

June 21, 206 P&Z Meeting Minutes

the base zoning of Planned Development No. 104 from Community Facilities CF to Single Family Residential R-7, and adopt a Concept Plan, Development Regulations, and Building Elevations for the property known as Lot 1, Block 1, Bethany Worship Addition, City of Allen, Collin County, Texas; generally located on the northeast corner of the intersection of Rivercrest Boulevard and Greenville Avenue. (Z-1/5/16-3) [Rivercrest Park]

Ms. Madhuri Kulkarni, Senior Planner, presented the item to the Commission. She stated that the item is the continued public hearing for the PD Amendment for Rivercrest Park. She stated that this is a tabled item and was presented at the last Planning and Zoning Commission meeting on June 7th.

The property is generally located on the northeast corner of the intersection of Rivercrest Boulevard and Greenville Avenue. The properties to the south (across Rivercrest Boulevard) are zoned Planned Development PD. No. 6 Shopping Center SC and Community Facilities CF. The property to the west (across Greenville Avenue) is zoned Planned Development PD. No. 58 Community Facilities CF. The properties to the north and east are zoned Single Family Residential District R-4. Ms. Kulkarni noted that a citizen contacted the Planning Department regarding the R-4 zoning. The zoning was identified in the GIS map as "R-5." After checking the original zoning and ordinance, the error has been corrected in the GIS map. She clarified that the zoning was presented as R-5 last time; it is actually R-4.

Ms. Kulkarni explained that the property is currently zoned Planned Development PD No. 104 Community Facilities CF. The applicant is requesting to change the base zoning from Community Facilities CF to Single Family Residential District R-7 for a single-family residential subdivision, and to adopt development regulations, a concept plan, and building elevations for the property.

The proposed development is approximately 6.9± acres. The Concept Plan shows 35 front-entry lots with a minimum lot size of 5,000 square feet, and a minimum lot dimension of 50' x 90'. The minimum dwelling unit size will be 2,200 square feet.

Ms. Kulkarni said that there are two access points for the property. The primary access point for the development is located on Rivercrest Boulevard. There is also a gated emergency access drive on the northwestern end of the property on Greenville Avenue. A 5' sidewalk is required along Rivercrest Boulevard and Greenville Avenue; the developer will reconstruct and widen the existing sidewalks.

Screening for the property will consist of an 8' masonry screening wall along Greenville Avenue, except for the emergency access area which will include sliding wrought iron gates. An 8' masonry screening wall will also be constructed along Rivercrest Boulevard. The screening on the eastern side of the property (along the existing alley) will consist of a 6' board on board fence. The screening along the northern property line will consist of a 6' board on board fence with brick columns.

Ms. Kulkarni explained that the Concept Plan and Landscape Plan show eight Home Owner Association areas, with six interior open space lots totaling 0.47± acres of open space, meeting the open space requirement.

An agreement has been made between the Parks Department and the applicant regarding tree mitigation. Ms. Kulkarni said this was not discussed last time as the agreement has been vetted with the Parks Department, but briefly went over the agreement, and explained that the agreement includes: the specific number of replacement trees (391 trees) to be delivered to the Allen Tree Farm with two different delivery times; the species and quantities of the trees to be provided; and the size and health of trees to be

provided. The agreement also includes a stipulation that building permits will be withheld up to 75% until all trees are delivered.

Ms. Kulkarni presented the building elevations and stated that they have not changed from the last presentation. The primary exterior building materials consist of brick, cement fiber board, and composition shingle roofing. There will be variation in architecture and house style. Garages will be carriage hardware design and driveways will be washed aggregate or salt finish.

Ms. Kulkarni said the rear elevations are new, and are now included to address the concerns from the last Planning and Zoning Commission meeting. To mitigate concerns of the two story houses, the developer has submitted floor plans and rear elevations. The developer has stipulated that any windows on the second floor of the rear elevations of Lots 1-14, Block B, must either be transom windows (clearstory windows) or made of opaque glass. This condition is also listed in the development regulations.

Ms. Kulkarni discussed the changes to the development regulations:

- Tree Planting: Two shade trees to be planted on each dwelling unit; both trees to be planted in the front yard. If both shade trees cannot be planted within the front yard, one shall be planted within the rear yard of the same lot. Additionally, each tree is to have a trunk diameter of not less than 4 caliper inches measured 3' above the base of the trunk at time of planting (this is a 33% increase in tree sizes over the standard requirement)
- Building Elevations: Any windows on a second floor of the rear elevation of Lots 1-14, Block B, must be one or both of the following (to be developed in general conformance with the floorplan and elevations) – Transom windows or Opaque Glass

Ms. Kulkarni said that staff believes the applicant has satisfied the citizen and commission concerns from the previous meeting.

Commissioner Mangrum asked if the applicant has had a chance to meet the residents since the last meeting.

Shane Jordan, Developer, 16475 Dallas Parkway Suite 540, Dallas, Texas, addressed the Commission. He said there was one speaker last time - Mr. Nelson. After the floorplans and elevations were sent to staff to review, he delivered a package to the applicant's home. He did not send any information to anyone else as nobody else spoke at the meeting. He said the package was left at their front door and he has not heard back.

Chairman Cocking continued the public hearing.

Mr. Timothy Bell, 819 Rush Creek, Allen, Texas, addressed the commission. He said he lives in the Fountain Park Estates subdivision and has lived there for 17 years. He has seen many changes, but this rezoning is concerning. Rivercrest Boulevard is a major arterial. He does not have any traffic study information, but said this is a major thoroughfare through multiple subdivisions. At any given day, from about 6:30 am to after 9 am, the traffic is backed up. Construction at the intersection would have a major impact on traffic. Post-construction would also be problematic for the existing residents. He also wanted to reiterate one of the comments made by Mr. Nelson at the last meeting that was not addressed. He said the proposed home values are not in alignment with other properties in the area. He said the homes in this area would be 115% higher than the existing homes. He wanted this concern to be discussed.

Mr. Bill Nelson, 601 Lake Ridge Drive, Allen, Texas, addressed the commission. He lives on the eastern side of the alley. He is still strongly against the rezoning. He has lived in his home for 32 years. This

property has been zoned CF district. When the Church was being planned, he attended meetings. The trees and landscape were a big issue at that time. He counted 231 mature trees on the property. It is a beautiful piece of property, and there was a great concern over landscaping during the Church rezoning. He thought Allen was known as a "green place." He said this rezoning is a giant step down. The windows in the back of the houses are still a concern. If the windows are opaque, they can still be changed over time. These are still two story homes which would look into their backyards. He touched on traffic and said that the Harvest Church is expanding. Cars are currently parking on streets. He is concerned with safety as well and the kids walking to high school. Additional cars will lead to additional congestion. He concluded by stating that this plan is called "Rivercrest Park," but there is not much of park in this new development.

There was distant conversation about the package that Mr. Jordan delivered to the home of Ms. Nelson.

Ms. Linda Nelson, 601 Lake Ridge Drive, Allen, Texas, spoke to the commission. She said when she looked out the window this afternoon before they left, she saw blue sky. When she will look out the window after this development is constructed, she will only see roofs, and not the sky and trees.

Mr. Jeff Tate, 609 Lake Ridge Drive, Allen, Texas, addressed the commission. He said he is opposed to the rezoning, similar to several reasons already stated. He just wanted to add that he is concerned about the fence line at the alley. The fence is too close to the alley and it will be nearly impossible to back out of his driveway. He also discussed congestion. He said one of the reasons he bought his house was due to this field of mature trees, which will now be cut. He agrees that the trees are being mitigated, but said he did not buy his house to see a skyline of roofs with two homes looking into his single property. He said the properties are too small and are too congested for the area; even two trees may not be able to be planted in the front. He also mentioned property taxes. He bought his house with the plan to be in the community for a while. He brought in 20 protests of people that do not want this piece rezoned, and only one person who was for the development. His property values will also increase, which is great, but he is not planning to sell his house. His property taxes will rise and it will be more expensive for him to live in the community.

Mr. Carrol Jungmann, 605 Lake Ridge Drive, Allen, Texas, addressed the commission. He has been at this location for 44 years. He thinks the R-7 zoning is a huge jump. His house is worth much less than what the proposed houses will be, and said that this is not compatible. Regarding the trees, he agrees with what everyone says. The trees were there when he moved 44 years ago. Someone said they were "trash" trees at the previous meeting. But the trees are still growing. The trees will be there 44 more years if they are not bulldozed. He said the windows on the two-story houses can be changed in the future. The biggest issue he has is with the fence. The fence will cause everyone to have a hard time backing up. The fence by the alley will get hit too much which is why he said he thinks the developer is putting up a cheaper fence. He says it will be tough to back up his truck. He also said that it does not seem feasible for trash trucks to maneuver through the alley. Additionally, Mr. Jungmann asked about easements for cable companies. He wanted to know if the utilities would be relocated to his side of the street. He said he planted some wildflowers in the back, but that Code Enforcement mandates him to mow his flowers. He does not understand what the flowers interfere with. But now there would be a fence by the alley. He said he should have gotten a packet from the developer as well.

Mr. Jeff Tate re-addressed the commission. He said he discovered the dam when he moved to Allen, and that he loves that place. He made the comparison to the mature trees in the park and said if those trees were destroyed and replaced with 3-4" saplings, it would not be the same.

Chairman Cocking closed the public hearing.

Chairman Cocking said one letter was received in opposition: Sandra and Tommie McDonald, 503 Lakeridge Drive, Allen, Texas.

Chairman Cocking asked about traffic concerns.

Shawn Poe, Assistant Director of Engineering, addressed the Commission. He said he understands that there are traffic issues at peak hours at the Rivercrest Boulevard and Greenville Avenue intersection, especially during the school AM peak hours. He said the City recently restriped one of the lanes to accommodate the traffic, but that they have not seen the outcome because the striping was done after school was out for the summer. A traffic analysis was provided by the applicant. The way it is proposed, the development will bring under 400 trips/day. The existing roadway network with the improvements recently made will accommodate this development.

Mr. Poe also discussed sidewalks and pedestrian safety. The applicant is required to bring the sidewalk to ADA guidelines. If there is no sidewalk, they would be required to construct the sidewalk.

Chairman Cocking said the biggest concerns of traffic is caused by the school speed limit set by the Police Department. He asked if the City is working with the school district for ingress/egress.

Mr. Poe said the issue is mainly people trying to get into the performing arts parking lot. He stated that the main goal is to get people through the intersection and onto the other side. This will require coordination with the Police Department.

Chairman Cocking asked about the alley, and if it a larger than normal alley.

Mr. Poe said he has not measured it, but alleys are typically 12' wide with a 16' right-of-way. It does appear that a large portion of the alley is on the property line. During the construction plans and final plat, a solution would have to be reached. In his opinion, a fence on the edge of the alley does not make sense. An offset or some alley improvements will have to be made.

Chairman Cocking said the alley is probably 14'. There is not a grass easement on the edge. The previous developer appears to have paved it to the edge.

Chairman Cocking asked about trees. He asked what the total number of trees are that the developer will be mitigating and providing to the City.

Ms. Kulkarni said the total number of replacement trees is 391 trees.

Chairman Cocking said someone had mentioned "trash trees." He explained that this term was used by the City Arborist to refer to short-lived trees. He asked about the life-expectancy of these trees.

Brian Bristow, Assistant Director of Parks and Recreation, addressed the Commission. He said staff has worked through this project with the developer, and sent the City Forester to the site. He said he understands there are many trees on the site. The Forester is also a certified arborist and has made judgement on trees that would be diseased or less than viable. The City Forester worked with the developer to arrive at a reasonable number of tree mitigation (391 Replacement Trees). These trees will be delivered to the Tree Farm on Greenville Avenue.

Chairman Cocking asked if these trees would be used throughout the City.

Mr. Bristow answered yes. The trees on the farm are planted on City property. They make an effort to populate the trees in areas where the trees were removed.

Chairman Cocking mentioned privacy concerns. He reiterated that the windows will be transom windows or opaque windows. He asked if there was anything that would prevent the windows from being replaced to a clear-glass windows.

Ms. Kulkarni said that if that were to happen, it would be considered a zoning violation. If the adjacent landowners notice that the window has been changed, then they can call the City for Code Enforcement.

Chairman Cocking asked if there is an easement on the west side of the alley.

Mr. Jordan said there is an old easement on the western side, but that it does not continue to the north. The cable lines run north to south. There is a 5' easement on the eastern side of the alley. There is not an easement on the northern side of his property. Those easements exist there because it "was easier" for the cables to be located on his side. AT&T and Time Warner will be moving their lines.

Chairman Cocking said that the area was marked.

Mr. Jordan said yes, the area has been marked. He explained that there are lines in easements, but in other areas, the lines exist without an easement.

Chairman Cocking clarified that all of the utilities will be moved to the other side of the alley.

Mr. Jordan said yes; either that, or the easement on his side will be reduced to 5'.

Chairman Cocking said his concern for the fence is gone with the utilities moved. However, he asked about the fence being on the property line. The alley is wider, but the existing houses have shorter driveways.

Mr. Jordan asked if he could work that out with Engineering during Platting.

Mr. Bass said it depends on the width of the alley and also of where the actual property line is versus the fence. If it is difficult get a trash truck through the alley, then the fence will be moved. However, if the alley is wide enough, then the alley/fence issues will be determined at the time of platting and construction plans.

Chairman Cocking said it will be noted that staff will work with the developer on the alley/fence issue.

Mr. Bass said yes, and added that the Commission can include this in the motion if they choose to do so.

Chairman Cocking said this is the first time he has heard a complaint about increased property values. He said property values in Allen are continuously rising. The property values will continue to rise whether these houses are built or not. The challenge is that one property owner cannot tell another what to build. The developer has the right to build a \$400,000 home. Usually the concerns are that property values are destroyed, not raised.

Commissioner Mangrum added that higher taxes will come with the higher values, but the values will be in favor when it is time to sell. She reiterated that Allen is a growing community. There are thousands of people moving into the Dallas area. Property values will not level out for the next ten or so years. She says Allen is fortunate to have such high property values.

Chairman Cocking said this is the "new real." Property values are rising. Hence, the developer is working on infill properties.

Chairman Cocking said there was a protest petition that Mr. Tate provided. The next step is that the protest petition will be provided to the City Secretary. She will go through the vetting process regarding the threshold. Depending on the threshold, the City Council would have to vote with a different majority than a simple majority. This does not impact the Planning and Zoning Commission meeting.

Mr. Bass said it is a 20% requirement within the 200' definition area. City Council must vote in a super majority.

Chairman Cocking asked if this requirement is calculated by square footage or count of owners.

Mr. Bass said it is calculated through area. He also stated that all of the material has been passed on to the City Secretary.

Chairman Cocking asked about the cut-off time for the petitions.

Mr. Bass said it must be a reasonable time, and that questions be directed to the City Secretary's office.

Ms. Kulkarni said she believes the deadline is the noon of the day before the City Council meeting.

Chairman Cocking said these are some of the toughest cases in the City. This property has been overlooked. It would have been great if it was built years ago with the remaining subdivision. He said there will be another case later this evening with a similar infill situation. The property has to be economically feasible to move forward. He recognizes that this development is different than what is around that area, but this is because of the difference of what was developed 40 years ago and what is being developed today. This is the uniqueness of infill property.

Commissioner Hollingsworth asked about the motion for the fence.

Chairman Cocking recommended that the motion include language that the developer work with City staff to finalize the alley and alley easement for Final Plat.

Motion: **Upon a motion by 2nd Vice-Chair Platt and a second by 1st Vice-Chair Trahan, the Commission voted 5 IN FAVOR, and 0 OPPOSED to recommend approval of the request to amend the base zoning of Planned Development No. 104 from Community Facilities CF to Single Family Residential R-7, and adopt a Concept Plan, Development Regulations, and Building Elevations for the property known as Lot 1, Block 1, Bethany Worship Addition, City of Allen, Collin County, Texas; generally located on the northeast corner of the intersection of Rivercrest Boulevard and Greenville Avenue, for Rivercrest Park, with the addition that the Developer work with the City Staff to address concerns with the alley.**

The motion carried.