

## **ZONING CHANGE**

Case Coordinator: Michael McCauley

---

### **GENERAL PROJECT INFORMATION**

**SITE ZONING:** (SF-12/20) Single-Family Residential District

	<b><u>SURROUNDING ZONING</u></b>	<b><u>SURROUNDING LAND USES</u></b>
NORTH	PD-035 for the (SF-8.4/16) Single-Family Residential District	Single-Family Residential Subdivision
SOUTH	(SF-12/20) Single-Family Residential District	TX Utilities Electric Co. Property
EAST	PD-035 for the (SF-8.4/16) Single-Family Residential District	Single-Family Residential Subdivision
WEST	PD-119 for the (SF-8.4/18) Single-Family Residential District	Single-Family Residential Subdivision

**REQUEST:** Rezone from (SF-12/20) Single-Family Residential District to PD-119 for the (SF-8.4/18) Single-Family Residential District

The applicant proposes to amend the adjoining PD-119 by including the subject 3.8-acre tract for a proposed single-family residential development with modified development standards.

**PROPOSED USE:** Single-Family Residential Subdivision

**ACRES/LOTS:** Approximately 3.8 acres / 1 tract (proposed 6 lots)

**LOCATION:** 2400 Briardale Drive and approximately 480 feet east of Kelly Boulevard

**HISTORY:** The property is undeveloped and not platted.

On October 6, 2022, staff recommended approval for Case No. PLZST 2022-139; however, the Planning & Zoning Commission recommended denial on the applicant's request to change the same tract's zoning (straight zoning) from (SF-12/20) Single-Family Residential District to (SF-8.4/18) Single-Family Residential District. The neighboring property owners opposed the applicant's request. The applicant did not appeal the Commission's recommendation for denial.

**COMPREHENSIVE PLAN:** Residential – Single-Family Detached

**TRANSPORTATION** Briardale Drive is designated as a local street.  
**PLAN:**

**OWNER:** ZARAI Construction, LLC

**REPRESENTED BY:** Victor Castro / BTR Construction Group, LLC

**STAFF ANALYSIS****PROPOSAL**

The applicant is requesting approval to rezone a 3.8-acre undeveloped tract from (SF-12/20) Single-Family Residential District to PD-119 for the (SF-8.4/18) Single-Family Residential District.

**BACKGROUND**

On March 2, 2023 Planning and Zoning Commission recommended approval of the request. However, staff received more than 20 percent opposition from property owners within 200 feet of the subject property. Therefore, a minimum 3/4 affirmative vote or 6 Council members would need to support the request to override the noticed property owners' opposition.

On April 4, 2023 City Council voted on a motion to approve the zoning request. However, since the motion only received an approval of 5-2, below the minimum 3/4 or 6 votes, the motion did not carry and the case was denied.

On April 18, 2023 City Council approved reconsideration of the rezoning request to the June 6, 2023 City Council meeting.

**ELEMENTS TO CONSIDER**

1. The tract is not developed or platted.
2. The property is zoned (SF-12/20) Single-Family Residential District, and like the adjoining properties to its west (Parkside Estates), and north and east (Copperwood Addition I and II), the applicant is requesting to rezone to a Planned Development and change its base zoning to SF-8.4/18. Both PD-119 and PD-35 require a minimum floor area of 2,000 square-feet; an increase from the minimum floor areas of 1,800 and 1,600 square-feet required with their respective base zoning. The proposed Enclave regulations are more restrictive than adjoining Parkside and Creekwood PDs shown below.

	<u>CURRENT</u>	<u>PD-119 PARKSIDE</u>	<u>PD-35 COPPERWOOD</u>	<u>PROPOSED ENCLAVE</u>
BASE ZONING	SF-12/20	SF-8.4/18	SF-8.4/16	SF-8.4/18
MINIMUM LOT SIZE (sf)	12,000	8,400	8,400	9,791
MINIMUM FLOOR AREA (sf)	2,000	2,000	2,000	3,000
MINIMUM LOT WIDTH (ft)	90	70	70	80
MINIMUM LOT DEPTH (ft)	120	110	110	110

3. After the applicant met with the Parkside Estates' HOA (PD-119) to discuss the applicant's proposal, the applicant increased the minimum dwelling unit floor area (living area) to 3,000 square feet because of that meeting.
4. Parkside Estates' HOA supports the applicant's request.

5. The proposal exceeds the minimum floor area required for houses in the adjoining Planned Developments by 1,000 square-feet by requiring a minimum 3,000 square-foot floor area.
6. The proposal provides an 80-foot minimum lot width and exceeds the minimum lot widths by approximately 10 feet.
7. The development proposal consists of 6 lots, will be designed with a cul-de-sac, and will not allow cut-through traffic between the two adjoining properties, Parkside Estates and Copperwood Addition.
8. All homes will be designed with either rear or side entry garages accessing the existing alleys.
9. The proposal is surrounded by similar zoning districts and is consistent with those uses.
10. A portion of the tract is located within a floodplain and will be designed to not adversely impact the current on-site drainage and surrounding properties. Similar to other development proposals (including residential subdivisions) located in a floodplain, the development shall comply with the Federal Emergency Management Agency (FEMA) regulations and the City's Stormwater and Flood Protection Ordinance.
11. Staff received written protest against the rezoning request, signed by the owners of 20 percent or more of the area of the land immediately adjoining the subject property and extending 200 feet therefrom. Therefore, the rezoning request shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council (a minimum 6 votes needed in support).
12. Even though the tract could be developed as a four (4) lot residential subdivision consistent with the current (SF-12/20) Single-Family Residential District regulations, and without the application needing City Council review and approval, the site would still require compliance with the Federal Emergency Management Agency (FEMA) regulations and the City's Stormwater and Flood Protection Ordinance. Without rezoning the tract to a Planned Development, the development could have front-loaded garages and a minimum 2,000 square-foot living area.

#### **PLANNED DEVELOPMENT REQUESTED**

1. All front yards shall contain a shade tree chosen from the approved "Large Tree" list in CZO Article XXV. Landscape and Screening.
2. The minimum dwelling unit floor area (living area) shall be 3,000 square feet.
3. The minimum lot width shall be 80 feet.

4. The minimum lot size shall be 9,700 square feet.
5. Privacy fencing for lots shall be stained vertical board-on-board wood fencing with cap and metal poles. Metal poles shall be used for fence support and inside of the fence.
6. Privacy fences may not extend closer than ten feet (10') from the nearest front corner of the home.
7. All homes will be designed with either rear or side entry garages accessing the existing alleys. No garages shall front streets.
8. Garage conversion shall be prohibited.
9. Carports shall be prohibited.

#### **CONCLUSION**

The request to rezone from (SF-12/20) Single-Family Residential District to PD-119 for the (SF-8.4/18) Single-Family Residential District appears appropriate and compatible with the surrounding properties' zoning districts and uses.