

CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** September 26, 2016

SUBJECT: ZC 2016-09, Ordinance No. 3429 and Ordinance No. 3431, Public Hearing and consideration of a request from Zeon Properties, LLC for a Zoning Change from C-2 Commercial and R-1 Single Family Residential to RI-PD Residential Infill Planned Development on 7.456 acres and from AG Agricultural to LR Local Retail on 0.413 acres located in the 7500 block of Davis Boulevard.

PRESENTER: Clayton Comstock, Planning Manager

SUMMARY:

Zeon Properties LLC is requesting a zoning change on 7.869 acres located in the 7500 block of Davis Boulevard. The property is proposed for development as a single-family subdivision that includes two non-residential lots.

GENERAL DESCRIPTION:

The site under consideration is located on the east side of Davis Boulevard between Rumfield Road and Freedom Way. The property surrounds an existing commercial lot at 7700 Davis Boulevard, which is developed as a farmer's market and automobile repair facility. A tributary of Little Bear Creek runs southwest to northeast through the site.

There are 11.223 acres under common ownership by Zeon Property. Of this acreage, the northernmost 3.354 acres is zoned C-2 Commercial and not part of the zoning change request. The zoning change proposed on the remaining 7.869 acres consists of two parts.

- *RI-PD Residential Infill Planned Development.* The largest portion of the zoning change application covers 7.456 acres. This area is proposed as RI-PD Residential Infill Planned Development. The property is generally located south of the Little Bear Creek tributary.
- *LR Local Retail.* A 0.413-acre parcel at the southwest corner of the property along Davis Boulevard is proposed as LR Local Retail.

AS PRESENTED TO PLANNING & ZONING COMMISSION: The original application that was advertised for the Planning & Zoning Commission public hearing on September 1, 2016 was for a R-2 Single Family Residential Zoning Change request.



That application was accompanied by an 18-lot Preliminary Plat that met R-2 zoning standards. The plat also showed a street connection to the existing dead end street of Smith Drive in Meadowview Estates to the east. The street would extend west, take two 90-degree turns and connect to Davis Boulevard south of the farmer's market. All 18 residential lots and one commercial lot would have direct access to this new street.

After the public hearing, the Commission voted 6-0 to recommend approval of an RI-PD (Residential Infill Planned Development) zoning district rather than the R-2 zoning requested by the applicant. Straight zoning districts such as R-2 do not allow additional requirements or development regulations to be placed on them by City Council. They must develop under the existing standards of the district and all other development-related codes. Because the Commission recommended that an emergency access-only gate be installed between Meadowview Estates and the proposed subdivision, the RI-PD is the appropriate zoning district.

RI-PD REQUEST TO INCREASE LOTS: Since the Commission meeting, the applicant has further amended their request to add 7 lots to their proposal for a total of 25 residential lots. The applicant cites additional capital costs for a gate as well as additional operations and maintenance costs for the HOA to perpetually maintain the gate as reasons for the increase in lots. The similar circumstance of Liberty Village to the north as well as the existing R-3 zoning to the east in Meadowview Estates are also cited by the applicant in support of the revised RI-PD request.

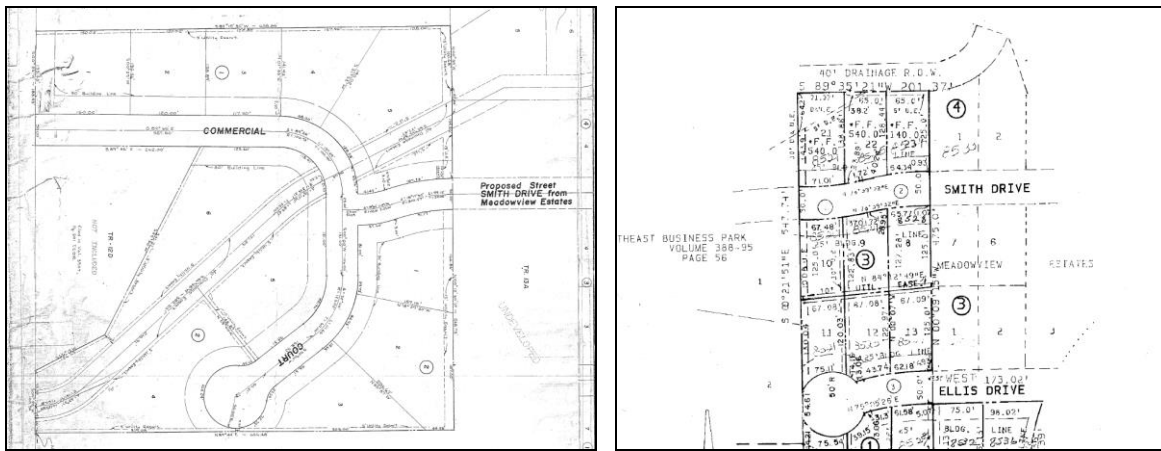
The zoning change was able to be revised at the Commission meeting to an RI-PD because it was not changing the number, size or density of residential lots that would have otherwise been permitted by R-2 zoning. The below table describes the differences between the R-2 Zoning District and the proposed RI-PD.

ITEM	R-2	RI-PO (7.456 AC) 25 UNITS
MIN. LOT AREA	9,000 SF	6,183 SF
AVG. LOT AREA	-	6,600 SF
MIN FRONT YARD	20 FT	20 FT
MINN REAR YARD	10 FT AND 20%	10 FT
MIN. LOT WIDTH	72.5 FT	56 FT (60 FT AVG.)
MIN. SIDE YARD	10 FT & 6 FT	6 FT AND 4 FT
OPEN SPACE	-	79,833 SF (24.58%)
DENSITY	4 UNITS/AC	3.35 UNITS/AC

Because of these differences, it is recommended that City Council either approve the RI-PD as it was recommended by the Planning & Zoning Commission (18 residential lots that meets all R-2 zoning district standards) OR remand the item back to the Commission for consideration of additional lots.

DEVELOPMENT PLAN & CONNECTION TO SMITH DRIVE: The primary opposition by residents of Meadowview Estates to this application has been the proposed connection to the 500-foot dead end street of Smith Drive.

The property has frontage on Davis Boulevard, with a street entrance proposed just south of the creek tributary that runs through the site. The development includes a street connection with existing Smith Drive on the east side of the property. This aligns with a dedicated right-of-way but undeveloped street connection that is part of the Northeast Business Park addition, which was platted in 1974. When Meadowview Estates was platted in 1973, four streets were stubbed out to adjacent undeveloped properties on the east and west sides of the subdivision to accommodate future expansion of the neighborhood. A subsequent Meadowview Estates plat in 1983 extended the dead-end of Smith Drive to meet the ROW dedicated by plat in 1974 with the Northeast Business Park Addition. This three-step coordinated dedication provided the path for a connection to Davis Boulevard. The physical street connection was not made at that time, as the road was not developed on the adjacent property.



Left: The 1974 plat dedicated the right-of-way connection for Smith Drive to access Davis Boulevard. The business park was never developed, but the right-of-way remains. Right: The 1983 plat for a Meadowview Estates addition, acknowledging the future connection to Davis Business Park, therefore allowing the continued dead-end street. Because no connection was platted west of Ellis Drive, an appropriate turnaround was provided.

Both the existing residents of Meadowview Estates and the new residents of St. Joseph Estates would benefit from a roadway connection, not just from an emergency protection or community standpoint, but from a mobility perspective as well. Presently, emergency response access to Meadowview Estates is only available from Rumfield Road or by Kirk Lane. Completing this street connection provides a secondary access point from Davis Boulevard. The existing Meadowview Estates residents will have an opportunity to access Davis Boulevard directly, particularly for northbound trips where the right turn onto Davis can be much more easily accommodated, even at peak times. The proposed connection provides an alternative to potential wait times at Rumfield/Davis by allowing an efficient right turn. This not only makes for a shorter trip for the driver, but also relieves some of the congestion at Rumfield for other motorists.



The connection would benefit the St. Joseph Estates RI-PD by providing them access to Rumfield where they can safely turn south on Davis or head west on Starnes at a signalized intersection. The street connection also addresses past concerns of the Planning and Zoning Commission and City Council about fragmentary or piecemeal approaches to developing the remaining property in the city.

The revised plan includes a gate that is to the City's desired specifications for emergency access. Because the gate is an RI-PD requirement, possible future removal of the gate would also require a public hearing by City Council. As congestion on Davis Boulevard and Rumfield Road continues, and as raised medians are installed on Davis Boulevard, future options for removal of a gate should be considered.

The plan also includes one open space lot of 79,833 square feet (1.83 acres). Almost all of this lot is encumbered by flood plain or floodway of a tributary of Little Bear Creek. About 24% of the open space is potentially usable space located outside of the floodway. The developer indicates that improvements are not anticipated in the open space lot, though there is room on the lot at the entrance to the subdivision to accommodate entry features, fencing, or signage. The open space lot will be owned and maintained by a homeowners association.

COMPREHENSIVE PLAN: The Comprehensive Plan classifies this area as "Office." This designation provides areas for the development of professional and organizational offices along with accessory and related uses.

CURRENT ZONING: The property is currently zoned AG Agricultural, R-1 Single Family Residential, and C-2 Commercial.

SURROUNDING ZONING | LAND USE:

North: C-1 Commercial and C-2 Commercial | Office

West: C-1 Commercial | Retail

South: C-2 Commercial, R-2 Single-Family Residential, R-1 Single Family Residential, and R-1-S Special Single Family | Office and Low Density Residential

East: R-3 Single Family Residential | Low Density Residential

PLAT STATUS: The property is currently platted as Northeast Business Park, an undeveloped subdivision platted in 1974. A new preliminary plat was approved by the Planning & Zoning Commission on the September 1, 2016.

PETITION IN OPPOSITION: On September 1, 2016, a written petition in opposition to the zoning change was submitted by residents of Meadowview Estates. A copy of the petition is attached. The petition also expresses opposition to any proposal that would provide a connection of Smith Drive to a street in the new subdivision.



The petition in opposition contains the property owner signatures for 22 properties within the 200-foot notification area. This amounts to 21.7 percent of the land area within the notification area. Per Section 118-183 of the Zoning Ordinance and Section 211.006(d) of the Texas Local Government Code, a favorable vote of three-fourths of the City Council is required when a petition of opposition contains the signatures of the owner(s) of 20 percent or more of the total area within the 200-foot notification area.

Additional correspondence in opposition and in favor of the zoning change is also attached.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the September 1, 2016, meeting and voted 6-0 to recommend approval, subject to the following conditions:

- the zoning request be converted to a Residential Infill Planned Development (RI-PD)
- an emergency access gate be installed on Smith Drive between this development and Meadowview Estates

RECOMMENDATION:

Approve Ordinance 3429 as an 18-lot Residential Infill Planned Development OR remand the 25-lot RI-PD proposal back to the Planning & Zoning Commission.

Approve Ordinance 3431 (LR Local Retail) as presented.