

**CITY OF COPPELL
PLANNING DEPARTMENT**

STAFF REPORT

CASE NO.: PD-259R-SF-7/9, Blackberry Farm

P&Z HEARING DATE: July 19, 2018
C.C. HEARING DATE: August 14, 2018

STAFF REP.: Marcie Diamond, Assistant Director of Community Development/Planning

LOCATION: North side of Sandy Lake Road, 750 feet northeast of Starleaf Road

SIZE OF AREA: 54.8 acres of property

CURRENT ZONING: PD-259-SF-7/9 (Planned Development-259-Single Family-7 & 9)

REQUEST: A zoning change to PD-259R-SF-7/9 (Planned Development-259 Revised -Single Family-7 & 9), to permit the development of 74 single-family lots and nine (9) common area lots.

APPLICANT: Blackberry Farms, LLC
David Hayes
Holmes Builders
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Coppell, Texas 75019
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HISTORY: In early 1999, this applicant applied for rezoning from SF-12 to PD-SF-9 on 28.21 acres of this request area to develop 55 residential lots. At that time substantial neighborhood opposition surfaced, staff had a number of concerns, and the Planning Commission unanimously denied the request. The case was appealed to Council and was denied by that body in March. The same applicant has acquired additional land from Carrollton in 2012 (Carrollton has dis-annexed and Coppell annexed the property), an adjacent property owner, and enlarged the request area by 26.6 acres for a total of 54.8 acres.

In 2013 City Council approved PD-259-SF-7/9 for 82 single-family lots and 6 common areas subject to various conditions, including Flood Plain Study and a tree mitigation fee of \$125,000 being paid prior to construction. A detailed comparison of the revised request and the current request is included in the staff analysis.

Preliminary Plats and Final Plats for this property were approved in 2014 and again in 2016, all of which have expired.

TRANSPORTATION: Sandy Lake Road is an improved, C4D/6, four-lane divided thoroughfare in a six-lane right-of-way (110 feet).

SURROUNDING LAND USE & ZONING:

North: vacant flood plain, City of Carrollton

South: St. Joseph’s Village; PD-114 (SF-7)

East: Single-family home; SF-12

West: landscape nursery; “R” Retail and Single Family; “SF-7”

COMPREHENSIVE PLAN:

Coppell 2030, A Comprehensive Master Plan, shows this property as Residential Neighborhood and Floodplain

DISCUSSION:

As stated in the HISTORY section of this report, a PD for 55 lot single-family development was denied 1999 a portion of this land area. There was substantial neighborhood opposition as well as concerns from staff regarding emergency access to the property. During 2012-13 this applicant enlarged the area of request through the annexation from the City of Carrollton and acquiring additional land from an adjacent property owner. The existing PD was approved for 82 lots, six common area lots, and a significant list of PD Conditions.

This current request is similar to the existing PD, except that:

- Number of lots has been reduced from 82 to 74;
- the common areas have increased from approximately 24 acres to 30 acres to accommodate the drainage issues (6 to 9 common areas); and
- this is proposed to be a two-phase request, Phase 1 including 54 lots and 8 common areas, Phase 2, 20 lots with one common area.
- Most of the conditions relating to the requirement for flood and drainage studies have been deleted, as the CLOMR has been approved by FEMA and detail site and engineering plans have been revised to reflect the recommendations, such as single-family lots not extending into the floodplain areas, increased drainage areas which shall be maintained by the HOA (not being part of the platted residential lots), the provision of a 10’ wide private drainage easement along a portion of the west property line, etc. However, prior to the filing of the Final Plat for this property, additional determination may be required in relation to the location of the retaining walls and the overall maintenance of the drainage area.
- The applicant is requesting an additional condition which allows for a variance to the Erosion Hazard Setback Ordinance, which was adopted in 2015 after the original PD was established on this property. The application’s rationale for a variance to this ordinance is as follows:

“The erosion hazard setback was implemented after this subdivision was originally designed. With the original design of this subdivision, there was a slope stability analysis conducted that was taken into consideration with the design for the flood plain, retaining walls and lot filling so that no homes would be located in slope failure zone. That is one of the reasons the retaining walls are set back from the top of creek banks by at least 30 feet. The exhibit shows the erosion hazard setback to fall in the rear yards of some of the lots, but

nothing greater than the rear yard setback of twenty feet. There is no impact on the proposed homes.

Additional staff review of the Erosion Control Setback Exhibit prior to filing the Final Plat of Phase One is included as PD Condition. Stream bank erosion protection will require approval by the US Army Corps of Engineers. No Final Plats may be filed or work shall commence prior to that approval.

- The following conditions will also be part of this amended PD:
 - Homeowners Association shall be responsible to maintain the stabilization along the creek bank of Denton Creek from erosion. Each lot owner shall be notified and provide a hold harmless agreement by separate instrument that the City and Developer are not liable for future erosion of the creek bank, and
 - The Homeowners Association shall be responsible to maintain the storage basins/ponds being constructed with the development.

Other requested revisions to the PD Conditions, as established in the existing ordinance, include the following:

- Deletion of the requirement for a 3-home separation between stucco homes
- Allowance for detached buildings in front yard – see discussion below
- Deletion of the option for rolled curbs
- Deletion of the Hike and Bike Trail (internal to the site)
- Revision of the bridge over the creek from dual to a single arch
- Elimination of the option for pedestrian easement connecting Blackberry Farms to the residential subdivision to the west, as it appears that there was not an agreement of the respective landowners.

Tree Mitigation

The original request included a detailed tree survey and mitigation plan, which based on the ordinance at that time, and fees were determined to be in the range of \$600,000. In response to the applicant's requested reduction in mitigation fees to \$600.00, City Council granted a mitigation fee of \$125,000. This PD condition shall be carried forward to this PD request.

Outstanding Issues

Entry Feature/Common Area Lot 2X

The current PD includes Detail Plans for the construction of entry features (stone wall with signage and entry arches) and a 1.125-acre tract common area (Lot 2X), which was envisioned to be a teaching laboratory—a mini-farm. Specifically, the Detail Plan indicated a Farm House, Blackberry Patch, landscaping, circular drive and limited parking, which was attached to the Ordinance as Exhibits “C-3 and C-4”. Additionally, the existing PD contains the following condition:

- The farm house at the subdivision entrance will not be used or occupied as a residence or retail business, except occasional sales of seasonal botanical gardening materials.

Staff is recommending that for clarity, these exhibits and conditions are made part of this revised PD Ordinance and an additional condition be added that requires:

- The development of Lot 2X and the entry features be constructed prior to the issuance of a building permit for the first home, other than a model home.

Finally, along the north and east side of Lot 2X is the a 15' wide paved private drive which provides for emergency access to this subdivision. This additional private drive was required given this development will only have one access point onto Sandy Lake Road.

Structures in the Front Yard

There is an existing PD Condition which reads as follows:

“Detached buildings and hardscapes shall be permitted in front yard, but must be behind the twenty-five (25) foot front building setback”.

Staff expressed concern about the implications of the implementation of this condition, and upon re-submission the applicant provided the following wording.

“Hardscapes consisting of masonry, wood, stucco where home is stucco and/or metal courtyard wingwalls and screening to a maximum height of eight (8) feet shall be permitted in front yard, but must be behind the 25-foot front yard setback”.

While conceptually staff could support some sort of PD condition allowing for appropriately designed front yard fencing, additional clarification is needed as to the purpose and intent of this condition, and (as previously requested) more details of this concept. Staff requested pictures of some examples where this has been built.

Overall, the proposal meets the objectives of the *Comprehensive Plan* in that the development is residential in nature, and reflects the land use contemplated by the Plan, conditions of approval .

RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION:

Staff is recommending APPROVAL of this request subject to the PD conditions, as revised as attached Exhibit “A”, and the attachment of the Entry Feature/Common Area Lot 2X Exhibits.

ALTERNATIVES:

1. Recommend approval of the request
2. Recommend disapproval of the request
3. Recommend modification of the request
4. Take under advisement for reconsideration at a later date

ATTACHMENTS:

1. Exhibit “A” – PD Conditions
2. Site Plan
3. Landscape Plan
4. Retaining/Screening Wall Locations
5. Erosion Hazard Setback Exhibit
6. Bridge Exhibit
7. Entry Feature/Common Area Lot 2X