Title
Request to appeal the decision of the Planning and Zoning Commission for consideration of a Zoning Change from AG Agricultural and RE Single Family 'Estate' Residential to PUD-R Planned Unit Development - Residential zoning district for Tract 1B1, 1C1, 1B2, and 1B3, Abstract 294, Robert Chowning Survey, and Lot 1, Block 1, Cero Addition, located at 2417 Wilkes Drive and 6900 Pool Road, Case ZC22-036

Strategic Plan

Explanation
First Reading and Public Hearing
The Planning and Zoning Commission recommended denial at their November 14, 2022 meeting by a vote of 5-0. When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for approval of the request.

Additionally, no change of zoning where exists a protest against such change, signed by the owners of twenty (20) percent or more of either the area of lots or land included in such proposed change, or lots or land immediately adjoining same and extending two hundred (200) feet therefrom, filed with the City Secretary, shall be passed except by a favorable vote of three-fourths (3/4) of all members of the City Council. The opposition currently is at approximately 34%.

Curtis Young, the applicant, has submitted a request to rezone the 13.89 acres property located at 2417 Wilkes Drive and 6900 Pool Road from AG Agricultural and RE Single Family ‘Estate’ Residential zoning to a PUD-R Planned Unit Development-Residential district. The purpose is to rezone in order to allow for the development of a new 19 lot single-family residential subdivision.

Existing Conditions/Background: The subject property is currently an unplatted lot and a platted lot. A home currently exists which is being proposed to be removed.

Proposed Zoning Change: Request – The request is to rezone from the AG Agricultural and RE Single Family ‘Estate’ Residential to the PUD-R Planned Unit Development - Residential district. The request is to construct a new 19 lot detached single-family subdivision to be known as The Bluffs at Colleyville.
**Purpose** - The purpose of a Planned Unit Development (PUD) is to provide for greater flexibility and discretion in the approval of residential, non-residential and mixed use developments by encouraging creative, efficient and aesthetically desirable residential and commercial projects which are superior to what could be accomplished in other zoning districts. This may be through the use of increased open spaces and greenbelts or by providing enhanced amenities or features within the development which will be of special benefit to the property owners or to the community.

**Analysis** – Per the PUD proposed, this project is requesting to create a new detached single-family subdivision of 19 lots. There is a proposed street connection along Pool Road serving as the entrance and exit to the subdivision. The lots range from 20,015 s.f. to 27,294 s.f. The average lot size is 21,354 s.f. The minimum home size will be 3,500 s.f. Along the northern border is a proposed nature trail which connects to Pool Road.

According to the Land Development Code, Chapter 3, Section 3.23: “The Maximum Residential Density permitted in the PUD-R district shall not exceed 1.8 dwelling units per net acre. For the purpose of this calculation, the density calculation shall include all residential areas of the project. This calculation shall exclude all proposed non-residential acreage and street rights-of-way from the net acreage.”

The open space required for a PUD-R is 20% and this subdivision proposes 20.66%. “Residential areas: For all residential uses, common open space land, comprising not less than twenty (20%) of the gross residential project area, shall be provided for the primary use of occupants of the residential units.”

**Plat Status**: The subject property is unplatted as Tracts 1B1, 1C1, 1B2, and 1B3, Abstract 294, Robert Chowning Survey and a platted lot being Lot 1, Block 1, Cerro Addition.

**DRC Review**: This request was reviewed during the September 19, 2022 DRC meeting and determined the application may be scheduled for the next available Planning and Zoning Commission meeting. The DRC provided the following comments:

1. For Lots 18 and 19 label the south setback as 25 feet. Staff considers these as ‘rear’.
2. Staff strongly encourages a 25’ setback along the South line for Lot 11 as well. Staff strongly encourages adding a 25-foot landscape setback along the lots backing existing homes.

The applicant updated their exhibits as requested by staff and were received on October 3, 2022.

Engineering Comments
1. Land Development Code Chapter 14, Section 14-170 Drainage and Storm Sewer Improvements, Sub-Section B-1 states the following: “No matter which method is used to calculate runoff, a developer or builder of residential property greater than one (1) acre in size, or any property that was platted as a part of an overall tract which was greater than one (1) acre in size (including churches and schools), shall develop the property so that the rate of runoff created by the development as it leaves the property does not exceed the rate of runoff that is currently occurring in the existing conditions. A developer or builder of commercial property greater than one-half (1/2) acre must follow the above guidelines.” We concur with the Fire Marshal’s comments in regards to the 50’ ROW and the fire emergency exit gates that will have to be accepted with public improvements.

Fire Marshal Comments: If the City Council elects to approve the plan as submitted as a private subdivision, any gate is considered a Public Improvement and is required to be installed and accepted with the Public Improvements. The gate would be required to meet the requirements of the Land Development Code in Chapter 14. The subdivision is required to meet the requirements of Chapter 10 of the Land Development Code. Any gate will be required to be addressed and an HOA Lot.

Drainage: A drainage study is needed, including a downstream assessment.

Surrounding Development: Property to the north and east is located in the City of Grapevine. Property to the south has R-20 Single Family Residential zoning and has developed with single-family homes. The property to the west has Planned Unit Development – Residential zoning located in the Ross Downs subdivision and has developed with single-family homes.

Comprehensive Plan: The City’s Comprehensive Plan, Destination Colleyville, designates the subject property and the property near this location along Wilkes Drive as planned for residential use. The proposed rezoning request does comply with the residential land use designation stated in the comprehensive plan. One of the goals for this area, as outlined in Destination Colleyville, is to protect the character and integrity of existing neighborhoods by promoting future development that is compatible with the surrounding development patterns and development character.

Fees: Impact Fees are required per Chapter 13 (Impact Fees) of the Land Development Code and are due prior to the issuance of a Building Permit, if applicable.

Tree Preservation: The development must comply with Chapter 5 (Urban Forestry) of the Land Development Code. Where any tree is slated for removal, no site grading, dirt disturbance or new construction may occur on the property until a Tree Removal Permit has been issued that is associated with an approved Tree Preservation Plan.

In addition to the requirements for submittal of a Tree Removal Permit and Tree Preservation Plan, future development on the site must maintain the minimum existing protected tree canopy coverage as required in Chapter 5.
**Public Notification:** Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations and Independent School Districts within 1,000 feet of the subject property. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code.

**Staff Recommendation:** Staff is neutral on this request.

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission recommended denial of the request at their November 14, 2022 meeting by a vote of 5-0.

When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for approval of the request.

**Financial Impact**
There is no financial impact to the City.

**Recommendation**
None

**Attachments**
1. Appeal Request for The Bluffs at Colleyville
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Statement of Planning Objectives
6. Development Plan
7. Drainage Plan
8. Detention Assessment Report
9. Urban Forestry Plan
10. Urban Forestry Report
11. Chapter 5 Urban Forestry
12. Notification Map
13. Notification Letter
14. Notification List
15. Letters of Opposition
16. Letter of Support
17. Ordinance O-23-2233