

Staff Report



Zoning Case PD20-20 (The Town)	
City Council Meeting Date: 01-12-2021	Document Being Considered: Ordinance

RECOMMENDATION

Approve Zoning Case PD20-20 for Residential Multi-Family-22 (RMF-22), with a Development Plan.

PRIOR BOARD OR COUNCIL ACTION

On November 18, 2020, the Planning and Zoning Commission recommended approval of PD20-20, by a vote of 8-0-1.

On December 15, 2020, the City Council approved PD20-20, for Planned Development (PD) for Residential Multi-Family 22 (RMF-22) uses, with a Development Plan, by a vote of 7-2-0. Council also urged the applicant to meet with Kennedale ISD and address their concerns prior to the final reading. Since then, the applicant has scheduled a meeting with KISD for January 7, 2021.

REQUEST

The applicant requests to change the zoning on approximately nine acres of land addressed at 5900 US 287 Highway, generally located east of US 287 Highway and north of West Sublett Road.

Current zoning: General Commercial (GC)

Requested zoning: Planned Development (PD) for Residential Multi-Family 22 (RMF-22) uses, with a Development Plan

GENERAL INFORMATION

History

Generally, the area around the subject property started developing in the late Seventies and early Eighties and continued to develop substantially with residential neighborhoods in the Nineties. The immediate adjacent areas to the site were developed with commercial projects more recently. The following aerial images provide an overview of how the area evolved from the 1980s to present.



1984



2001



2020

Existing Site Conditions

The site is currently undeveloped, commonly known as Kroger-Sublett Addition, Block 1, Lot 8. The site has street frontage on US 287 Highway.

Adjacent Land Uses

Properties to the northwest

Residential Multi-Family-22 (RMF-22): Undeveloped

Property to the east (separated by US 287 Highway)

Office Commercial (OC): Undeveloped

Property to the south

General Commercial (GC): Developed as a shopping center anchored by Kroger



DENSITY ANALYSIS

The rezoning application requests multi-family uses on approximately nine acres on US 287 Highway frontage. The proposed 135-unit multi-family project results in a density of approximately 15 dwelling units per acre, which complies with the proposed base zoning district of RMF-22 (max. density of 22 units per acre), for density purposes only. This development proposes an appearance of townhomes, instead of a traditional multi-family appearance. However, it is subject to all applicable multi-family regulations since it will not be platted as individual lots and will be owned and managed by one entity.

DEVELOPMENT PLAN ANALYSIS

Lot Dimensional Standards

The proposed development exceeds all the dimensional standards (lot area, lot coverage, lot width, and lot depth) for RMF-22. Please note, the RMF-22 lot dimensional standards are intended for traditional multi-family developments, whereas this development has a townhome appearance.

The application is seeking deviation from the front yard setback requirement.

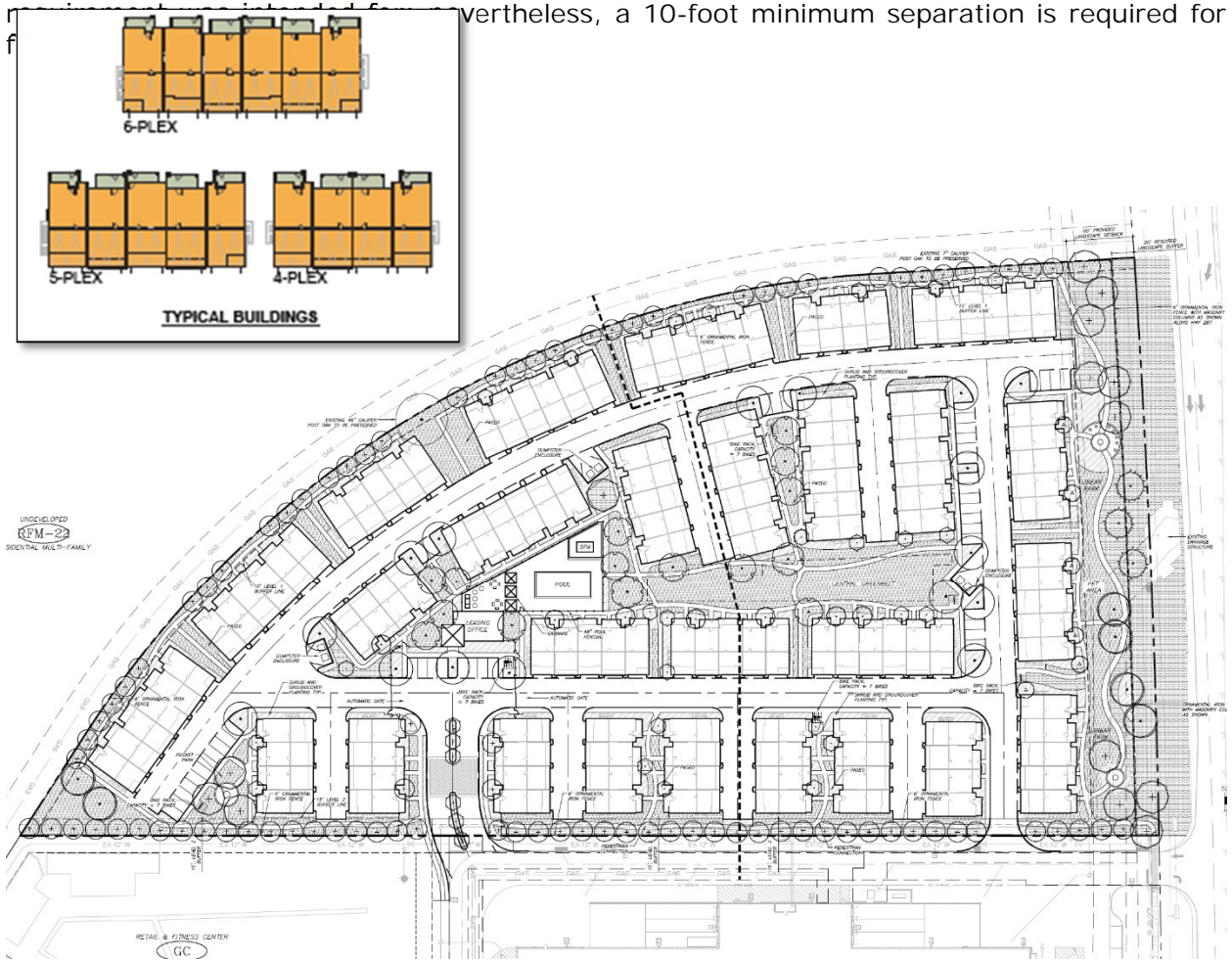
Table I: Setback Requirements for RMF-22			
	Required	Proposed	Deviation Percentage
Front Setback (min.)	20 feet	10 feet	50%
Side Yard Setback to Street (min)	20 feet (east)	40+ feet (east)	-
Rear Yard Setback Interior (min)	10 feet	10 feet	-

Site Access

The development proposes two access points, both from the shared access easement to the south extending from US 287 Highway. The access points are proposed to be gated.

Building Design and Layout

The planned development proposes 135 two-, and three-bedroom apartment dwelling units in 27 separate buildings. The Unified Development Code requires one model per four apartment buildings in a traditional multi-family development. Applying that standard to this unique development would require 34 different models. The applicant is proposing two different elevation styles - the Prairie and the Farmhouse. Each style will have two different color schemes providing additional variation. This plan will, therefore, effectively provide four different models for the buildings. Technically, the applicant is seeking a deviation from this requirement though its strict application in this context serves no purpose. The UDC requires a 30-foot minimum end to end and 50-foot minimum face to face building separations. The applicant is proposing a 19 to 21-foot separation between the buildings in most cases. The closest separation provided is 17.6 feet. Please note, the buildings proposed in the development are not traditional multi-family apartment buildings that the separation



Nevertheless, a 10-foot minimum separation is required for

The mix of units are defined below:

Table II: Breakdown of Units				
	Total Number of Units	UDC Min. Unit Area	Proposed Min. Unit Area	Deviation Percentage
Two-bedroom	108	900 Sq. Ft.	1,200 – 1,248 Sq. Ft.	-
Three-bedroom	27	1,100 Sq. Ft.	1,347 Sq. Ft.	-

The development is complying with the UDC’s maximum allowable length for any multi-family building, which is 180 feet. The primary building materials are stucco and siding for both Farmhouse and Prairie style buildings, with stone veneer and wood grain tile as accent materials on only Farmhouse style buildings. On several elevations, siding exceeds 50% of the elevations, deviating from the maximum allowed within the UDC. The applicant incorporates the “mews” concept within the development where the buildings face a common green space.

Parking

Parking requirements for multi-family developments are as follows:

- 1 space per studio | 1.5 spaces per 1 bedroom | 2.0 spaces per 2 bedroom | 2.5 spaces per 3 bedrooms

Table III: Proposed Parking Requirements			
	UDC Requirement	Proposed	Deviation percentage
Total Parking	284 spaces	315 spaces	-
Garage Parking	20 percent (Minimum) or 57 spaces	270 spaces	-
Covered Parking (includes garage parking for total)	50 percent (Minimum) or 142 spaces	270 spaces	-
Uncovered Parking	50 percent (Maximum) or 142 spaces	45 spaces	-
Bicycle Parking	10% of automobile spaces or 32 spaces	35 spaces	

The applicant exceeds all the parking-related requirements with most of the parking provided in tuck under garages and provides 11 additional trees to comply with the overparking requirement.

Landscaping

The applicant meets or exceeds all landscaping requirements of the UDC.

Table IV: U.S. 287 Highway - Street Frontage Landscape Setback Requirements			
	UDC Requirement	Proposed	Deviation Percentage
Buffer Width	20 feet	60 feet	-
Trees	One three-inch caliper tree per every 35 LF: 15 three-inch caliper trees	15 three-inch caliper trees	-
Shrubs	16 shrubs per 50 LF: 166 shrubs 50% evergreen shrubs: 83 shrubs	458 shrubs 229 evergreen shrubs	-

Additionally, the applicant proposes approximately 92% drought-tolerant species (25% required) and incorporates pollinator species within the landscape mix. At the entrance, the following additional landscape elements are provided as required by the UDC, Section 5.2.2.B.6:

- (i) Specialty Paving
- (ii) Landscaped Median
- (iii) Signage

Tree Preservation

Approximately 17 Post Oak trees are being proposed to be removed with caliper inches ranging from eight inches to 15 inches. One 46-caliper inch Post Oak tree is being proposed to be preserved, attributing to the 21% tree preservation. The tree preservation and landscape plan results in a positive 605 points by preservation and plantation of new trees; therefore, no mitigation effort is required.

Common Open Space and Amenities

The UDC requires multi-family developments with a gross floor area greater than 50,000 square feet to provide eight percent of the total gross site area (which amounts to 31,384 sq. ft.) as open space. The development is proposing to provide approximately 125,307 sq. ft., which accounts for 32% of the site as open space and includes a swimming pool, open space with benches, grilling area, and pet areas. Please note, the UDC requires a minimum of two site amenities, which this proposed development exceeds.

Screening and Buffering

The applicant is meeting/exceeding all the other screening and buffering requirements on the northwestern and southern property lines.

Table V: Landscape Buffer and Screening Requirements			
	UDC Requirement	Proposed	Deviation Percentage
Northwestern Property Line- Level 0			
Width	None	10 feet	-
Trees	None	50 trees	-
Fence/Wall	None	Six-foot ornamental iron fence with masonry column	-
Southern Property Line- Level 2			
Width	15 feet	15 feet	-
Trees	One three-inch caliper tree per every 300 SF: 51 trees	51 trees	-
Fence/Wall	Six-to-eight-foot tall masonry with or without ornamental metal rail, composite or vinyl, or cedar or redwood with metal posts, brackets and caps	Six-foot tall ornamental iron fence	-

Signage

Any signs proposed shall meet the requirements of Article 7 of the UDC.

Community Outreach

The applicant mentioned plans for visiting with businesses in Sublett Marketplace, but Staff has not received any letters of support or opposition. Staff received a few general questions from residents regarding this development.

Drainage Analysis

The site is located in the Rush Creek drainage basin. The site has no portion with the FEMA floodplain. No significant drainage impacts are expected to result from development of this site as long as all relevant city ordinances are complied with.

Traffic Impact Analysis

Change in zoning from commercial to multi-family will decrease the average daily trips by 1,723, with a reduction of 215 trips during the a.m. peak hour and 315 trips during the p.m. peak hour. No Traffic Impact Analysis (TIA) has been conducted for this development.

Deviations

The proposed Development Plan is seeking deviations from the following UDC requirements:

- Section 2.2.8.D Building Setback
 - A minimum 20 feet front setback is required. The applicant is providing 10 feet.
- Section 5.5.4.D Building Separation
 - Based on the UDC standards, 50-foot face-to-face building separation and 30-foot end-to-end building separation is required. The applicant is proposing 19 to 21-foot separation between the buildings in most cases. The closest separation provided is 17.6 feet.

- Section 5.5.4.F.8 Building Design
 - Based on the UDC standards, 34 different building models are required. The applicant is proposing four different models. Please note, the standard is intended for traditional multi-family design.

- Section 5.5.4.G.1.B.(v) Exterior Wall Materials
 - Each side of a multi-family structure may contain a maximum coverage of 50 percent cementitious fiberboard siding. The applicant proposes approximately 55 to 65 percent siding on several elevation and approximately 70 percent on a rear elevation.

COORDINATION WITH OTHER PLANS

The applicant is proposing to develop the property with a multi-family development with townhome character in an area defined as "Rural Residential". This "Rural Residential" area provides a unique opportunity for the city to provide residential choices to residents who desire larger, higher priced single-family homes in a more rural setting. The area should focus on low-density single-family residential use with various natural amenities and trails to connect to the city's greenway network. With the proposed multi-family development of 15 units per acre, it is not consistent with the specific Rural Residential classification for this area.

The site falls under the Moderate to High Suitability area in the Comprehensive Plan, as per the development suitability relative to the natural, built, and policy environment.

The proposed development promotes the following "Value Our Neighborhood" strategies:

- 3. Maintain and enhance neighborhood quality of life and appearance.
- 6.1. Encourage the development of housing choices that meet the needs of current and emerging populations including singles, couples, small and large families, empty nesters, and seniors.

It also meets the following "Develop Our Land" goal, as it meets or exceeds the UDC design standards related to street frontage along US 287.

- 3. Increase the visual appeal within and around residential and commercial developments and along city corridors.

Economic Development Strategic Plan (2014). The proposed development does not advance the following policy within the Economic Development Strategic Plan.

Given the limited number of greenfield sites, maximizing the potential of infill and redevelopment projects should be emphasized. This means ensuring city policies are in place to encourage development that furthers economic development goals, such as creating employment centers, enhancing the tax base, and providing opportunities for higher wage.

Rezoning existing commercially zoned properties to residential at strategic locations, such as along US 287 frontage, does not contribute to the City's efforts to increase the tax base for the City.

US287 Corridor Strategic Plan (2016). The land use recommendations for this parcel include retail and commercial. This designation is intended for non-residential activities that aim to meet the needs of both local and regional residents. Thus, areas suitable for this designation likely rely on significant daily traffic volumes of both commuters and passerby trips, making the locations particularly attractive for retail and commercial uses. The study envisions shopping centers, pad sites, strip retail, local services, small and professional office, and restaurant, which this development does not provide.

The site is adjacent to a 52-acre vacant developable land to the northwest that is zoned for RMF-22, which also poses some challenges regarding the viability of rezoning this site from commercial to multi-family residential. The adjacent property could be developed with multi-family without requiring a zoning change, although approval of a Development Plan would be required. Based on the Strategic Plan, the site would be ideal for professional offices, restaurants, or other strip retail center that can complement the adjacent Kroger development to the south.

Hike and Bike System Master Plan (2011). There is no planned hike and bike trail adjacent to the subject property.

Thoroughfare Development Plan (2017). The portion of US 287 Frontage Road adjacent to the subject site is currently built with two-11' lanes and lane transition.

Historic Structures/Historic Resources Survey (2007). – There are no structures impacted on the subject site.

STAFF CONSIDERATIONS FOR IMPROVEMENT

1. Consider incorporating some commercial development along US 287 frontage that can serve in conjunction with the existing Kroger development.

Applicant position: The owner developer has considered commercial development for this tract for many years; however, the following are just a few of the many reasons commercial will not work on the site:

- Only one access drive will be allowed on north side of the site due to the existing TxDOT railing & storm drainage structure, the applicant was not able to secure TxDOT permit for the initially proposed access point for this development.
- The existing trees and significant grade change north of the property limit the site from being visible from the US 287 frontage road;
- The commercial use would be located behind the Kroger building, which is very undesirable for any pad site user;
- There is ± 200,000 SF of existing retail on Sublett Road and Highway US 287 within Sublett Marketplace Phases 1 and 2, in addition to retail/commercial at the other SW, NE, and NW corners of Sublett Road/Highway US 28; and a conceptual plan showing commercial uses and pad site development was presented at the International Council of Shopping Centers (ICSC) convention in 2019 and there were no tenants interested due to the visibility and access issues.

On December 7, 2020, staff received a petition of opposition from Kennedale ISD, which owns the property immediately to the north. Per Section 211.006 of the Texas Local Government Code, if a written protest is signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area, then the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The property to the north makes up 42.66% of the opposition within the 200-foot buffer area around the zoning case subject site; hence, a super-majority vote will be required for approval of this case.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:

- i. Ordinance with Exhibits A and B
- ii. Case information with P&Z Summary
- iii. Applicant Narrative
- iv. Development Plan
- v. Recent Multi-Family Information
- vi. KISD Statement
- vii. Letters of Support (9 pages)
- viii. KISD Petition of Opposition
- ix. The Town Response Letter
- x. Petition Map

Under separate cover:

None

Available in the City Secretary's office:

None

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