



Legislation Details (With Text)

File #: 20-3767 **Version:** 3 **Name:** Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Single-Family Residential Attached Townhome Uses on Approximately 12.638 Acres out of the M. Rocke

Type: Ordinance **Status:** Passed

File created: 9/15/2020 **In control:** City Council

On agenda: 11/23/2020 **Final action:** 11/23/2020

Title: Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Single-Family Residential Attached Townhome Uses on Approximately 12.638 Acres out of the M. Rockerfellow Survey, Abstract No. 1267, Tarrant County, TX, Located at 1675 N. Main St.; Brian Cotter of Cotter Associates, LLC on Behalf of Adlai Pennington of MKP Associates, Inc. (Developer) and Randy Hague of Valdar Properties #4, LLC (Owner) (ZC#20-009)

Sponsors: Matt Jones, Andrew Bogda

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Maps and Supporting Information, 3. Exhibit A, 4. Revised Exhibits B - E

Date	Ver.	Action By	Action	Result
11/23/2020	3	City Council	Approved on Third And Final Reading	Pass
11/9/2020	2	City Council	Approved on Second Reading	Pass
10/26/2020	1	City Council	Approved on First Reading	Pass

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from C-2 Community Business District to PD Planned Development District for Single-Family Residential Attached Townhome Uses on Approximately 12.638 Acres out of the M. Rockerfellow Survey, Abstract No. 1267, Tarrant County, TX, Located at 1675 N. Main St.; Brian Cotter of Cotter Associates, LLC on Behalf of Adlai Pennington of MKP Associates, Inc. (Developer) and Randy Hague of Valdar Properties #4, LLC (Owner) (ZC#20-009)

To consider the subject zoning change request.

The Planning & Zoning Commission held a public hearing on September 8, 2020 and voted 5-1 (Vice-Chairman Axen voting no) to table consideration until September 21, 2020 to allow the applicant time to address the outstanding staff comments and to revise the plans to provide for some alley-loaded garages.

The Planning & Zoning Commission continued the public hearing to September 21, 2020 and voted 5-1 (Vice Chairman Axen voting no) to table consideration until October 5, 2020 to allow the applicant more time to work with staff to make changes to the plans. The changes to the plans included converting the homes along the west and south sides of the property to alley-loaded homes in order to reduce monotony and enhance the community design aesthetics, which necessitated the removal

of the 20' landscape buffers and several existing trees, as well as the removal of the connection to Hidden Creek Drive and the conversion of the development to gated access.

The Planning & Zoning Commission continued the public hearing to October 5, 2020. Two neighboring residents spoke, expressing concerns regarding privacy, drainage, tree loss (as it relates to habitat for wildlife, as well as shade), the long-term maintenance of HOA improvements, the possible rental of the townhomes, estimated time of completion, construction hours, price ranges of the townhomes, property values, noise, crime, lighting, traffic, on-street parking, and the close proximity of the alleys to the single-family homes. There was also discussion regarding home sizes, HOA fees, expected new home prices, increasing the height of the fence and possible design modifications, the water main easement along the south property line and whether new tree plantings would impact it, sidewalks, trash service, school bus access, long-term plans for North Main Street, road design standards, and architecture.

A motion to recommend approval was made, which failed by a vote of 3-3-1 (Chariman Knight, Vice Chairman Axen, and Commissioner Mainer voting no; Commissioner Goodwin abstaining). The motion included the condition that all staff comments be addressed and that an 8' board-on-board, cedar wood fence with cap be provided along the north, west, and south property lines. The applicant has made changes to the plans that address the outstanding staff comments and the condition in the P&Z motion and also increased the minimum residential floor area to 1,800 sq. ft. and provided standards for individual back and side yard fencing.

Existing Use: Vacant land

Existing Zoning: C-2, Community Business District

Surrounding Land Use & Zoning:

North - Single-family residential, SF-6/12

South - Manufactured housing (MH)

East - N. Main St.; vacant land (C-2) and manufactured housing (MH) across the street

West - Single-family residential, PD

Thoroughfare Plan Specification:

N. Main St. - major arterial (four-lane divided)

Comments and Considerations

The subject property consists of 12.638 acres of vacant land. The applicant is requesting to rezone the property from C-2 Community Business District to PD Planned Development District for single-family residential attached townhome uses.

Development Plan and Regulations

The applicant plans to develop a residential neighborhood called The Charleston, containing 75 townhomes. Each residence will be on a separate lot and the units will be spread amongst 21 buildings, including a mix of 2, 3, and 4-unit buildings. 45 of the units will be alley-loaded and 30 of the units will be front-loaded. A gas pipeline runs diagonally through the southern portion of the development and will require a curved street crossing to access 17 of the homes located south of the easement. The development will have a gross density of 5.93 dwelling units per acre and will have the following minimum standards:

Minimum Lot Area: 2,660 sq. ft.

Minimum Lot Width: 28'
Minimum Lot Depth: 95'
Minimum Front Yard: 10'; Front Porch Setback: 8' minimum
Minimum Rear Yard: 20'
Minimum Side Yard Between Building Breaks: 5' on one lot, 10' on the other lot
Minimum Side Yard Abutting Street: 10'
Minimum Side Yard in all other areas: 5'
Minimum Floor Area: 1,800 sq. ft. residence plus 2-car garage
Maximum Height: 35'

The standards specify a minimum roof pitch of 8:12, with the exception that dormers may have a minimum roof pitch of 4:12. The development will adhere to the architectural and community design standards applicable to townhomes as specified in Section 4600 of the Zoning Ordinance, with the exception of subsections D.2 (well-defined and proportional front entries), D.9 (variation in facades within every 10 houses), D.14 (J-swing requirements), and D.17 (reduced setbacks for J-swing garages).

Access and Circulation

The development will be primarily served by a single access point at Homeplace Drive and North Main Street (Business U.S. 287), with a secondary emergency access point at Homeplace Circle and North Main Street. Access into the development will be gated. The homes on the east and north sides of Homeplace Circle (that back up to Main and the retention ponds) will include front-loaded garages, while the homes on the west and south sides of Homeplace Circle will include rear-loaded garages with alleys. Due to the gated design, the development will not include a street connection to Hidden Creek Drive. The development will include sidewalks adjacent to the interior streets, with direct access connections to the amenities.

Enhanced Entryway Plan

Homeplace Drive will serve as the development's primary entrance and will include the enhanced entryway features. As indicated in the Enhanced Entryway Plan, the developer will be providing five enhanced entry features as required by the Zoning Ordinance. The five proposed elements are a boulevard section with median, enhanced pavers or stained concrete (stamped patterned colored concrete), decorative street lighting, enhanced architectural features (enhanced screening wall with signage and 8' architectural columns), and enhanced landscaping features (shrubs, ground cover, and ornamental trees).

Landscaping, Screening, and Amenities

Due to the dimensional site constraints and the inclusion of alley-loaded homes as requested by staff, there will not be landscape buffers on the north, west, and south sides of the property. However, the development will provide a 20' landscape setback along North Main Street, which will include a mix of oak, elm, and evergreen trees; evergreen trees will also be planted along the north side of the property. 38 oak trees will be removed from the west side of the property, while 17 oak trees near the pickle ball court in the southwest corner of the property will be preserved. Crepe myrtle and desert willow ornamental trees will be planted along the neighborhood streets in front of the units, with oak, elm, and evergreen trees interspersed in select spaces, such as in the open space areas, along the entrance drive, and in front of the homes that face the main entrance. Oak trees and evergreen ornamental trees will also be provided in the rear of lots along the west side of the property and desert willow and crepe myrtle trees will be provided in the rear of lots along the south side of the property.

An 8' cedar fence with cap and galvanized posts will be provided on the north, west, and south property lines adjacent to the single-family and manufactured home developments. In addition, along North Main Street, a 6' masonry wall will be provided adjacent to the residential lots and a 6' ornamental iron fence will be provided adjacent to the open space lots. Any side and back yard fencing on the individual lots shall be a maximum height of 6' and shall be an ornamental iron design in the same style as the perimeter ornamental fencing. The two retention ponds on the east side of the development will be enhanced with fountains. Additional neighborhood amenities include a gazebo with fireplace and grill, and a pickle ball court; the court will not include lighting in order to reduce impact to nearby properties.

Elevations

The applicant has provided elevations for the proposed units, which include predominantly brick and stone architecture and a pitched roof design (predominantly 8:12). The front elevations appear to be well articulated, with numerous façade recesses and projections, roof variations, windows, materials changes, and some covered entryways and porch-like features. The side elevations include a mix of brick and siding and several windows. Staff recommends that the provided right elevation be revised to include some additional windows or other enhancement to break up the plane of the upper portion of the elevation.

Summary

The proposed development will provide for an infill development including attached single-family (townhome) uses. While the Land Use Plan recommends a density of 3 units or less, it also encourages cluster development that protects open space and preserves trees, which this development achieves. In addition, the City's housing stock currently includes very few townhomes and this development will provide for this type of housing. Furthermore, the density is fairly compatible with and serves as a good transitional buffer between the SF-6/12 densities to the north and west and the manufactured home uses to the south and east. The landscaping, ponds, neighborhood amenities, and entryway features will add value and interest to the development, while screening helps to reduce any impacts to surrounding properties.

While staff would have preferred the preservation of more trees and the connection to Hidden Creek Drive, staff understands the site is constrained and that in order to achieve a mix of front-loaded and alley-loaded garages to enhance the architectural aesthetics and reduce monotony, some elements needed to be compromised in order to achieve a desirable development layout. Staff recommends that any action by City Council be conditioned on the following items being addressed:

1. Lot 1X, Block A (the private street and alley system) is re-numbered as Lot 1, Block A in accordance with the City's standards for subdivisions with private streets.
2. The upper portion of the right side elevation is enhanced with windows or other elements to break up this portion of the plane.
3. Documentation is provided from the gas pipeline operator consenting to the street crossing as shown.

2nd Reading:

The City Council held a public hearing and first reading on October 26, 2020 and voted 7-0 to approve with the condition that:

1. Lot 1X, Block A (the private street and alley system) is re-numbered as Lot 1, Block A in accordance with the City's standards for subdivisions with private streets.

2. The upper portion of the right side elevation is enhanced with windows or other elements to break up this portion of the plane.
3. Documentation is provided from the gas pipeline operator consenting to the street crossing as shown.
4. The developer work with adjacent property owners to replace any existing fences with the 8' board-on-board cedar fence wherever possible.
5. Provisions restricting the ownership of multiple units by the same entity and limiting the duration of rental periods shall be incorporated into the planned development zoning requirements; these requirements shall also be incorporated into the neighborhood covenants and shall include a requirement that these provisions cannot be amended without City Council approval.

Two neighboring residents spoke, expressing concerns regarding privacy, drainage, erosion, tree loss (as it relates to habitat for wildlife, as well as shade and oxygen), pollution, traffic, property values, and the close proximity of the alleys to the single-family homes.

There was also discussion about landscaping, irrigation, screening, architecture, driveway enhancements, amenities, rentals, security, possible reconfiguration of the development to achieve more rear-loaded units, and drainage. In order to address the conditions of approval as well as several requests made by members of City Council, the following changes have been made to the plans:

- The private street and alley system has been re-numbered as Lot 1, Block A.
- References to Hidden Creek Drive have been removed from the Development Standards and typos were corrected.
- A note was added requiring cameras at the entrances to the development.
- A note was added requiring that amenities be completed before any homes are permitted.
- A note was added requiring all A/C units to be screened from public view.
- A note was added requiring all home driveways to have either a salt or aggregate finish.
- A note was added requiring all roofs to be enhanced (GAF Timberline or equivalent).
- A note was added requiring all landscape areas (including landscape buffers, setback areas, open space lots, and front yards) to be irrigated.
- A note was added requiring all irrigation of open space lots to be maintained by the HOA.
- A note was added limiting rentals to terms of not less than four (4) months and no more than six (6) months unless approved by the HOA Board in writing; the HOA Board may not approve any extension that would cause the aggregate term of the lease to exceed twelve (12) months; no subleasing or overnight/short-term rentals shall be allowed.
- A note was added to the Enhanced Entryway and Screening Plan requiring that the developer attempt to work with the adjacent property owners to replace any existing fences with the 8' board-on-board cedar fence; if any request to replace the fencing is denied, the 8' fence will be installed on the development's property line.
- A note was added to the Landscape Plan requiring the trees in rear yards adjacent to the alleys along the west and south boundary lines to be evergreen; the plantings list has also been revised.
- A note was added to the Elevations requiring building materials, color, and roof lines to vary between buildings to provide differentiation in architecture and avoid repetitive front facades.
- A note was added to the right side elevation requiring it to be enhanced with additional windows or other elements to break up the façade prior to permitting.

The following requested items were not included in the revisions:

- A request to limit ownership of the units to no more than one unit per owner or entity was not included. In addition, it was not specified that amending these restrictions would require City Council approval. Furthermore, the section of the Covenants pertaining to restrictions on rentals was not provided.
- A request to modify more of the units to alley-served was not included. The applicant has indicated they would lose additional lots and have to install more pavement in order to achieve this, which would make the development unfeasible to pursue.
- A request to require lighting for the pickle ball court was not included due to the potential negative impact of night time activity and lighting in close proximity to existing and proposed homes.
- A request to change the front yard / street trees from ornamental trees to canopy trees was not included as the applicant believes the planting area is too narrow and the larger roots of canopy trees would cause foundation damage to the homes.

Staff notes that canopy trees can thrive in narrow planting areas without causing damage to building foundations if the trees are planted properly and the right species is chosen.

The applicant has indicated they have been working with the gas pipeline operator regarding the crossing of the easement and that the operator will not be able to issue approval until review of the final construction plans, which will be provided at the time of platting.

Staff recommends that any Council action is conditioned on the following items being addressed:

1. The front yard / street trees be changed from ornamental trees to canopy trees; the applicant shall choose a species that is suitable for narrower planting areas and unlikely to cause foundation damage to homes.
2. At the time of platting, documentation is provided from the gas pipeline operator consenting to the street crossing as shown.

3rd Reading:

The City Council held a public hearing and second reading on November 9, 2020 and voted 7-0 to approve with the condition that:

1. The lighting on the rear of the alley-loaded homes shall be shielded or directed downward to avoid light trespass and glare for the adjacent single-family homes.
2. The garages shall be enhanced with wood-clad or carriage-style doors and carriage or sconce light fixtures.
3. The homes in Blocks 6 & 7 shall be required to have rear porches; these porches shall be allowed to encroach the rear setback by up to 10'.
4. The ornamental fences along N. Main St. shall include masonry columns.
5. Ownership of units shall be limited to no more than 1 unit per individual or entity.

The applicant has added notes to the Development Plan to address conditions 1, 2, 3, and 5; these are listed as notes 19, 22, 23, and the last sentence in note 24. To address condition 4, the applicant has revised the screening plan in Exhibit C to require masonry columns every 50' for the section of ornamental fencing adjacent to the ponds.

To address a resident concern regarding the timing of construction of the perimeter screening, note

13 has been revised to state that “The site amenities and perimeter screening shall be completed prior to home building permits.”

To address the outstanding staff recommendation to provide street trees, the applicant has revised the Landscape Plan to provide for street trees as shown and has also moved the sidewalk approximately 5’ off the curb to provide for a planting location closer to the street. To avoid monotony, the home builder may select from a list of seven species, but no more than five of the same species in a row.

Staff recommends that any Council action is conditioned on the following item:

At the time of platting, documentation is provided from the gas pipeline operator consenting to the street crossing as shown.

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