Legislation Text

File #: 18-2743, **Version:** 1

Ordinance - Public Hearing Continuation and First Reading of an Ordinance to Consider a Change of Zoning from PR Pre-Development District and C-2 Community Business District to PD Planned Development District for Single-Family Residential Uses on Approximately 52.1225 Acres Situated in the Esquire Hendricks Survey, Abstract #659 & the William H. Herrall Survey, Abstract #724 and Approximately 10.4597 Acres Situated in the Esquire Hendricks Survey, Abstract #659, Altogether Totaling Approximately 62.7195 Acres Generally Located on the West Side of Callender Road, North of the MISD Center for the Performing Arts, and Southeast of the Woodland Estates subdivision; Charles F. Dibrell III of Terra Associates on Behalf of Dolce Vita Development Group, LLC (developer) and ACCP, LP, Michael Balloun, and Urban Contractors (owners) (ZC#17-022)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on May 7, 2018. The applicant gave a presentation and overview of their request and had three representatives available to respond to questions and concerns. Nine people spoke in opposition to the zoning request and an additional two people representing a group called Concerned Citizens of Woodland Estates gave a presentation on behalf of several residents within the nearby Woodland Estates neighborhood detailing their concerns with the request. An additional 47 non-speaker cards were presented in opposition to the request. There was discussion concerning the loss of trees, small homes on small lots, drainage, noise and odors from the gas well site, additional traffic, and additional students at the schools. The applicant addressed several of these concerns in their rebuttal. The Commission voted 7-0 to recommend denial as presented.

Applicant response to Commission concerns:
The applicant has submitted revised plans that address several of the concerns that were brought up at the public hearing before the Planning & Zoning Commission. The revised plans include a reduction in the number of lots from 179 to 163; an increase in the minimum lot sizes, lot dimensions, and setbacks to more closely align with the city's typical single-family residential zoning standards; specifications that the majority of the proposed residences will have floor areas above and beyond the minimum floor area that has been established; and changing the Meriwether Street connection to emergency access only. While changing the Meriwether Street connection to emergency access may help to alleviate the concerns of Woodland Estates residents as it relates to increased traffic in their neighborhood, staff does not support this proposal, as further explained at the end of this staff report.

The subject property consists of two tracts: a 52.1225 acre tract (Tract 1) that has frontage on Callender Road and a 10.4597 acre tract (Tract 2) separated from the larger tract by the Tarrant Regional Water District (TRWD) easement, for a total of 62.7195 acres. The larger tract completely surrounds a gas well drill site, compressor station, and frac pond. The property is located north of another drill site and the MISD Center for the Performing Arts, west of the Villages of Park Hill single-family residential development and a series of larger residential tracts along Callender Road, and south and east of City-owned park land, which buffers this proposed development from the Woodland Estates single-family and two-family residential neighborhoods.

The applicant is requesting re-zoning of the property from PR Pre-Development District and C-2 Community Business District to PD Planned Development for single-family residential uses. The proposed development, called Dolce Vita at Mansfield, will include an Italian theme. The applicant plans a total of 163 single-family residential lots, 127 of which are located on Tract 1 and 36 of which are located on Tract 2. Tract 2 will be connected to Tract 1 by two points of access that will need to cross the TRWD easement. The development

will connect to the Woodland Estates neighborhood via an extension of Meriwether Street, which is proposed to be emergency access only. This extension will go through City park land over a creek, which will require a culvert crossing. Meriwether Street will serve as the primary spine street of the development and will connect to an extension of Summer Trail which feeds out to Callender Road. The Summer Trail extension includes a stub to serve future development of the vacant tract to the south. This extension of Summer Trail also aligns with the City's Thoroughfare Plan.

As noted previously, the development completely surrounds an existing gas well drill site, compressor station, and frac pond, and is adjacent to another drill site to the south. The developer notes that 121 of the 163 proposed residential lots are within 300 feet of an approved gas well drill site. Also, as part of the development, the developer is proposing to relocate a portion of the existing drill site/compressor station access road. The access road will follow its existing path, crossing Meriwether Street at a sharp angle, around the west and south sides of the frac pond, and then stub out to the new Summer Trail extension. Gas well traffic will then be redirected to Summer Trail and out to Callender Road; no homes will front Summer Trail.

In addition, several gas pipeline easements travel through the property and the development includes several street crossings of theses easements, as well as three residential lots that are partially over these easements; the applicant has added a note that no structures, fences, flatwork, or other improvements can be made over these easements.

81% of the property will be residential land use, and the balance (19%) will be open space. The open space areas are spread throughout the development and include buffers around the drill sites and frac pond, buffers adjacent to the City park land to the north and west, areas where gas pipelines and utility easements exist, around a planned detention/amenity pond adjacent to the frac pond, and at the site of the entryway features at the intersection of Meriwether Street and Summer Trail and at Summer Trail and Callender Road.

The applicant is requesting PD zoning primarily to achieve lot dimension and area coverage standards that do not squarely fit within the residential zoning districts allowed by the City's Zoning Ordinance. The applicant is requesting one lot/product type for the entire 163-lot development. The proposed bulk area standards are identified in the table on Exhibit B, Page 1 of 2.

The minimum lot standards are roughly similar to the City's zoning standards for the SF-7.5/18 category, with the exception that the minimum lot area is 7,150 sq. ft. instead of 7,500 sq. ft. The minimum lot standards generally exceed those of the adjacent Villages of Park Hill neighborhood, but are below those of the single-family portion of the adjacent Woodland Estates neighborhood.

The applicant has also provided a color-coded zoning exhibit that indicates that, while only one product type/lot classification is being established, there is actually a mixture of minimum lot widths. 80 of the lots are 65'+, 62 of the lots are 70'+, 6 of the lots are 80'+, and 15 of the lots are 90'+. In addition, the applicant has indicated an average lot size of 8,457 sq. ft.

The applicant has also provided an aerial exhibit showing the proposed development overlaid on an aerial photograph of the existing site conditions.

As indicated in the Landscape Plan, the developer will screen the development from the drill sites and compressor station site with evergreen trees and shrubs. The north site of the drill site (adjacent to lots 37-47) will be screened by an 8' concrete ledgestone wall; no buffer exists to provide landscaping at this location. In open spaces adjacent to streets, the developer mostly plans canopy trees and a few shrubs.

In the Entryway Plan, the developer plans to split the entry features to two locations: one at the intersection of Callender Road & Summer Trail and one at the intersection of Summer Trail & Meriwether Street; this is primarily due to the fact that a divided boulevard cannot be accommodated at Callender Road & Summer Trail

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since the Summer Trail extension will need to align with the existing undivided section across Callender Road.

The Entryway Plan includes an 8' masonry wall along Callender Road and along both sides of Summer Trail between Callender Road and Meriwether Street. A small portion of the masonry wall along Callender Road (at the Venecia Court cul-de-sac) will be interrupted by a section of wrought iron fencing with stone columns. The masonry walls and fencing will be accented by rows of shrubs and ornamental grasses. The masonry wall along the north side of Summer Trail will also be accented by landscape planters with seasonal color and the masonry wall and shrubs along the south side of Summer Trail will be fronted by canopy trees. Four ornamental trees will also be planted along Callender Road. In lieu of traditional development signage, the entryway at Callender Road & Summer Trail will feature two column-like entry features (one on either side of Summer Trail) with a masonry base and landscaping growing out of the top of the structure. Decorative street lamps will also be installed along Summer Trail.

The divided boulevard section of Meriwether Street (where it intersects Summer Trail) includes three strips of stained concrete and the median itself will also be composed of stained concrete. The boulevard section will also be accented by decorative street lights and canopy trees. The open space area at Summer Trail and Meriwether Street will also include pedestrian trails, a pedestrian roundabout, and a decorative gathering area, accented by stained concrete, ornamental grasses, perennials, and shrubs.

The applicant has also provided conceptual building elevations of representative home products planned for the development. Four elevations have been provided, three of which appear to be single-story and one of which is two-story. All include a mix of brick and stone construction.

The Development Plan is conceptual in nature and may need to be modified at the time of platting in order to address the City's platting and development regulations.

Staff notes that any approval should be conditioned on the applicant providing written documentation from the TRWD, gas line, drill site, and compressor station operators consenting to the development, particularly the street and lot crossings of the easements as proposed, as well as the relocation of the access road as proposed. In addition, the Landscape Administrator recommends conditioning any approval on the applicant providing tree protection detail to show how existing trees will be protected and preserved within the open space areas.

In addition, Engineering, Fire, and Planning staff do not support the Meriwether Street connection to Woodland Estates being emergency access only. This street connection is shown in the Mansfield Master Thoroughfare Plan as a local collector street and was shown in the Woodland Estates Preliminary Plat (2004) as a connecting street from Wood River Parkway to Callender Road. It is expected to provide a significant east-west connection, primarily for Woodland Estates and Dolce Vita, which will provide better connectivity and help reduce traffic volumes at several intersections including the Turner Warnell Road/Nelson Wyatt Road intersection. It will also be a significant route to Nancy Neal Elementary. The Fire Department notes that this is a required second point of connectivity, that it was never intended to be gated, and that gating this access point would delay any emergency response; additionally, the second point of access will need to be constructed no later than when the 31st house is built. The Planning Department notes that the Zoning Ordinance community design standards specify that developments are encouraged to incorporate designs that allow connectivity to adjacent neighborhoods.

Public Hearing and First Reading- August 13, 2018

The City Council held a public hearing and first reading on May 29, 2018. The applicant gave a presentation and overview of their request and responded to councilmembers' questions and concerns. 16 members of the public spoke in opposition to the request. In addition, there were 7 non-speakers in support of the request and 84 non-speakers in opposition to the request. There were concerns regarding traffic, loss of trees, drainage, lot sizes, density, and proximity to the

existing gas well and compressor station sites. Due to the outstanding issues and concerns of residents in the surrounding neighborhoods, it was suggested that the applicant take some time to meet with HOA representatives from the adjacent neighborhoods to better understand their concerns and consider alternate plans that might address the concerns. Mayor Cook continued the public hearing through second reading. Council voted 6-0 (Newsom was absent) to table the request for 60 days.

During those 60 days, the applicant met with representatives from the adjacent homeowners' associations as well as with staff regarding the outstanding issues, drafted some potential alternate plans, and discussed several possible solutions to address the various concerns. The applicant has submitted a letter requesting to table the request for an additional 60 days to give the applicant more time for negotiating with the owners of the gas well and compressor station sites. According to the letter, the applicant is working diligently to potentially obtain the two gas well pads, the frac pond, and the compressor station site.

Public Hearing and Continuation of First Reading - October 22, 2018

On August 13, 2018, the applicant submitted a letter stating that they were working diligently to obtain the gas well, compressor station, and frac pond sites and requested to table consideration of the zoning request for 60 days to give them time to negotiate with the owners of these sites. City Council approved the request to table for 60 days by a vote of 7-0. The applicant has made significant progress but is still negotiating with these parties and has submitted a letter requesting to table consideration of the zoning request for a period of 90 days.

Public Hearing and Continuation of First Reading - January 28, 2019

On October 22, 2018, the applicant submitted a letter stating that they were still in the process of negotiations to acquire the gas well, compressor station, and frac pond sites and requested to table consideration of their zoning request for a period of 90 days. City Council approved this request by a vote of 7-0.

On January 17, 2019, the applicant submitted a letter stating that they have reached contract terms and a purchase price with Eagle Ridge, the owner of the two pads and frac pond, but that this needs to be approved by Eagle Ridge's Board of Directors, which is expected in late February. Once the purchase is finalized, the applicant plans to work on revised plans and will come back to City Council for approval in May. The applicant is therefore requesting to table consideration of their zoning request for a period of 120 days.

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