Space	3.03 acres (17.7% of the site) 7 open space lots	3.58 acres (21% of the site) 5 open space lots Landscape buffer (20 ft) adjacent to residential lots in Stonybrooke
Street access	Davis Boulevard (2 entrances) Brookview Drive (connection to east) Odell Street	Davis Boulevard (2 entrances) Brookhaven Drive (connection to east) Possible Odell Street connection in future
Garage/driveway access	Rear alley access for townhome & cottage lots (52%), street access for garden lots	Front access driveways for all lots

**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 vertical feet over the course of 800 horizontal 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 eight acres of Cross Timbers forest sits on the property, primarily on and around the steeper slopes of the hill. According to historical aerial research, the other eight acres of the property were generally pasture or prairie prior to the mid-1980s, which is consistent with property ownership changes at the time.

Several 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 AND 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 subdivision, which is zoned R-2 (Single Family Residential), R-3-1600 (Single Family Residential with minimum 1,600 square foot house 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 after 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 TOD (Transit Oriented Development). This included the properties along Odell Street, changing much of the zoning from I-2 (Medium Industrial) to a district that permitted the Villas at Smithfield medium density residential development.



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. The special use permit expired December 2017.

The six-acre middle parcel (the hill tract) had multiple ownerships over the years. The ten-acre southern parcel had a consistent ownership from 1985 to 2019. At no time has a comprehensive proposal of the entire undeveloped land area been under one common ownership or project proposal.

**COMPREHENSIVE PLAN:** This area is designated on the Vision2030 Land Use Plan, adopted by City Council July 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 with the *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 balance the land use mix of the community and make existing commercial properties more viable and attractive. This resulted in recommendations for increasing residential and office uses and decreasing 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>

A Traffic Threshold Worksheet submitted by the applicant indicates that the project would generate 22 inbound and 48 outbound trips during AM peak hour; and 51 inbound and 34 outbound trips in the PM peak hour.



Primary street access to the development is from Davis Boulevard, with two proposed connections. The street layout also provides for a future connection to Odell Street, depending on adjacent property development.

The project design provides for a street connection to Brookhaven Drive on the east side of the development. The reasons for this connection are to (1) promote a sense of community among adjacent neighborhoods; (2) address Planning and Zoning Commission and City Council concerns about fragmentary or piecemeal approaches to developing the remaining property in the city; (3) increase emergency access and reduce emergency response times to the Stonybrooke neighborhood; (4) expand the street grid network for more efficient flow of vehicles; and (5) avoid total reliance on Davis Boulevard for ingress/egress to the subdivision and provide controlled access to Davis Boulevard via traffic signals at the Hightower/Davis and Northeast/Davis intersections.

TxDOT has plans to construct medians on Davis Boulevard. Upon median installation, 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 72,587, which yields 14.7 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 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.

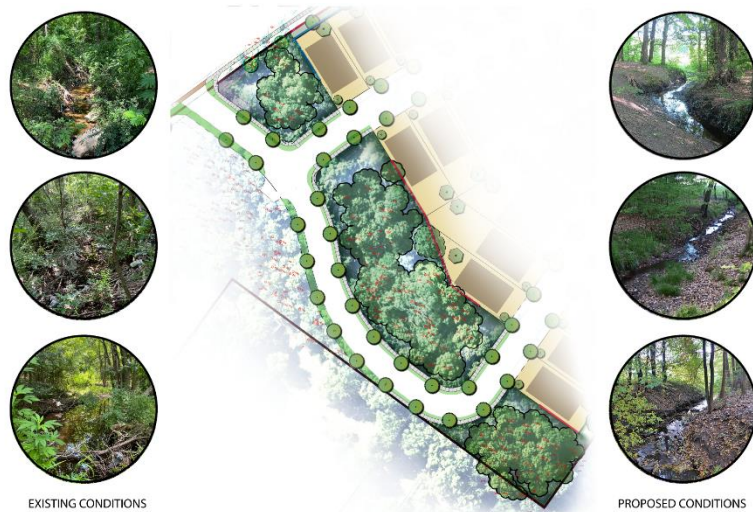
It has also been a long-standing development policy in North Richland Hills that planned development proposals integrate common area open space into their design. Planned development open space requirements have generally maintained or exceeded the 9% average and feature enhanced landscape areas for 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.”*

The development incorporates approximately 3.58 acres of open space, which makes up 21% of the site. Two common area lots are provided within the development, with three additional lots covering the creek area on the south side of the property. Additionally, a 20-foot wide landscape buffer lot is provided between the residential lots and the existing residential lots in the Stonybrooke neighborhood. A total of 120 existing trees, comprising approximately 1,132 caliper inches, is located within this 20-foot wide landscape buffer and are intended to be preserved through construction. Conceptual open space and landscape plans are attached.

**DRAINAGE:** Drainage conveyance through the property is a considerable variable in the site design, but the final design should be compliant with City standards and yield a finished product that is maintainable and meets reasonable expectations of the new residents. The developer will be required to execute a Water Course Maintenance Agreement, which stipulates requirements for upkeep of the area to be borne by the future Homeowners Association.

The developer has indicated their intent to keep the existing drainage across the property in as much a natural state as possible, except for the roadway crossings and far downstream connection to the receiving concrete-lined channel. The work proposed in the drainage area would include removal of downed trees, trees that may not be protected under city ordinance or other regulations, undergrowth, and debris; pruning trees to provide sunlight and increase airflow in the site; and the planting of additional trees in the area. The developer’s team has indicated that some flowline maintenance may be performed, including removal of sediment, to improve drainage flow and eliminate areas of standing water along what is today a relatively flat vertical alignment. The improvements would avoid working in areas that would require mitigation through the Army Corps of Engineers.



EXISTING CONDITIONS

PROPOSED CONDITIONS



For subdivisions with significant drainage features that cannot be contained within an enclosed system, the city's Public Works Design Manual provides guidance on earthen channels. In addition to the technical criteria like minimum slope for drainage conveyance within the Design Manual, there are design recommendations from the 2001 City Image Study. Recommendations include provision of a concrete pilot channel for low flow with maintainable turf slopes, and the planting or preservation of trees within the water way. These design guidelines are in stark contrast with the common practice in the 1970s and 1980s of installing concrete lined channels and offer a balance between drainage efficiency and preservation of the natural and beneficial functions of earthen waterways while allowing for the level of maintenance expected for a large and visible feature within a neighborhood. Examples of recent subdivisions with drainage channels include the Reserve at Forest Glenn and Rumfield Estates.

The attached development standards reflect the design as proposed by the applicant, though the design is a deviation from the general requirements described above. Regular maintenance of a natural channel would be more difficult, and maintenance responsibility will ultimately fall to the homeowner's association. These responsibilities would be set out in a water course maintenance agreement, which sets a minimum frequency of mowing, debris removal, and removal of sediment accumulation.

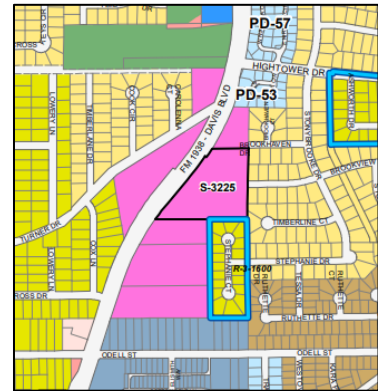
**TREE PRESERVATION ORDINANCE:** Chapter 114, Article II of the City Code includes regulations encouraging the protection and preservation of trees. It prohibits removal of "protected trees" on private property prior to authorization for a development permit. The code does allow for "selective thinning" 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 an approved preliminary plat. 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 City may approve selected removal under this condition.
2. Any protected tree that is required to be removed to properly grade and drain the property as required on a final grading plan that is approved by the City.

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 standard three trees per lot requirement.

**CURRENT ZONING:** The property is currently zoned C-1 (Commercial). 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.



**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:** The property is unplatted.

**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

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

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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>

**NEIGHBORHOOD MEETING:** The applicant held a neighborhood meeting to present the proposed development to area residents. Staff attended the meeting to observe the discussions and clarify any zoning- or code-related questions. The meeting was held on Thursday, April 13, 2023, at 5:00 p.m. in the Library Community Room and was attended by approximately 16 residents.





**PUBLIC INPUT:** Following posting of the public hearing signs on the subject property, the Planning & Zoning Department received emailed input regarding the zoning change request. A copy of all correspondence is included in the “Public Input” attachment. Any additional correspondence received after the publication of this report will be distributed to City Council prior to the public hearing.

**DRC REVIEW AND RECOMMENDATION:** The proposed use of this property is generally consistent with recent residential planned development standards for North Richland Hills. Based on the Vision2030 recommendation for Medium Density Residential for the site and the comments and input received between the 2020 plan and the proposed plan, the Development Review Committee recommended approval of the request to the Planning & Zoning Commission.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted public hearings and considered this item at the May 18 and June 1, 2023, meetings and voted 5-0 to recommend approval.

**RECOMMENDATION:**

Approve Ordinance No. 3793.