



PLANNING AND ZONING COMMISSION MEMORANDUM

FROM: Planning & Zoning Department **DATE:** June 1, 2023

SUBJECT: ZC23-0051 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 THE MAY 18, 2023, PLANNING AND ZONING COMMISSION 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.

MAY 18, 2023 PLANNING AND ZONING COMMISSION MEETING:

The Planning and Zoning Commission opened the public hearing and considered this request at the May 18, 2023, meeting. Following the applicant's presentation, staff report, and discussion of the item, the Commission voted to continue the public hearing to the June 1, 2023, meeting.

During the meeting, staff noted several topics that required additional discussion with the applicant. These topics included drainage, the connection to Brookhaven Drive, and refinement of the development standards. Staff and the applicant met on May 23, 2023, and the following is a summary of the discussion.

Drainage

Drainage conveyance through the property is a considerable variable in the site design, but the final design should be generally compliant with City standards and yield a finished product that is maintainable and meets reasonable expectations of the new residents.

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.

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 North Richland Hills 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.

Connection to Brookhaven Drive

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 reduced 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.

There were discussions at the meeting as to whether the connection should include an emergency access gate, and if not, what design alternatives are available to provide integral traffic calming in the area. Design considerations for an emergency only connection should include provisions for a turnaround for non-emergency service vehicles, such as solid waste trucks, delivery vehicles, and others.

Alternative design solutions will be provided to the Commission at the meeting, however the staff continues its position that an ungated connection is the best solution.

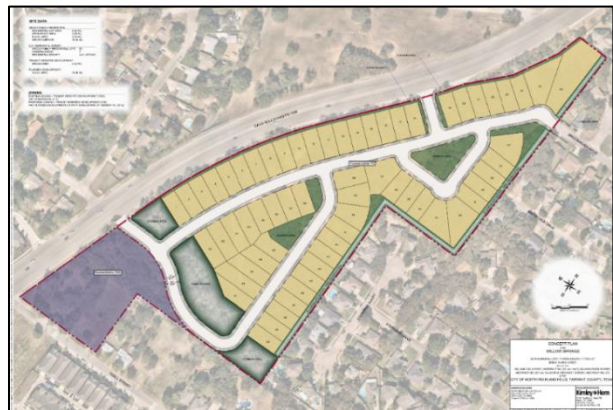
Design standards

The proposed conditions of approval for this R-PD district are attached. The document includes the applicant's proposed standards as well as content recommended by the Development Review Committee.

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. The document includes tracked changes to several provisions. The body of the document shows the applicant's proposed standards, and the margins provide the original text recommended by the Development Review Committee. The document is provided in this format to aid in discussion of the standards during the public hearing. While the standards are mostly complete, there are some provisions where final content needs to be worked out, notably the general standards regarding the drainage channel area.

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"> o 22 cottage home lots, 35-foot wide o 45 garden home lots, 50-foot wide o 27 townhome lots, 25-foot wide 	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 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 eight acres of Cross Timbers forest sits on the property, primarily on and around the steeper slopes of hill. According to historical aerial research, the other eight 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.

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 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 TOD (Transit Oriented Development). 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.



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 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 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"> • 6-lane divided roadway • variable right-of-way width

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. A street connection to Brookhaven Drive is also provided 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 reduced 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 Blvd. for ingress/egress to the subdivision and provide controlled access to Davis Boulevard via traffic signals at the Hightower/Davis and Northeast/Davis intersections.

It is important to note that 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 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.”

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 subdivision. A total of 120 existing trees totaling approximately 1,132 caliper inches located within this 20-foot wide landscape buffer 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 in this case has indicated their intent to leave the existing drainage across the property intact with the exception of the roadway crossings and far downstream connection to the receiving concrete-lined channel. The basis of this request is to avoid mitigation through the Army Corps of Engineers for the area determined to be within jurisdictional waters and subject to the Clean Water Act.

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 for drainage conveyance within the Design Manual, there are design recommendations from the 2001 North Richland Hills 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.



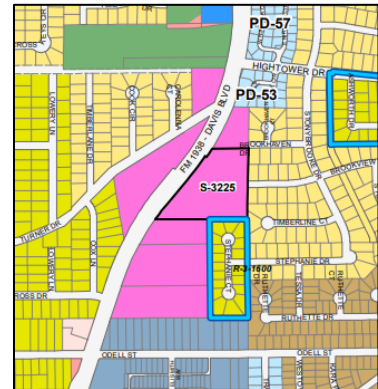
TREE PRESERVATION ORDINANCE: Chapter 114, Article II of the City Code includes regulations encouraging the protection and preservation of trees. It prohibits removal of “protected trees” on private property prior to authorization for a development permit. The code does allow for “selective thinning” 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: 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.

STREET	FUNCTIONAL CLASSIFICATION	LAND USE CONTEXT	DESIGN ELEMENTS
Davis Boulevard	P6D Major Arterial	Suburban Commercial	<ul style="list-style-type: none"> 6-lane divided roadway variable right-of-way width

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 the Planning & Zoning Commission and City Council prior to the public hearings.

DRC REVIEW AND RECOMMENDATION: Based on the Vision2030 recommendation for Medium Density Residential, the use of this property is generally consistent with residential planned development standards for North Richland Hills. 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. The recommendation to continue the hearing to the June 1, 2023, Planning and Zoning Commission meeting would allow for the standards to be refined for final consideration.

CITY COUNCIL: The City Council will consider this request at the June 12, 2023, meeting following a recommendation by the Planning and Zoning Commission. The applicant has also requested that the City Council hearing be continued to the June 26, 2023, meeting.

RECOMMENDATION:

Approve ZC23-0051.