



Legislation Details (With Text)

**File #:** 20-3705      **Version:** 1      **Name:** Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Apartment and Townhome Uses on Approximately 19.527 Acres out of the J. Grimsley Survey,

**Type:** Ordinance      **Status:** Failed

**File created:** 8/14/2020      **In control:** City Council

**On agenda:** 8/24/2020      **Final action:** 8/24/2020

**Title:** Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Apartment and Townhome Uses on Approximately 19.527 Acres out of the J. Grimsley Survey, Abstract No. 578, Generally Located at 2880 Matlock Rd.; Miller Sylvan of JPI on Behalf of Morreta A. & James A. Weatherford of Deblock, Ltd. (ZC#20-008)

**Sponsors:** Joe Smolinski, Matt Jones, Andrew Bogda

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Maps and Supporting Information, 3. Exhibit A, 4. Exhibits B - E, 5. Petition of Opposition, 6. Protest Map

Date	Ver.	Action By	Action	Result
8/24/2020	1	City Council	Denied	Pass

Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Apartment and Townhome Uses on Approximately 19.527 Acres out of the J. Grimsley Survey, Abstract No. 578, Generally Located at 2880 Matlock Rd.; Miller Sylvan of JPI on Behalf of Morreta A. & James A. Weatherford of Deblock, Ltd. (ZC#20-008)

To consider the subject zoning change request.

The Planning & Zoning Commission held a public hearing on August 3, 2020. A motion to recommend denial was made, which failed by a vote of 3-3 (Chairman Knight and commissioners Axen and Gilmore voting no), due to lack of a majority. After further discussion and an attempt to build consensus, a motion to recommend approval with conditions was made, which also failed by a vote of 3-3 (Commissioners Klenzendorf, Weydeck, and Groll voting no), due to lack of a majority; the conditions included staff's recommendations to extend sidewalks to connect to the sidewalks along Debbie Lane and Matlock Road as well as to redesign the north side of the property to provide for parallel parking spaces along the shared access drive, in addition to a condition to increase the height of the masonry screening wall on the south property line from 6' to 8'. After further discussion and an attempt to build consensus, another motion to recommend approval with the same conditions failed by a vote of 3-3 (Commissioners Klenzendorf, Weydeck, and Groll voting no).

Staff received 22 emails from residents in opposition to the zoning change request and there was one speaker opposed to the zoning request. Common concerns included density; the amount of

multi-family housing in the community; potential impact to traffic, schools, crime, property values, and livability; and lack of landscape buffers and sight lines in relation to Cypress Crossing.

During the meeting, there was discussion regarding density, drainage and grade differences, sight lines and proximity to Cypress Crossing, landscape buffers and screening, the dog park and other amenities, how the homeowners' association would be set up, phasing and development timeframe, access, circulation, traffic, breakdown of unit types, architectural design, monument signage, capacity of the existing street network and proposed driveways, viability and value of the site for this development vs. other land uses, projected impact to the school district, owner-occupied vs. rental townhomes, occupancy rates and multi-family inventory in the City, typical percentages of multi-family housing in other communities, and expected rental rates.

Density and traffic remained the chief concerns. Consensus was attempted to be reached by considering the highest and best use of the property and whether the property was as viable for other uses, as well as exploring potential changes to the plan with the applicant that might be more palatable.

The applicant revised their plans to address the staff recommendations to extend sidewalks to the sidewalks along Debbie Lane and Matlock Road and to redesign the north side of the development to provide for parallel parking spaces along the shared access drive to provide for more of an urban-style design and connectivity with the commercial uses.

The applicant also reached out to the residents in Cypress Crossing and met with several of them to understand and address their concerns. However, 36 residents from 27 homes in Cypress Crossing and 1 home outside of Cypress Crossing submitted a petition opposing the zoning change request due to concerns about traffic, impact to the schools, noise and light pollution, sight lines, and impact to property values.

According to Chapter 211.006 of the Texas Local Government Code, the zoning change would require the affirmative vote of three-fourths of the members of City Council if written protests signed by the owners of at least 20 percent of the area of property within 200 feet of the proposed zoning change were received. Staff has conducted a calculation to determine the percentage of property within 200 feet of the subject property in which the owners are opposed to the zoning change. At the time of publication, staff received written protests from owners of 3.13 percent of the property within 200 feet of the proposed zoning change, based on the current approved tax roll. When including an additional handful of people who submitted written protests who may have recently purchased property or are under contract to purchase property within 200 feet of the subject property (but are not reflected in the most recently approved tax roll), the percentage increases to 4.52 percent. In either case, the protest does not meet the 20 percent threshold to require a supermajority vote.

The subject property consists of 19.572 acres on the south side of Debbie Lane and the east side of Matlock Road, south of the Sprouts shopping center, west of Community of Hope United Methodist Church, and north of the Cypress Crossing single-family residential development. The property is currently vacant land. The applicant is requesting to re-zone the property from C-2 Community Business District to PD Planned Development District for a high-density multi-family residential development including apartments and townhomes.

### Development Plan

The applicant plans to develop a multi-family residential development called The Jefferson - Debbie

Lane, including 392 apartments, 32 rental townhomes, and 52 owner-occupied townhomes, for a total of 476 units. The 392 apartments will be located in three four-story multi-family buildings and the 32 rental townhomes will be located in five two-story buildings; the apartments and rental townhomes will be developed by JPI. The 52 owner-occupied townhomes will be located in 12 two-story buildings and will include a mix of three and five-unit buildings; the owner-occupied townhomes will be developed by Ashton Woods. The apartment buildings will be 52'-8" in height, while the townhome buildings will be 25' - 27' in height. The development will be served by a 10,000 sq. ft. single-story detached amenity center building with a breezeway, located at the entry into the development in front of the largest of the apartment buildings. The apartment buildings will be served by interior corridors.

The number of units and floor area for each building is:

Building A-1: 129 units; 123,353 sq. ft. floor area

Building A-2: 129 units; 123,353 sq. ft. floor area

Building B: 134 units; 127,300 sq. ft. floor area

Building C (5 buildings): 32 units; 35,040 sq. ft. floor area (total)

Building D (12 buildings): 52 units; 91,000 sq. ft. floor area (total)

The multi-family density (Buildings A - C) is 28.72 units per acre and the townhome density (D Buildings) is 10.92 units per acre. The total density is 24.38 units per acre.

The applicant is proposing the following unit mix:

Efficiency (min. 685 sq. ft., avg. 694 sq. ft. floor area): 104 units (21.8%)

One-bedroom (min. 750 sq. ft., avg. 786 sq. ft. floor area): 109 units (22.9%)

Two-bedroom (min. 1,105 sq. ft., avg. 1,207 sq. ft. floor area): 179 units (37.6%)

Two-bedroom rental townhomes (min. 1,095 sq. ft. floor area): 32 units (6.7%)

Three-bedroom owner townhomes (min. 1,750 sq. ft. floor area): 52 units (10.9%)

For the apartments, the average unit size is 965 sq. ft.

The development will not be gated and the grading and installation of primary infrastructure will be completed in one phase. The owner-occupied townhomes will be for-sale product on individual lots, with typical lot dimensions of 22'x72' and 22'x84'.

#### Access, Circulation, and Parking

Direct access to the property from both Debbie Lane and Matlock Road is provided via an existing driveway around the Sprouts commercial development; this driveway will become part of this development. From there, access into the development will be provided by three driveways, including the main divided entrance located at the curve situated between Buildings A-1 and A-2 and two secondary entrances located on the north side of Building A-2 and the west side of Building A-1. The driveway on the north side of Building A-2 will also provide secondary off-site access to Debbie Lane and will be shared with the commercial tract to the north. In addition, a secondary access point will be provided to Matlock Road via off-site improvements to the commercial lots to the west. Internal driveways will generally travel the perimeter of the buildings. Buildings A-1 and A-2 will be located in their own pods on the north and west sides of the property. Building B and the amenity center area will be situated in a central pod. The C Buildings will be clustered in a pod at the southeast corner of the property. And the D buildings will be clustered in pods of three along the east and south sides of the property.

In order to achieve an urban-style design and encourage cross-access between the residential and commercial uses, parallel parking spaces will be provided along the existing driveway and along the new shared access drive on the north property line; these spaces will also allow for visitor parking adjacent to Buildings A-1 and A-2. Much of the rest of the parking in the development will be uncovered surface parking spaces or garage spaces located in the buildings. Tuck-under garage spaces will be provided in Buildings A-1, A-2, and B. Two garage spaces will also be provided for each Type C and Type D townhome unit. The garage spaces will generally be located in the interior facades of the buildings so as not to face public streets. A handful of Type C and D garages will face Cypress Crossing and the vacant commercial tracts. However, landscaping and screening devices will be in place to screen the development; in addition, commercial development of the adjacent properties will provide further screening in the future. There will be 536 uncovered surface spaces, 74 tuck-under garage spaces with 74 tandem spaces, 64 Type C garage spaces, and 104 Type D garage spaces, for a total of 852 spaces. Using a calculation of 1 space per bedroom, 739 parking spaces would be required, which the applicant has exceeded by 113 spaces. The applicant has indicated that the tandem spaces will only be available to the tenant leasing the parking space in front of it. Near the amenity center, dedicated spaces will also be provided for rideshare pickup/dropoff and package deliveries. Building maintenance vehicles will be parked in garage spaces in Building B.

To serve pedestrians, the development will include a sidewalk along the existing driveway with connections to the sidewalks along Debbie Lane and Matlock Road. From the sidewalk along the existing driveway, there will be four sidewalks directly into the development, and an additional sidewalk along the shared access driveway and parallel parking spaces on the north side of the development. Direct connections will also be provided to the ground-floor units located along the existing driveway. Abundant internal sidewalks will also be provided around the perimeter of Buildings A-1 and A-2, the leasing/amenity center, and most of Building B. Direct access from the Type C Buildings to the amenity center will be provided via a sidewalk that will go through the parking lot and entrances through Building B. The Type C and Type D buildings will also include sidewalks to connect the individual units to the parking areas, as well as smaller amenity areas. A pedestrian circulation plan has been provided as part of the Landscape Plan exhibits.

#### Storage, Equipment/Service Area Screening, and Trash

The applicant notes that there will be no outside storage or outside operations on the property, no parking of boats/trailers/recreational vehicles, all utilities with the exception of electric transmission lines will be placed underground, all service areas and mechanical equipment will be located and screened in accordance with the requirements of Section 7301.A of the Zoning Ordinance, all trash enclosures will be screened in accordance with the requirements of Section 7302.B of the Zoning Ordinance, and all rooftop equipment will be screened by building parapets at least one foot taller than the tallest piece of equipment. Trash enclosures will be provided at the northeast and southwest corners of the development; these areas will be screened by masonry enclosures and landscaping as required.

#### Architectural Elevations and Floor Plans

The elevations of the apartment buildings, Type C townhome buildings, and leasing/amenity center building include a mix of two types of brick, two types of fiber cement siding, stone, and stucco, with cast stone trim, and a mix of asphalt and standing seam roofing. The color scheme includes a mix of red, light gray, brown, and cream tones. The elevations include numerous facade recesses and projections and variations in wall height along all facades. In addition, the ground floors include walk-up entries and floor-to-ceiling windows with canopies, providing a retail appearance that blends with

the surrounding commercial properties. The corners of the apartment buildings and the sides of the townhome buildings will include gables, while the balconies will include a mix of black metal railings and cedar screens. The garage doors will include a paneled design that is residential in character. Standing seam roofs (of two color varieties) over some of the windows will provide additional accents. The predominant roof pitch is 4:12, with the standing seam accents at 3:12, and the apartment gables at 6:12. Rooftop equipment on the apartment buildings will be screened by a fiber cement screening wall to match the building.

The amenity center will include a storefront-style window system, as well as a 30'-wide covered breezeway connecting the two indoor portions.

The materials percentages for the buildings are as follows:

Buildings A-1 & A-2: 45% brick, 10% stone, 20% fiber cement, 27% stucco

Building B: 44% brick, 10% stone, 20% fiber cement, 26% stucco

Buildings C-1 & C-4: 70.5% brick, 7.5% stone, 22% fiber cement

Buildings C-2 & C-3: 76.5% brick, 8.5% stone, 15% fiber cement

Building C-5: 62% brick, 8% stone, 30% fiber cement

Amenity Center: 53% brick, 39% stone, 8% fiber cement

Each apartment building will include no more than 25% glass, each townhome building will include no more than 14% glass, and the amenity center will include no more than 38% glass.

The elevations for the Type D townhome buildings include predominantly brick and stone materials with a tan and cream color scheme, as well as shingle roofing with a predominant pitch of 6:12, with 8:12 at the gables. The townhomes include wall plane recesses and projections and gable features to add architectural interest, as well as alternating colors from unit to unit. The buildings also include numerous windows and some false windows to break up each façade. The garage doors feature a paneled design that is residential in character.

The trash enclosures will include red brick walls and light gray metal gates and finishes to match the buildings.

Floor plans have been provided for each of the building types, showing layout details for each building and unit. To provide private outdoor spaces while encouraging neighbor interaction, each townhome unit will include a private outdoor patio and/or yard on the ground level and the second-floor of the Type C units will also include a balcony. The patio areas for the Type C units are indicated to be at least 80 sq. ft. The size of the patio areas/yards for the Type D units is not indicated, but is estimated to be comparable in size to the patios for the Type C units. Most of the apartment units (except the efficiency units) will also include balconies.

A few perspectives have also been provided to illustrate the scale of the development, the depth of the different architectural elements, the outdoor gathering spots, and the lighting of the development as seen at dusk.

#### Landscaping, Screening, and Amenities

A Landscape Plan has been provided, showing the landscaping, hardscaping, and screening to be provided throughout the site, as well as tables detailing the planting types and quantities, the landscaping requirements, and detailed renderings for the screening devices.

A 14' landscape buffer with a mix of canopy trees and evergreen trees as well as a 6' masonry screening wall will be provided along the south side of the property adjacent to the Cypress Crossing single-family residential development. A 50' landscape buffer with 6' screening wall is typically required between a multi-family or townhome development and an existing single-family development. However, it should be noted that the buildings are generally at least 40' from the property line, as there is a 24' access drive in addition to the landscaped area. A 7' landscape buffer with canopy trees will be provided along the east side of the property adjacent to the vacant commercial and church land; a 10' buffer is typically required. A 10' landscape buffer with canopy trees and shrubs will be provided along the north side of the property adjacent to the shared access drive. A 20' landscape setback will be provided along the existing driveway. Finally, a 5' landscape buffer with ornamental trees and shrubs will be provided along the west side of the property; a 10' buffer with canopy trees and shrubs would typically be required. Staff had requested that the applicant adjust the site plan or acquire an additional 5' to accommodate a 10' buffer, however the applicant has indicated that their site is constrained since the future developers of the commercial lots along Matlock Road will require additional area for their development, in addition to meeting the landscape requirements applicable to C-2 property.

Shrubs will be provided to screen all parking lots from adjacent properties and nearby streets. In addition, foundation plantings will be provided around the perimeter of all buildings, except where garage entrances prohibit. The parking lot will also include islands with street trees and a few larger islands will be enhanced with sidewalks, shrubs, and ornamental trees. The divided main entrance will also include ornamental trees and groundcover and the amenity areas will be heavily landscaped as well.

A 6' masonry screening wall will be provided along the south property line. Otherwise, the perimeter of the development will not be fenced in order to encourage connectivity and cross-access between this development and the surrounding commercial properties. The townhomes will include private yard fencing in front of each unit; the fencing will be a 3'-6" open-style metal fence. In addition, the pool area will include a 4' open-style metal fence and the dog park will include a 4' wire mesh fence.

Hardscape amenities include benches, trash cans, decorative street lights, movable seating, and planter pots throughout the development to encourage pedestrian activity and provide for resting areas and gathering spots throughout. In addition, a large amenity center will be located in front of Building B in the center of the development. Amenities will include two 5,000 sq. ft. indoor spaces connected by a breezeway with enhanced paving, a large resort-style pool with sundeck, outdoor courtyard spaces, and a dog park. The indoor space includes the leasing center, clubhouse, fitness center, and mail center. The pool area and outdoor courtyards include seating/lounging areas, grilling stations, dining areas, fire pits, shade elements, informal gathering areas, and enhanced landscaping and lighting. A pocket park with seating areas, grilling area, shade elements, and enhanced landscaping will be located near the Type C townhome buildings.

### Sign Plan

Signage will comply with the regulations applicable to MF-1 zoning. The development will include monument signs along Matlock Road and Debbie Lane in the existing medians, as well as a monument sign at the divided entry into the development, and a wall sign on the leasing center/amenity building. Artwork has been provided for the proposed signs. The monument signs will include a 2'-tall split-face CMU base, with a masonry background and wood finish sign face with aluminum lettering; all materials will match the materials used on the buildings. The wall sign located over the breezeway of the leasing/amenity center will feature the same style aluminum lettering.

### Land Use Plan

In the Official Land Use Plan, it is noted that the sub-area in which this property is located is generally built out with few large tracts of land available to develop. It notes the Weatherford tract (the subject property) as one of the few tracts remaining for development and encourages infill development as suburban residential (greater than 3 units per acre) to match adjacent development.

### Summary

The development plan includes a multi-family development with a mix of housing styles and unit sizes to accommodate different demographics, including three apartment types, rental townhomes, and owner-occupied townhomes. The Land Use Plan recommends suburban-style development consistent with adjacent development. However, the development is also proximate to existing multi-family developments Villas di Lucca, The Villagio, and The Atlantic, as well as the dense age-restricted single-family Ladera development, and several commercial developments. Development of this property for a mix of multi-family residential uses promotes a healthy transition of uses with the townhome uses being located closer to the single-family development to the south and the denser apartment uses being located closer to the commercial and multi-family uses to the north and being designed to promote an urban mixed-use feel and interconnectivity with the commercial uses.

The property has direct access to both Matlock Road and Debbie Lane as well as direct access to surrounding commercial properties. While the development does not meet the standard landscape buffer requirements, the applicant has provided for a layout that is sensitive to surrounding properties, with the smaller townhome buildings located closer to the Cypress Crossing single-family residential neighborhood and the taller and larger apartment buildings located closer to the commercial development, with the apartment buildings located approximately 200 feet away from any single-family residential property. In addition, the applicant has worked to provide denser evergreen trees in addition to canopy trees in the landscape buffer adjacent to the single-family development, as well as a 6' masonry screening wall. The development has also been designed to promote interconnectedness with the commercial development by not being gated, as well as providing parallel parking on the existing drive and northern shared access drive, providing direct shared access driveways to the commercial tracts, and including numerous pedestrian sidewalks and connections. The development includes quality architecture with a mix of materials and colors, abundant articulation, and residential design elements, including a pitched-roof design, gables, paneled garage doors, and outdoor patios and yards for the vast majority of the units. Numerous amenities have also been provided to support the residents, including a resort-style pool, outdoor courtyards, dog park, indoor fitness area, pocket park, and numerous hardscape elements throughout the development including seating areas, trash receptacles, and street lights.

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