P&Z MEETING DATE: December 5, 2019

DATE: November 22, 2019

TO: Planning & Zoning Commission

FROM: Michael McCauley, Senior Planner


BACKGROUND:

This is a request for approval of an amendment to PD-128 and rezoning from (O-2) Office District and (LI) Light Industrial District to (MF-18) Multi-Family Residential District.

A companion request to amend the Comprehensive Plan Future Land Use Map for the same tract is also on this agenda (Case No. PLCP 2019-138 Kensington Gardens – Comp Plan).

At the November 7, 2019 Planning & Zoning Commission meeting, the Commission continued the item to the December 5, 2019 Commission meeting to allow the applicant time to redesign the proposal with a reduction in density and maximum number of stories per building.

FINANCIAL IMPLICATIONS:

There are no financial implications on the current and future operating budgets regarding this request.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends DENIAL.

ATTACHMENTS:

Results Sheet
Technical Comments
Public Comments
Draft PZ Minutes 11/07/19
Site Location and Zoning Map
Applicant’s Exhibits
RESULTS SHEET

Date: 12/05/19
Case No./Name: PLZ 2019-128 Kensington Gardens (Zoning)

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends DENIAL.

B. P&Z ACTION from P&Z meeting: 11/07/19:
   Result: CONTINUED to 12/05/19 /Vote: 9-0

C. P&Z ACTION from P&Z meeting: 12/05/19:
   Result: /Vote:

D. CC PUBLIC HEARING / ORDINANCE ACTION from CC meeting: 01/14/20:
   Result: /Vote:
ZONING CHANGE

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: (LI) Light Industrial District and PD-128 for the (O-2) Office District.

SURROUNDING ZONING

<table>
<thead>
<tr>
<th>NORTH</th>
<th>PD-214 for the (O-2) Office and (LI) Light Industrial Districts</th>
<th>SOUTH</th>
<th>PD-152 for the (MF-18) Multi Family District</th>
</tr>
</thead>
<tbody>
<tr>
<td>SURROUNDING LAND USES</td>
<td>Personal Storage/Garage</td>
<td>CONDORNIMENTS for Personal Property, Including Automobiles</td>
<td>Apartment Complex</td>
</tr>
</tbody>
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REQUEST: Approval of an amendment to PD-128 and rezoning from (O-2) Office District and (LI) Light Industrial District to (MF-18) Multi-Family Residential District

PROPOSED USE: Apartment complex with 334 units

ACRES/LOTS: Approximately 11 acres / 2 lots

LOCATION: 2308 Marsh Lane and 2317 Tarpley Road

HISTORY: The property was established as a golf driving range in 1998. PD-128 was approved in 1992 and does not regulate apartments. SUP-237 was approved in 1998 to allow a 100-foot tall protective net for the golf driving range.

COMPREHENSIVE PLAN: Medium Intensity Office and Industrial

TRANSPORTATION PLAN: Marsh Lane is designated as an (A6D) 6-Lane Divided Arterial and Tarpley Road is designated as a (C2U) 2-Lane Undivided Collector.

OWNER: Kevin Clariday

REPRESENTED BY: David Bond / Spiars Engineering
STAFF ANALYSIS

PROPOSAL:

The applicant is requesting approval of an amendment to PD-128 and rezoning from (O-2) Office District and (LI) Light Industrial District to (MF-18) Multi-Family Residential District.

ELEMENTS TO CONSIDER

1. The property is proposed to be rezoned to (MF-18) Multi-Family Residential District and allows a maximum density of 18 du/ac. However, the applicant is proposing 304 dwelling units on a 10.713-acre tract for a density of approximately 28.4 du/ac.

2. The CZO requires a minimum landscape buffer averaging 15 feet in width, but no less than 5 feet minimum width at any point, adjacent to all streets right-of-way or street easements. However, even though the applicant is providing an area for a 25-foot landscape buffer as required by the current PD, it is lessened by the encroachment of a sidewalk and a right turn deceleration lane.

3. The CZO allows a maximum building height of 2 stories and a maximum height of 3 stories where an enclosed garage occupies the first floor of the building. However, the applicant is proposing a 3-story building adjacent to Marsh Lane and the remaining 3 buildings will be 4 stories. Although the applicant is proposing 37 garages, staff is unsure which buildings will have the first-floor garages.

4. The applicant has not provided elevations of the 3-story building.

5. Staff requires a 10 foot right-of-way dedication for a right-turn deceleration lane (150’ of storage and 150’ of transition) along Marsh Lane at the proposed driveway and located in a street right-of-way; however, the applicant is proposing to locate it in a proposed street easement within the required 25-foot landscape buffer. This will reduce the front building setback from the proposed improved roadway (deceleration lane).

6. Staff requires a left turn lane (150’ of storage and 150’ of transition) in the median for southbound direction on Marsh Lane. However, this would require Council to consider a Median Variance to allow a median cut under a separate application.

7. Foundation plantings along the building adjacent to Marsh Lane is required. However, the applicant has not shown this on their revised plans.

8. Parking landscape islands are required. However, the applicant has not provided enough islands.

9. Drainage will need to comply with the City’s stormwater and flood protection ordinance.

10. All units will have entrance from a hallway.

11. The development proposes adequate parking, a clubhouse/leasing office, swimming pools, courtyards and a dog park.
12. There are many apartment complexes in the immediate area with densities not exceeding the limits allowed by their zoning designations.

13. The applicant was informed that staff would not support their request during their pre-application meeting.

CONCLUSION:

Staff believes the applicant’s request to change the zoning to allow a 304-unit apartment complex is not an appropriate use of the land and does not reflect the objectives of the community as it relates to where to rezone to allow new multi-family development. Furthermore, the proposal is nonconforming to the regulations outlined in the (MF-18) Multi-Family Residential District; e.g., exceeding density allowance, building height, setback encroachments and reduced landscape buffering.
PUBLIC COMMENTS

Carrollton Planning and Zoning Commission
Case: PLZ 2019-128 Kensington Gardens (zoning)
Case: PLCP 2019-138 Kensington Gardens (comp Plan)
11/7/2019

I am Kevin Clariday owner of the subject property at 2308 Marsh Lane. I have owned and operated the golf range for the past 25 years. I support the request for zoning change to multi-family. Over the years, apartments have developed to the south of me for several blocks. It is logical for apartments on this site too. The developer has an attractive and quality design. There is little else that could be built here and fit in with the neighborhood. There are enough offices and warehouses. I have enjoyed many years in business here and now it is time for a more substantial development that will benefit the community.

Kevin Clariday
Owner
2308 Marsh Lane
Carrollton, TX 75006

Name: PRIMUS MCLEOD
Address: 2913 ROYAL SUMMIT DRIVE
City, ST, ZIP: Carrollton, TX, 75006

For your opinion of opposition or support on the proposed change to be considered by the Planning & Zoning Commission or City Council, you must completely fill out this form, sign and date it and return it before end of business day one day prior to the public hearing.

I hereby register my: ☑ Support ☑ Opposition

To Case No./Name: PLCP 2019-138 KENSINGTON GARDENS
Comments: PREFER SINGLE FAMILY RESIDENTIAL. CONCERN FOR CRIME AND SCHOOL OVERCROWDING.

Signature: [Signature]
Date: 11/3/19
Excerpt from Draft Minutes  
Planning & Zoning Commission  
Meeting of November 7, 2019

12. Hold A Public Hearing To Consider A **Resolution Amending The Comprehensive Plan And The Future Land Use Map** To Change An Approximately 11-Acre Site Located At 2308 Marsh Lane And 2317 Tarpley Road From Medium Intensity Office And Industrial To Multi-Family Residential. **Case No. PL CP 2019-138 Kensington Gardens (Comp Plan).** Case Coordinator: Michael McCauley.


Chair Averett stated that Items 12 and 13 were companion items and would be heard simultaneously with separate action.

McCauley presented the request to amend the Comprehensive Plan and the Future Land Use Map as well as for the request to rezone the property to Multifamily. He stated the applicant proposes to develop a 334-unit apartment complex abutting Marsh Lane and Tarpley Road. The proposal is for four-story buildings with a density of 30 plus units per acre; the traffic impact analysis recently received has not been thoroughly reviewed and staff is not yet able to give a recommendation on the impact of traffic in the area. Staff recommended denial and stated that the reason for the recommendation of denial is because staff believes the proposal does not reflect the objectives of the community. He suggested that should the Commission want to support the development of an apartment complex, that the case should be continued to allow staff to complete the review of the TIA and allow the applicant the opportunity to make any necessary adjustments to the proposal. He reiterated staff’s recommendation of denial based solely on the use.

Steve Leonard, Leonard Development, 520 Central Parkway East, Plano, stated they met with staff in May and staff advised at the time that they would recommend denial based on the location not being next to one of the transit hubs and due to the height of the units. He explained that the project would be an urban garden design that would provide multifamily buildings located on a central hallway; not the old garden design of one-unit housing 6-12 units. He stated there would be four buildings and would allow them to have a Class A, high rent, nice sustainable project. He stated that access was very good to all of the main transits; I-190 to the north, I-35 to the west, North Dallas Tollway to the east, and the new Silver line that stops in Addison is roughly 1.5 miles to the south/southeast. He stated the concept plan provides for a swimming pool and an approximate 3,000 square foot dog park. He noted that 1.5 acres of the site is in the floodplain and runs at an angle through the center of the site which makes it a difficult site to develop. He talked about the uses surrounding the site. Regarding the number of units, Mr. Leonard stated that he did not think 334 units would be feasible and added that they were waiting on their finalized market report. He explained that they plan to have a percentage of tuck-under garages possibly on all four of the buildings but is waiting on the market study to determine what it would be. He felt the report would suggest between 300-305 units due to
adding the garages. He stated they toured other recent multifamily projects which lead them to four stories. He felt the four stories give it a modern look and most importantly, it blocks off the traffic with most of the parking hidden behind the buildings. He stated they also tried to keep most of the buildings and active sites away from the existing multifamily. He felt multifamily works in the area all the way to Belt Line and noted that everything to the west is single family and everything to the north and to the east is light industrial and flex office. He stated that the amenities focus on having a gathering area to include seating areas, fire pit, game areas for games such a bocce ball or corn hole, sand volleyball courts, and shade structures. He provided examples of the type and style of architecture planned. Mr. Leonard referred to the slide labeled ‘street cross section’ that looks north on Marsh Lane and reflects the maximum height of a four-story top plate would be 49’4” and stated he did not feel they would go that high. He stated they were not wanting to peer into anyone’s backyard. He talked about the proposed deceleration lane from Marsh Lane to the complex where the marketing center would be and described other areas. He referred to renderings, not designs, showing they are looking for a Class A community with sustainable material such as brick, stone, wood and metal accents. He stated the intent is to narrow the floodplain to provide a good sense of place to gather and relax. Regarding the TIA, he understands that staff needs time to complete the review and stated there was nothing in the TIA that they are concerned about. Regarding the building height, he stated that four stories allow them to install elevators and make the project work. He reiterated that four stories provide for a good modern look.

Denholm asked the applicant if the drive aisle on the multi-family immediately to the south that goes from the signal at Running Duke and Marsh all the way across to Tarpley is a public access of some sort or if it is a private drive; and if it is a private drive, has there been any discussion with the development to the south to take access off of that aisle to have access to the signal. Mr. Leonard stated they have not had discussions and added that he was 99% sure it is a gated entrance at both ends already.

Kiser felt that if feasibility studies, market studies can be proven, that the City should not tell someone what they cannot build and asked if the owner would be willing to reduce the density. He felt the density was too high and would like the units to be no higher than the units to the south. Mr. Leonard replied that he felt it could be reduced from 334 but did not think it is realistic to get it to a unit count of 18 per acre. Regarding the height, they would have to consider losing the elevator and the impact on the rent; he felt a unit count of 300 would be feasible.

Sundaran asked if the current standards of 18 units per acre with 2 or 3-story buildings would be feasible, and Mr. Leonard replied that 18 units per acre would not work. Sundaran also asked about the entrances and Mr. Leonard replied that both would be two-way.

Chrisman asked about the height allowance for the current O-2 zoning and McCauley replied that base zoning would be two-story. Chrisman asked the applicant to talk about the deceleration lane on Marsh Lane. Mr. Leonard replied that they currently show the front facade being 25 feet from the edge of the right-of-way. Regarding stacking, the applicant’s engineer, David Bohn with Spires Engineering, 765 Custer Road, Plano, replied that he believed it would 150 feet of stacking and 110 feet transition for the north bound right turn in. Regarding the median cut, he stated they would need a median spacing variance; and there is not enough room for a standard length for the south bound left turn so they would work with staff to get as much as possible. He added that the TIA showed one intersection at a C and the others were at B or better. Regarding the height, Mr. Leonard stated they would obviously consider the Commission’s comments and want to maintain a look architecturally to
be sure they draw in the residents. Chrisman explained that the City emphasizes density around the TOD; understands that there can be multi-family in other areas and was keeping an open mind about the proposal.

Chair Averett acknowledged the awareness of Council’s vision about the TOD areas and stated he views it as a guideline rather than a hard and fast rule. He stated he is not opposed to apartments at the subject location but there were a lot of little things in the staff analysis with the biggest being the density. He stated he was not opposed to going beyond base MF-18 in terms of what would be allowed, however, this is definitely pushing the far top end of the envelope given the location. He stated that he would be in favor continuing the case to allow the applicant to consider the comments made by the Commission.

Denholm stated that in general, he was not opposed to multifamily at the site and that he didn’t think it would be single family. He felt it would be appropriate to continue the case and felt there were some legitimate questions related to traffic such as the trip generation by something allowed by right today versus the proposed multifamily that he would like information about.

Kiser explained to the applicant that the City Council would have a record of the Commission’s considerations and deliberations. He stated the Commission wants to have some flexibility to continue the project to see how it could be improved.

Chadwick asked the applicant if he had conversations with homeowners to the west and Mr. Leonard stated they had not heard anything and had not discussed anything with them. He stated he would reach out to them if the Commission desired, but he had not received any calls or questions although the signs are posted, and he did not feel he would receive a favorable response. Kiser stated that the neighborhood is within the zoning notice requirements and stated he may need to talk with them.

Chair Averett stated that the height of the building wasn’t a big concern for him but did voice concern with the building on Marsh Lane. He commended the applicant on the quality of the project and the amenities included; good unit size range as well as the average size although it was preliminary.

Mr. Leonard stated he has heard the comments and stated he would be happy to work the project to be resubmitted or continued to the next meeting.

Chair Averett opened the public hearing; there being no speakers, he opened the floor for a motion.

* Kiser moved to keep the public hearing open for continuance to the December 5 meeting and have the owner’s consultant work with the City to see how they can achieve some of our objectives; second by Taylor. Chair Averett clarified that the motion was for Item 12; Case No. PL CP 2019-138 Kensington Gardens (Comp Plan). The motion was approved with a unanimous 9-0 vote.

* Chadwick moved to keep the public hearing open until the December 5 P&Z Meeting on Case No. PL Z 2019-128 Kensington Gardens (Zoning); second by Kiser and the motion was approved with a unanimous 9-0 vote.
SITE LOCATION AND ZONING MAP
CONCEPTUAL LANDSCAPE PLAN
CONCEPTUAL BUILDING ELEVATIONS (2 OF 3)
CONCEPTUAL BUILDING ELEVATIONS (3 OF 3)