



## Legislation Details (With Text)

|                       |  |                      |   |              |   |
|-----------------------|--|----------------------|---|--------------|---|
| <b>File #:</b>        | 19-3039  | <b>Version:</b>      | 3 | <b>Name:</b> | Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development District for Single-Family Residential and Commercial Uses on Approximately 91.7 Acres out of the M.D. Dickey Sur |
| <b>Type:</b>          | Ordinance  | <b>Status:</b>       |   |              | Passed  |
| <b>File created:</b>  | 2/12/2019  | <b>In control:</b>   |   |              | City Council  |
| <b>On agenda:</b>     | 3/25/2019  | <b>Final action:</b> |   |              | 3/25/2019   |
| <b>Title:</b>         | Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development District for Single-Family Residential and Commercial Uses on Approximately 91.7 Acres out of the M.D. Dickey Survey, Abstract #195 and T.J. Hanks Survey, Abstract #1109, Johnson County, and the M.D. Dickey Survey, Abstract #1986 and T.J. Hanks Survey, Abstract #644, Tarrant County, TX, Generally Located at the Southeast Corner of the Intersection of W. Broad Street and Lillian Road and South of the Intersection of Retta Road and W. Broad Street; BBCP Acquisitions (ZC#18-031) |                      |   |              |   |
| <b>Sponsors:</b>      | Joe Smolinski, Lisa Sudbury  |                      |   |              |   |
| <b>Indexes:</b>       |  |                      |   |              |   |
| <b>Code sections:</b> |  |                      |   |              |   |
| <b>Attachments:</b>   | 1. Ordinance, 2. Maps and Supporting Information, 3. Exhibit A, 4. Exhibits B through E, 5. Revised Exhibit B, 6. Council 1st Public Hearing Response Letter 022519, 7. Revised Exhibit B for 3rd Reading  |                      |   |              |   |

| Date      | Ver. | Action By    | Action                              | Result |
|-----------|------|--------------|-------------------------------------|--------|
| 3/25/2019 | 3    | City Council | Approved on Third And Final Reading | Pass   |
| 3/4/2019  | 2    | City Council | Approved on Second Reading          | Pass   |
| 2/25/2019 | 1    | City Council | Approved on First Reading           | Pass   |

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PR, Pre-Development District to PD, Planned Development District for Single-Family Residential and Commercial Uses on Approximately 91.7 Acres out of the M.D. Dickey Survey, Abstract #195 and T.J. Hanks Survey, Abstract #1109, Johnson County, and the M.D. Dickey Survey, Abstract #1986 and T.J. Hanks Survey, Abstract #644, Tarrant County, TX, Generally Located at the Southeast Corner of the Intersection of W. Broad Street and Lillian Road and South of the Intersection of Retta Road and W. Broad Street; BBCP Acquisitions (ZC#18-031)

To consider the subject zoning change request.

Staff recommended approval to the Planning and Zoning Commission with the following conditions:

On Page 3 of Exhibit B, Paragraphs 2 and 4 under the "Development Standards" section refer to allowing a reduction in the lot depth and width of the lots at cul-de-sacs and elbows. On January 14, 2019, the City Council adopted an ordinance to eliminate a reduction in the size of standard SF-7.5/18 lots. Staff believes lots in this development can meet the standard requirements without a reduction in width or depth and recommends that this provision be eliminated.

On Page 3 of Exhibit B, Paragraph 6 under the "Development Standards" section allows a reduction of the rear yard setback from 15 feet to 10 feet for an outdoor living area, whether covered or uncovered.

Under the Zoning Ordinance, outdoor living areas that are not covered that include fixed above-ground features such as a hearth or fireplace, outdoor kitchen counters or grill, seating and related amenities are subject to the City's accessory structure regulations in the same manner as a pergola or storage shed. Accessory structures have different regulations for area, height and setbacks than a house. Staff recommends that this provision only apply to covered outdoor living areas.

On Page 3 of Exhibit B, Paragraph 7 under the "Development Standards" section requires a minimum side yard setback of 5 feet on one side and 10 feet on the other, with an exception that an unenclosed porch may be placed on the 10-foot side with only a 5-foot setback. If all the houses should have an unenclosed porch, the effective side yard is 5-foot on each side. Staff would recommend that either 1) the reduced setback be allowed on a percentage of the total residential lots, for example 10 percent, or 2) eliminate the provision.

The Planning and Zoning Commission held a public hearing on February 4, 2019 and voted 4 to 3 to recommend approval with the following conditions:

On Page 3 of Exhibit B, Paragraphs 2, 3 and 4 under the "Development Standards" section allow reductions in the lot width, lot area and lot depth. The Commission recommended eliminating these provisions.

On Page 3 of Exhibit B, Paragraph 6 under the "Development Standards" section allows a reduction of the rear yard setback from 15 feet to 10 feet for an outdoor living area, whether covered or uncovered. The Commission recommended that this provision only apply to covered outdoor living areas.

On Page 3 of Exhibit B, Paragraph 7 under the "Development Standards" section requires a minimum side yard setback of 5 feet on one side and 10 feet on the other, with an exception that an unenclosed porch may be placed on the 10-foot side with only a 5-foot setback. The Commission recommended eliminating this provision.

The applicant is requesting PD, Planned Development zoning to accommodate the proposed Silver Oak development with single-family residential and commercial uses on approximately 91.7 acres. A portion of the property is currently located outside of the City limits and the property owner has applied for voluntary annexation of this tract. The future Retta Road, a 4-lane divided arterial street, divides the property from W. Broad Street continuing south to the Oak Preserve subdivision.

The development consists of two ownerships, the Walker tract and the Adkison tract. On the Walker tract, the applicant is proposing approximately 5.43 acres for commercial uses at W. Broad Street on either side of the future Retta Road. These tracts will comply with the C-2 District standards. South of the commercial tracts, the applicant is proposing approximately 13 acres of single-family residential uses following the SF-7.5/18 District standards.

The Silver Oak development itself will be located on the Adkison tract. Approximately 25.02 acres of the Adkison tract is currently located outside the city limits. The City Council initiated annexation proceedings on January 28, 2019, to incorporate this property into the City. The annexation ordinance will precede the zoning change so that the property is within the City limits if the PD zoning is approved.

There is an existing drill site at the southwest corner of the property that will be annexed with the Akison property. Access to the drill site will be from Lillian Road through an access easement at the west side of the property. An existing frac pond adjacent to the drill site will need to be filled in to accommodate new residential lots and a new detention pond. The developer is working with the gas well operator on an agreement to relocate the frac pond south of the drill site.

Planned Development Standards, Exhibit B:

Based on the Planning and Zoning Commission's recommendations, the applicant made several changes to

the development standards for the Adkison tract. These changes are as follows:

On Page 1, Paragraph 1.B under the “Single Family Tracts (Tracts 3 and 4)” section has been modified to add a provision to allow the existing frac pond on the property to be located elsewhere on the property without a Specific Use Permit. Section 7960 of the Zoning Ordinance that the surface facilities related to gas well production, such as a drill site or frac pond, have a Specific Use Permit. This provision would allow the relocation of the frac pond to a site nearer the existing drill site.

On Page 3, Paragraph 1 under the “Development Standards” section has been modified to request a deviation to allow a reduction in the minimum lot width from 65 feet to 60 feet for up to 5% of the lots in Silver Oak. At the Planning and Zoning Commission meeting on February 4, 2019, the applicant had requested: 1) that 10% of the lots could be reduced to 55 feet in width; and 2) that lots on a cul-de-sac bulb or elbow may be up to 10’ narrower as long as the lot area exceeds 7,500 square feet. The Commission recommended against any reduction in lot width.

On Page 3, Paragraph 2 under the “Development Standards” section has been modified to request a deviation to allow a reduction in the minimum lot area from 7,500 square feet to 6,900 square feet for up to 5% of the lots in Silver Oak, provided that the lots were less than 65 feet in width. At the Planning and Zoning Commission meeting on February 4, 2019, the applicant had requested that 10% of the lots be allowed a reduction to 6,600 square feet. The Commission recommended against any reduction in lot area.

The applicant has eliminated a proposed deviation to allow the minimum lot depth of 110 feet to be reduced to 100 feet for lots on a cul-de-sac bulb or elbow as the lot area exceeds 7,500 square feet. The Commission recommended this change.

On Page 3, Paragraph 5 under the “Development Standards” section has been modified to request a deviation to allow a reduction in the minimum 15-foot rear yard setback to 10 feet to accommodate a covered outdoor living area. At the Planning and Zoning Commission meeting on February 4, 2019, the applicant had requested the reduction for a covered or uncovered outdoor living area. The Commission recommended that the provision apply to covered areas only.

Under the revised standards, the applicant is requesting a maximum of 200 single-family residential lots. The lots will have a minimum lot area of 7,500 square feet (except for 5% of the lots as noted above) and the houses will have minimum floor area of 1,800 square feet. The applicant is proposing the following deviations from the SF-7.5/18 District standards:

| Requirement                       | SF-7.5/18      | Proposed  |
|-----------------------------------|----------------|---|
| Minimum Lot Width:                | 65’            | 5% of the lots may be 60’ wide                                  |
| Minimum Lot Area:<br>less         | 7,500 sf       | 5% of the lots may be 6,900 sf on lots<br>than 65 feet in width |
| Minimum Front Setback:<br>garages | 25’            | May be reduced to 20’ for J-swing                               |
| Minimum Rear Setback:             | 15’            | 10’ for covered outdoor living areas                            |
| Minimum Side Setback:<br>side     | 5’ and 10’     | 5’ for unenclosed porches on the 10’                            |
| Minimum Lot Coverage:             | 45%            | 55%   |
| Corner Lot Width:                 | 15’ wider than | 10’ wider than the minimum lot width                            |

the next lot

Development Plan, Exhibit C:

The Development Plan shows the proposed lot layout for the Adkison tract. Lots are not shown for the Walker tract which will be developed independently from the Silver Oak development. The applicant has provided typical lot details that illustrate how the homes are expected to be laid out on each lot type and how the different setbacks noted in the PD standards will be applied.

There are several pipeline easements that cross the property. The applicant proposes to place these in open space lots maintained by the homeowners' association.

For the Walker tract, the layout and number of residential lots will be determined at time of platting. These lots must comply with the standard development regulations for lots in the SF-7.5/18 District.

Open Space & Amenity Plan, Exhibit D-1:

The applicant is proposing approximately 7.3 acres of common areas/open space in the development on the Adkison tract. An open space is proposed with a detention pond on the west side of the development. Open spaces are planned along an existing creek at the east side of the development. Additionally, an off-street trail will be provided along the creek as shown on Exhibit D-1.

The residential portion of the Walker tract must comply with the requirements of the Parkland Dedication Ordinance.

Screening Plan, Exhibit D-2:

As indicated on the Screening Plan, the lots backing up to Retta Road will be screened by a 6' masonry screening wall with masonry columns, while the lots adjacent to Lillian Road will be screened by a 6' wood fence with masonry columns (spaced according to the PD standards). The open space area adjacent to Lillian Road will be screened by an ornamental metal fence. The applicant has provided representative photos showing the different proposed screening devices.

The residential portion of the Walker tract must comply with the subdivision screening requirements of the Subdivision Control Ordinance. Typically, a masonry wall is required adjacent to lots that side or back up to a 4-lane street or larger.

Enhanced Entryway Plan, Exhibit E:

The development will have its primary entrance points on the future Retta Road. The entryways to the Adkison tract will be located at the two intersections on Retta Road where the internal Silver Oak streets connect. These entrances include decorative pavers in the residential streets, decorative street lights at the intersection, and signage and landscaping in a bufferyard adjacent to Retta Road. Although the entryways do not include a boulevard section with median on the residential streets as required, the applicant's design is intended to merge the proposed entry features with Retta Road. The applicant does not propose any entry features for the secondary entrance from Lillian Road.

The subdivision signage for the Adkison tract will include a 72 square foot gabion sign wall (stones stacked in a metal cage) for the primary signs, and a smaller 36 square foot gabion sign wall with the development logo on the opposite side of the street. Together with the landscaping and street lights, these signs will be located in a 20-foot wide bufferyard along Retta Road. At the intersections, the 6' brick screening wall along Retta Road will end on each side of the street with a stone wall panel with 6'10" column. The landscaping will include a mix of trees, ornamental shrubs, and ornamental grass.

The residential portion of the Walker tract must comply with the enhanced entryway features required by Section 4600.D.18 of the Zoning Ordinance.

### Land Use Considerations

This property falls within Sub-Area 2 of the Official Land Use Plan. Sub-Area 2 is generally rural, but much of the vacant land is adjacent to the industrial parks near S. 6<sup>th</sup> Avenue. A blend of high density housing adjacent to some of the industrial development would be a suitable buffer for single family as it moves west. The proposed Silver Oak development is west and south of Pioneer Place. Additionally, narrower lots are recommended in this Sub-Area to match lots on the north side of W. Broad Street, which is mostly zoned SF-7.5/12 from Sayers Street west toward the city limits.

If the PD is approved, the commercial and single-family areas of the Walker tract will not require future site plan review by the Planning and Zoning Commission or City Council. Any development on the Walker tract must comply with the City's platting regulations in the Subdivision Control Ordinance. All commercial buildings and single-family houses must comply with the applicable development standards, including the architectural and landscaping regulations, in the Zoning Ordinance

### Surrounding Land Uses and Zoning:

ETJ; Multi-family

**North** - Single-family residential, SF-7.5/12, PR, and

residential, PD; Church, SF-7.5/12

**South** - Vacant, PR and PD

**East** - Single-family residential and vacant, PR

**West** - Single-family residential, ETJ; Vacant, PD

### Thoroughfare Plan Specification:

**W. Broad Street**, 4-lane divided major arterial

**Future Retta Road**, 4-lane divided major arterial

### Second Reading

The applicant has revised Paragraph 6 under "Development Standards" on Page 3 to state the proposed 5-foot encroachment into the required 10-foot side yard will accommodate a wrap-around porch. The applicant has also provided an example of a wrap-around porch with this provision.

In response to the Council's discussion on this case at 1<sup>st</sup> reading, the applicant has provided a letter addressing these items. The Council discussed the zoning on the Walker tract, the screening fence along Lillian Road, and made a request that the applicant meet with the surrounding residents.

### Third Reading

The applicant has revised the development standards in Exhibit B to address the City Council's comments at 2<sup>nd</sup> reading. The changes are as follows:

The applicant added a new provision in Paragraph 7 under "Development Standards" on Page 3 to allow 20% of the houses on the Walker tract to have a minimum floor area of 1,800 square feet and the remaining 80% to have a minimum floor area of 2,000 square feet. This provision addresses Council's request that the homes on the Walker tract have a larger floor area.

The Silver Oak tract will still have a minimum floor area of 1,800 square feet.

The applicant added a provision in Paragraph 10 under "Development Standards" on Page 3 to require that the side of a house facing a street on a corner lot must be 100% masonry construction except for roofs, awnings, canopies, doors, windows, glass walls and frame assemblies, dormers, box windows, and areas above a roof line not supported by masonry. This provision addresses Council's comment regarding the use of siding on facades that are visible to perimeter streets that bound the subdivision.

The minimum masonry percentage for the overall house will still be 80%. The Council discussed the possibility of a minimum masonry percentage of 90% overall.

The applicant added a new provision in Paragraph 4.B under “Community Design Standards” on Page 4 related to the perimeter fencing for Silver Oak. This change requires a 6-inch mow edge on the street side of the wood fence along Lillian Road and the masonry walls on Retta Road. The proposed mow edge provisions comply with the screening standards in the Subdivision Control Ordinance. This provision was added in response to Council’s request for the concrete strip that typically is placed under a screening fence or wall.

Lisa Sudbury, AICP  
Interim Director of Planning  
817-276-4227