



City Council Agenda Item Summary Report

Meeting Date: May 7, 2019			
Submitted by: P. Morgan			
Consent	Discussion Only	Public Hearing	Action/Discussion X
Item Title: Discuss and consider approval of an Ordinance rezoning 108.2 acres of land from the Mixed-Use District to a Planned Development District with single-family, multi-family and commercial uses. The property is located south of the U.S. Highway 80 and F.M. 460 intersection in the City of Forney.			
Attachments: Legal Description Development Standards Concept Plan Parks Board Exhibit Power Plant Response Letter			

Item Summary:

Mr. Pete Flowers requests approval of a rezoning of approximately 108.2 acres of property located south of U.S. Highway 80, adjacent to the western city limits boundary of the City of Forney. The purpose of the rezoning is to establish a planned development district with standards for residential and non-residential development.

Image 1: Location Map



Current Standards:

The property consists of 108.2 acres of land and is zoned within the Mixed Use District. 57.279 acres of the property was annexed into the City of Forney at the March 17, 2015, City Council meeting. The entire property was zoned as Mixed Use at that same meeting. The property is currently vacant and undeveloped. Access to the property is provided by the U.S. Highway 80/F.M. 460 intersection.

Rezoning Request:

The requested rezoning request is to replace the existing Mixed Use District zoning with a Planned Development that would incorporate a mix of uses. The concept plan provides the geographical location of five different base zoning tracts for the entire 108.2 acres. The development standards detail the tracts as:

- A. Tract A1 – Single-Family Detached is the permitted use, with Single-Family-6 (SF-6) District as the base zoning district, except for the minimum lot width and the minimum Lot Area.
- B. Tract A2 – Single-Family Detached is the permitted use, with Single-Family-6 (SF-6) District as the base zoning
- C. Tract B – Multi-Family is the permitted use, with Multi-Family-15 (MF-15) District as the base zoning district.
- D. Tract C -- The uses listed on the General Retail (GR) District, Neighborhood Services (NS) District and Office (O) District tables contained within the attached Schedule of Uses shall be permitted by right on this Tract.
- E. Tract D – The uses listed on the General Retail (GR) District, Neighborhood Services (NS) District and Office (O) District tables contained within the attached Schedule of Uses shall be permitted by right on this Tract.
- F. Tract E – Single-Family Detached is the permitted use, with (SF-PH)-Patio Home District as the base zoning district.

The two non-residential tracts consist of 10.80 total acres located at the U.S. Highway 80/F.M. 460 intersection. The multi-family tract total 17.3 total acres, also located near U.S. Highway 80. The single-family tract totals 79.3 acres of land and is setback from the highway.

The number of total dwelling units within the property shall not exceed 567 units.

Single-family regulations in the Tract A1 area allow for a minimum lot area of 6,000 square feet and may account for a maximum of 131 single-family residential units. Lots within the tract shall have a minimum lot width of fifty feet (50’).

Single-family regulations in the Tract A2 area allow for a minimum lot area of 7,700 square feet and may account for a maximum of 100 single-family residential units.

Single-family regulations in the Tract E area allow for a minimum of 4,500 square feet and may account for a maximum of seventy-seven (77) single-family residential units. This area shall be age restricted to those persons 52 years and older.

Multi-family regulations in the Tract B area shall follow the MF-15 standards, with a minimum floor area per dwelling unit of seven-hundred and twenty-five (725) square feet.

The remaining tracts must conform to the non-residential sections of the Zoning Ordinance.

Non-residential and multi-family uses have parking, landscaping, lighting and architectural requirements specified in the development standards and permitted uses. The permitted uses list includes many uses from the General Retail, Neighborhood Service, and Office District allowed uses found in the City of Forney Comprehensive Plan. Staff has removed many of the higher intensity uses that would not be appropriate

for a new planned development district.

Exterior materials permitted throughout the Planned Development shall be brick, stone, glass and hardiplank. Each exterior façade of the buildings shall be at least ninety percent (90%) brick, decorative CMU (burnished or split face) and/or stone. Materials that staff does not consider to be lasting, durable products (such as stucco and EIFS) were excluded from the list of approved materials.

Images 2/3: Site Photographs



Accessibility:

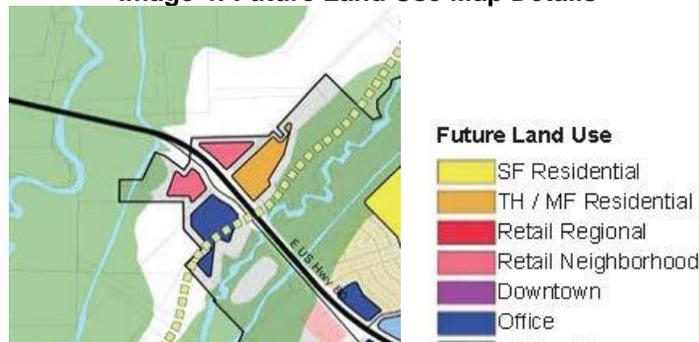
The property provides direct access to U.S. Highway 80 with one existing roadway and a future proposed roadway. A traffic impact analysis must be approved prior to a final plat being approved by TxDOT or the City.

Comprehensive Plan:

The Comprehensive Plan identifies the property as future retail and office property.

Direction	Existing Use	Existing Zoning	Future Land Use
Subject Property	Vacant	Mixed Use (MU)	Undetermined
North	Gasoline Station	Mixed Use (MU)	Retail
South	Power Plant	Outside City Limits	Outside City Limits
East	Vacant	Agricultural (A)	Office
West	Concrete Plant/ Vacant	Outside City Limits	Outside City Limits

Image 4: Future Land Use Map Details



Zoning Ordinance Considerations:

The City of Forney Comprehensive Zoning Ordinance provides the following factors for the City Council to consider in making a zoning determination:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole;
2. Whether the proposed change is in accord with any existing or proposed plans for providing public school, streets, water supply, sanitary sewers, and other utilities to the area;
3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and
6. Any other factors which will substantially affect the public health, safety, morals or general welfare.

Future Requirements:

If approved, future development of the property will require approval of:

1. Preliminary and Final Plats
2. Traffic Impact Analysis
3. Site Plans
4. Civil Plans
5. Building Plans (staff approved)

Parks and Recreation Board:

On February 20, 2019, The City of Forney Parks and Recreation Board considered the Planned Development for compliance with park land dedication requirements. Based on the City of Forney Code of Ordinances, 308 single-family units and 259 multi-family units result in a requirement of 16.36 acres of land or a \$633,220 fee-in-lieu of a land dedication.

At the Parks and Recreation Board meeting the property owner proposed a dedication of approximately 345 acres of land to the City of Forney. The majority of the land is located outside City of Forney jurisdiction and is located inside the 100-year floodplain. The Parks and Recreation Board voted to recommend acceptance of the 345 acres of land for City purposes. An aerial of the 345 acres is attached with the exhibits.

Recommendation:

The Planning and Zoning Commission considered the request on March 7, 2019. The Commission voted 4 (Chambers, Holler, Shimkus, Traylor) to 3 (Cunningham, Wilcoxson, Wilkins) to recommend approval. Several Commissioners stated concern for suitability of the use and the lot sizes. Several other Commissioners specifically stated that they understood the concerns but it was not enough for them to oppose the request. During public hearing representatives of the Forney power plant spoke in opposition. Reasons for their opposition are provided in the attached letter.

The City Council initially considered the request with a public hearing held on March 19, 2019. Representatives of the Forney Power Plant spoke in opposition of the rezoning and the request was tabled until April 16, 2019, to provide the applicant with time to research the concerns. At the April 16, 2019, meeting the item was tabled a second time, at the request of the applicant.