City Council
Agenda Item Summary Report

Meeting Date:
September 15, 2020

Submitted by:
P. Morgan

Consent                  Discussion Only                  Public Hearing X                  Action/Discussion

Item Title:
Hold a public hearing and discuss and consider approval of an Ordinance to rezone 53.94 acres from Light Industrial district to a mixed use Planned Development district with multi-family, townhome, office and retail uses. The property is located east of North F.M. 548, south of Don T. Cates Drive and is identified by the Kaufman County Appraisal District as property id's 7769 and 7770.

Attachments:
Draft Ordinance
Development Standards
Concept Plan
Approved Uses

Item Summary:
Mr. Bhadresh Trivedi requests approval of a rezoning for 53.94 acres of property located east of North F.M. 548 and south of Don T. Cates Boulevard. The AMC movie theatre is located to the south of the property. The Steve Silver furniture warehouse is located to the north. The purpose of the rezoning is to establish a planned development district with multi-family and mixed use standards.

Image 1: Location Map

Current Standards:
The 53.94-acre property is currently vacant and undeveloped. The property is zoned within the Light Industrial District, but the zoning application proposes to rezone the property to a Planned Development.

Rezoning Request:
The applicant originally made a zoning request in July. That request was recommended for denial by the
Planning and Zoning Commission and the City Council denied the request without prejudice so that a revised request could be considered by the Planning and Zoning Commission. The applicant did revise the request by removing 100 multi-family units and adding 74 town home units.

The requested zoning intends to replace the existing Light Industrial zoning with a planned development that would incorporate a base zoning district of Mixed Use. The planned development proposes 420 units of multi-family and 114 town home units. In addition, office and retail areas are located adjacent to North F.M. 548. The approved uses are generally consistent with the Zoning Ordinance approved uses for the pertinent districts. The concept plan shows the following sections:

1. Office 1 (North): 2.7 acres, 23,000 square feet
2. Office 2 (Central): 8.7 acres, 88,000 square feet
3. Retail Area (North Central): 4.3 acres, 25,000 sq. ft. retail, 7,500 sq. ft. restaurant
4. Retail Area (West): 4.4 acres, 27,600 sq. ft. retail, 6,400 sq. ft. restaurant

The development standards propose the following phasing:

a. Phase 1: Allow the start of 130 townhomes to begin construction. 40,000 square feet of retail/office must be constructed and receive a Certificate of Occupancy to allow the multi-family units to begin construction.

b. 420 multi-family units may be constructed

c. Any additional office/retail/townhomes may be constructed during or after Phase 2.

The development includes the eastern extension of Ridgecrest Road and has two connections to N. F.M. 548. A traffic impact study has not been submitted for this project. This needs to be completed and approved prior to any development of the property.

Notification of the zoning request was published in the Forney Messenger Newspaper and was mailed to adjacent property owners in accordance with zoning requirements. Staff has not received any public response.

Comprehensive Plan:
The Future Land Use Map, provided within the 2016 Comprehensive Plan, identifies the property as being split between townhome/multi-family residential and having no designation. These classifications are provided to assist with zoning consideration but are not legally binding.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Existing Use</th>
<th>Existing Zoning</th>
<th>Future Land Use Map</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>Vacant</td>
<td>LI</td>
<td>TH-MF</td>
</tr>
<tr>
<td>North</td>
<td>Warehouse</td>
<td>LI</td>
<td>No Designation</td>
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<tr>
<td>South</td>
<td>Vacant/Movie Theater</td>
<td>PD 1090</td>
<td>Retail</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>LI</td>
<td>TH-MF</td>
</tr>
<tr>
<td>West</td>
<td>SF-6/Retail</td>
<td>SF-6/PD</td>
<td>Residential/No Designation</td>
</tr>
</tbody>
</table>

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.

Recommendation:
The Zoning Ordinance states that consideration should be made for the rate at which land is being developed in the same zoning classification. Forney has had recent multi-family growth occur with the Emerson development and the Gateway development. The Trailhouse Park Planned Development also includes multi-family.

On September 3, 2020, the Planning and Zoning Commission voted 5-1 (Bingham) to recommend denial. The lack of a traffic impact study was discussed during the denial motion and vote. Ultimate approval of any zoning request which was recommended for denial by the Planning and Zoning Commission will require a three-fourths (3/4) majority vote of the full City Council.