



## CITY COUNCIL MEMORANDUM

**FROM:** The Office of the City Manager   **DATE:** January 14, 2019

**SUBJECT:** ZC 2018-15, Ordinance No. 3557, Public hearing and consideration of a request from IHS Real Estate Holdings, LLC for a zoning change to amend PD-49 and PD-67 to allow for independent senior-living apartments at 8545 and 8621 Davis Boulevard and portions of 8617, 8603, and 8613 Davis Boulevard, being 16.83 acres described as Lots 9R and 10, Block 1, D.J. Anderson Addition; Tract 2, Brentwood Estates; and Tracts 11C, 11C1, 11E and 11E1, Thomas Peck Survey, Abstract 1209.

**PRESENTER:** Clayton Comstock, Planning Director

### **SUMMARY:**

On behalf of Integrated FM 1938 Holdings LP, IHS Real Estate Holdings LLC is requesting a zoning change to allow for the development of independent senior-living apartments and future commercial uses. The 16.83-acre property is generally located on the west side of Davis Boulevard at the intersection of Precinct Line Road.

### **GENERAL DESCRIPTION:**

The site under consideration is located between Davis Boulevard and the Steeple Ridge residential subdivision, extending from the Keller city limits to an area behind ALDI and Capital One Bank. There are two separate components of the zoning proposal on this 16.83-acre site: independent senior-living apartments and two commercial tracts. Each is described in detail below.

### **INDEPENDENT SENIOR-LIVING APARTMENTS**

The primary use of the property is a 229-unit independent senior-living apartment development. This proposal includes a three-story building housing 212 living units and seven single-story cottages housing 17 living units. The project includes 104 one-bedroom units, 112 two-bedroom units, and 12 three-bedroom units. The final unit mix may vary  $\pm 10\%$  based on market conditions at the time of construction. The average unit size is currently planned at 1,049 square feet.

There are 291 total parking spaces provided, which is equivalent to 1.28 spaces per unit. The three-story primary building includes 120 surface parking spaces, 8 tuck-under garages, and 132 podium spaces beneath a portion of the building. The cottage units include 31 garage spaces.



Common amenities in the project include a concierge, library, activity room, media lounge, home health office with exam room, mail room, outdoor courtyards, patios, and other gathering spaces.

**Retention Pond.** A retention pond is proposed near the northwest corner of the site. This pond would replace the existing detention pond developed in 2014 behind the McDonald's restaurant. That pond would be filled in and the area reused for the single-story cottages. The new retention pond is designed to have water always present in the pond, so a fountain would be provided for water circulation. The area would include a walking trail around the pond, which would be accessible to residents in the Steeple Ridge subdivision.

**Landscaping.** Over 35% of the apartment site would be maintained in landscaped area. This includes landscape plantings in the entryway, parking lot, and general site area. A 50-foot wide landscaped buffer yard would be installed adjacent to the west property line and the Steeple Ridge subdivision. A masonry screening wall would be constructed in the buffer yard.

**Traffic signal at Davis.** The development of this tract would warrant the addition of a fourth leg of the Davis Boulevard/Precinct Line Road traffic signal and revisions to the lane striping in the area. The Traffic Impact Analysis conducted by the applicant has also shown that a right-turn lane will need to be added to southbound Davis Boulevard at the entrance to the site.

**Emergency access.** The 162-lot Steeple Ridge neighborhood to the west was developed in the early 1990s with only one point of access at the far southern end on Shady Grove Road. As traffic continues to increase in the area, left turns from Shady Grove Road onto northbound Davis Boulevard will become more difficult if not restricted by TxDOT. One street at the northern end of the neighborhood, Trails Edge Drive, was stubbed for a future connection to Davis Boulevard. An additional point of access for this neighborhood would allow better access for residents to a signalized intersection at Davis and Precinct Line to travel northbound on Davis Boulevard. The applicant is proposing to provide an emergency access connection to Trails Edge Drive through a fire lane and gate. This would satisfy concerns for emergency access to the Steeple Ridge neighborhood, but would not relieve existing and future traffic and access issues with the neighborhood.

**Site Plan.** The primary purpose of this Planned Development (PD) zoning district is to permit the proposed uses. 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, however, would also be a component of the PD zoning. Any major deviations from the site plan documents would require additional review and approval by the City Council. The applicant has complied with all other development standards.

## **COMMERCIAL TRACTS**

The development would include two commercial tracts fronting Davis Boulevard. The tracts are 1.47 and 2.52 acres in area and are located on the north and south sides of the main entrance to the property. These tracts would be available for future commercial



development under the C-1 Commercial zoning district uses and regulations. The only PD zoning condition placed on these tracts is for the building materials and architecture to complement the independent senior living development.

**STAFF REVIEW:** The Development Review Committee is generally supportive of the site plan, landscape plan, building elevations, and other site improvements. Independent senior-living apartments also provide an amenity to North Richland Hills residents to age in place and/or have their parents and grandparents closer as well as provide a source of daytime population in the community.

Notwithstanding the benefits, the independent senior-living apartments use is one that the City of North Richland Hills has discouraged in recent years because of the increased calls for emergency services to such facilities.

North Richland Hills has many facilities that provide a variety of senior living arrangements. These range from senior apartments that primarily provide cleaning, meals, and minor living assistance to long-term skilled nursing facilities. Fire/EMS personnel typically respond the most to those facilities that provide a lower level of assistance to residents, such as senior apartments.

North Richland Hills currently has four facilities with 675 units that are classified as independent living senior apartments. The Fire Department has averaged 500 annual calls for fire/EMS service over the past four years to these senior apartments, an average rate of 0.86 calls per unit per year. A survey of eight other Watermere properties throughout the state also shows a general average of about one fire/EMS call per unit per year. Based on these general averages, this proposed 229-unit Watermere development may add an additional 200 to 230 calls for fire/EMS service per year.

Additionally, multifamily growth is targeted for Transit Oriented Development districts, City Point, and redevelopment opportunities. It has generally been discouraged at the staff level when not proposed within those areas.

**STAFF RECOMMENDATIONS:** For the reasons listed above, the Development Review Committee recommends denial of this zoning change request. If City Council chooses to approve the application, the following standards are recommended.

- A. *Permitted Land Uses.* Uses in this NR-PD shall be limited to those permitted in the C-1 Commercial zoning district, as amended, with the addition of and subject to the following.
  1. Independent senior-living apartments.
  2. Any land use requiring a special use permit in the C-1 Commercial zoning district, as amended, is only allowed if a special use permit is issued for the use.
  3. Any land use prohibited in the C-1 Commercial zoning district, as amended, is also prohibited.



B. *Site development standards.* Development of the property shall comply with the development standards of the C-1 Commercial zoning district and the standards described below.

1. The site improvements shall be constructed as shown on the site plan attached as Exhibit "C."
2. Landscaping shall be installed as shown on the site plan attached as Exhibit "C." The landscaping must be installed prior to the issuance of a certificate of occupancy.
3. The construction of a detention pond is authorized for the development. The detention pond is subject to the following.
  - a. Construction of the detention pond is subject to final approval of the engineering plans, including safety measures, by the Development Review Committee and City Engineer.
  - b. The detention pond must be landscaped in accordance with Chapter 114 – Vegetation of the Code of Ordinances and this Exhibit "B." The landscape plan is subject to final approval by the Development Review Committee.
  - c. The detention pond outlet structure may be located less than fifty (50) feet from a property line.
  - d. The side slopes of the detention pond may exceed a 5H:1V slope. If vertical walls are included, the walls must be constructed and/or faced with natural stone.
  - e. The owner must execute a detention/retention storage facility maintenance agreement in conjunction with the approval of the final plat for the property.
  - f. The owner must execute a Developer's Maintenance Agreement with the City for erosion control at the time of final plat. The agreement shall terminate upon completion of the project.

C. *Building design standards.* Building design and appearance shall comply with the building elevations attached as Exhibit "C" and the standards described below.

1. The building design and appearance of the independent senior-living apartments must be as shown on the site plan attached as Exhibit "C."
2. The design and appearance of buildings constructed on the commercial tracts must use compatible schemes of materials, colors, and architectural styles as the independent senior-living apartment buildings.

**COMPREHENSIVE PLAN:** This area is designated on the Comprehensive Land Use Plan as "Retail" and "Office." These designations are intended to permit a variety of retail trade, personal and business services establishments, and offices.

**CURRENT ZONING:** The property is currently zoned PD-49 and PD-67. The area zoned PD-49 was approved in 2004. It is located on the northern part of the site and is intended to provide for the development of a retail and restaurant shopping center. The area zoned



PD-67 is located on the southern part of the site and includes existing development south of the site under consideration. This PD is intended to provide for the development of a retail, restaurant, and office uses.

**PROPOSED ZONING:** The proposed zoning is Non-Residential Planned Development (NR-PD). 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	Retail ( <i>per City of Keller zoning map</i> )	Retail ( <i>per Keller comprehensive plan</i> )	Nursing home and memory care Single-family residence
WEST	R-2 Single-Family Residential	Low Density Residential	Single-family residences (Steeple Ridge subdivision)
SOUTH	PD Planned Development (PD-67)	Office	Single-family residences
EAST	PD Planned Development (PD-67) C-1 Commercial	Office Retail	Retail and office uses

**PLAT STATUS:** A portion of the property is platted as Lots 9R and 10, Block 1, D.J. Anderson Addition; Tract 2, Brentwood Estates. The remainder of the property is unplatted.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission conducted a public hearing and considered this item at the December 20, 2018, meeting and voted 4-0 to recommend approval.

**RECOMMENDATION:**

Deny Ordinance No. 3557.