

## **MEMORANDUM**

**TO:** Donna Barron, City Manager

**FROM:** Richard E. Luedke, Planning Director

**DATE:** December 3, 2018

**SUBJECT:** **Public Hearing: Consideration of an Ordinance Granting a Zone Change Request From Planned Development – Estate Townhouse District (PD-ETH) to Planned Development – Estate Townhouse District (PD-ETH) with Amended Concept Plan, Amended Landscape and Fence Plan Illustration, Amended Development Standards and Three Associated Variances Regarding Screening and Tree Mitigation; on Approximately 5.371 Acres Legally Described as Lot 1, Block A and Lots 2 and 3, Block B, Boyd Addition, Located on the North And South Sides of McCartt Drive, Approximately 260 Feet West of State Highway 121 Business. The Request is Being Made by Noah Flabiano, Skorburg Company, on Behalf of Charis Partners, Ltd. the Property Owner. (Case No. PZ-2018-08-09)**

### **BACKGROUND**

The Planned Development (PD) District allows for innovative community design concepts which may not meet all regulations of the City's standard zoning categories, but ensures a high-quality development with enhanced amenities and a customized design tailored for a particular site. The property is situated west of State Highway 121 Business and is bounded by Public Use (PU) zoning to the north; Multi-Family 2 (MF2) zoning to the west; General Business (GB) to the east; and Multi-Family 1 (MF1) zoning to the south.

The Park Central Terraces Planned Development and its two associated variances were originally approved by the City Council on September 10, 2018. After the PD was approved, the applicant discovered a private agreement that required a regional detention pond on the PD's subject property. This agreement required that the storm water runoff from the lots to the east and west be detained on the subject property. The following three PD amendments are requested to comply with the private drainage agreement: 1) to swap the locations of the guest parking lot and open space lot across McCartt Drive; 2) to expand the open space lot to allow detention and reduce the number of developable lots by one; and 3) to allow detention in the open space buffers on the north and south ends of the development. The Planning and Zoning Commission recommended unanimous approval (7-0) of the amended planned development at their November 6, 2018 meeting.

### **ANALYSIS**

The proposed PD will have a base zoning of Estate Townhouse (ETH). The amended concept plan outlines a one-phased development with 31 single-family detached lots that are a rear-entry product. The residential lots will have a minimum lot width of 20 feet with a minimum lot size of 4,000 square-feet. This is a reduction from the originally approved PD, but meets the base ETH

zoning requirement from the Lewisville's Zoning Ordinance. The majority of the lots remain 35 feet wide, but a few lots were narrowed due to corner clips and easements. All lots will have a minimum dwelling unit size of 2,000 square feet with a lot coverage that will not exceed 80 percent.

#### Architectural Elements

The proposed planned development standards require enhanced architecture. A list of twelve elements including items such as a balcony, cast stone accents or a front porch are provided in Section V of the planned development standards. Each house must incorporate at least four of the listed elements. Please refer to Illustration 2 of the planned development standards for architectural examples. This has not changed from the previously approved PD.

#### Landscaping and Amenities

A minimum of one three-inch caliper shade tree per lot will be provided for this development. Two additional open space lots will be located on either side of McCartt Drive. The open space lot on the south side of the development will function as a pocket-park and will include nine shade trees and will also be used for detention. The open space on the north side of McCartt Drive will feature shaded visitor parking and cluster mailboxes. Park benches and dog waste facilities will be located in the open space natural areas.

The two large open space lots on the north and south side of the development originally were to be left in their natural state. These areas will now contain three detention ponds. A large detention pond will be located on the open space lot on the northern portion of the site. Two smaller detention ponds will be found on the southern open space lot with one just south of McCartt Drive, and the other behind the residential lots. These three detention ponds were added to comply with a regional detention pond agreement that affected this subject site. A large percentage of the natural vegetation located on the two large open space lots will be removed to accommodate the detention facilities. A variance is being requested to waive the requirement for tree mitigation for these private detention. Mitigation is not required for public drainage easements. These private easements serve multiple properties and function the same as typical public easements. Staff has no objections to this request. The detention ponds are being designed to impact as few trees as possible. In lieu of providing full mitigation and to compensate for the loss of trees for the detention areas, the applicant has agreed to plant one tree on site for every protected tree removed for the construction of the detention ponds. A home owners association will maintain all the open space lots and detention areas.

#### Screening

The proposed screening of the development takes in account the existing natural condition of the site. The standard requirement for a screening wall is an opaque six-foot masonry wall. Constructing the required screening wall would likely necessitate the removal of the existing natural vegetation. The applicant is proposing to leave this thick, natural vegetation on the south end of the development to act as a natural barrier between the proposed development and the

existing multi-family development to the south. This screening option requires a variance approved by City Council. The variance was previously approved but is being requested again.

The applicant is proposing to build a tubular steel fence with masonry columns on the western boundary of the development. This proposed screening, as opposed to the required opaque screening wall, will allow a smoother transition between the multi-family zoned townhouse-style development located west of the proposed development. This screening option would also require a variance approved by City Council. The variance was previously approved but is being requested once again.

The school to the north will be screened with a tubular steel fence with brick columns. The screening wall on the east of the property between this development and the undeveloped General Business zoned land will be the responsibility of the commercial developer.

#### Variances

Three variances are associated with the PD amendment. Variances a) and b) were approved with the original planned development and must be considered once again. Variance c) is associated with the detention added in this amendment.

a) to maintain the existing wood fence and vegetation in lieu of the required screening wall on the southern boundary of the development adjacent to the Multi-Family zoned property;

Sec. 6-143 requires that a masonry screening wall, six feet in height, be constructed along any portion of multi-family which adjoins any single-family. Since the multi-family property is existing, the responsibility falls upon the residential developer to construct the wall. The current property has thick vegetation on the southern boundary of the site. The applicant is proposing to leave a 40-foot natural buffer between the south boundary and the proposed alleyway. The current vegetation is proposed to be maintained by the development's home owner's association and will act as a living screen. Staff has no objection to this variance.

b) to allow a tubular steel fence with masonry columns in lieu of the required screening wall along the western boundary of the development adjacent to the multi-family zoned property.

Sec. 6-143 requires that a masonry screening wall, six feet in height, be constructed along any portion of multi-family which adjoins any single-family. Since the multi-family property is existing, the responsibility falls upon the residential developer to construct the wall. The tubular steel fence with masonry columns would provide a softer transition from the property to the west and would conform with the existing fence provided by the school on the north side of Country Ridge Road. Staff has no objection to this variance.

c) to waive the requirement of tree mitigation in a private drainage easement.

Subject: PD – ETH  
December 3, 2018  
Page 4

Sec. 6-121(a)(2) (b) of Lewisville Land Development Regulations states that tree mitigation shall not be required for the removal of a protected tree or clearcutting in any right-of-way or easement area that will be dedicated to the City. The parcels of land the Park Central Terraces planned development is located on has a private drainage agreement that requires the detention of storm water from the adjacent properties to the east and west. This regional private detention will be located on Block A, Lot 19X; and Block B, Lots 17X and will be maintained by the HOA of Park Central Terraces. Allowing the private drainage easements to function as public drainage easements will exempt the tree mitigation requirements, which require that one caliper inch be planted for every caliper inch removed. The applicant has agreed to plant one new tree for every protected tree removed from the drainage easement areas.

The purpose of the Planned Development District is to accommodate innovative design concepts and provide flexibility in order to achieve a more desirable development. The proposed development features a rear-entry product with enhanced building materials and landscaped open spaces on a property surrounded by a variety of land uses. The planned development is in accordance with Big Move #5, “New Housing Choices” of the Lewisville 2025 Vision Plan.

### **RECOMMENDATION**

It is City staff’s recommendation that the City Council approve the zone change request from PD – ETH to PD – ETH with amended concept plan, amended landscape and fence plan illustration, amended development standards and three associated variances as set forth in the caption above.