



# **INFORMATION MEMORANDUM**

TO: Mayor and City Council

FROM: Charles S. Cox  
City Manager

DATE: September 3, 2019

SUBJECT: Conduct a public hearing and consider adopting Ordinance No. 3591 to rezone approximately 8.02 acres located generally at the southeast corner of Mercer Parkway and Commerce Street, from Commerce District to Urban Center District within Planned Development District No. 88 and including special exceptions; and take appropriate action.

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## **Background:**

The applicant, Davis Development, is requesting to amend Planned Development District No. 88 (PD-88) for approximately 8.02 acres located at the southeast corner of Mercer Parkway and Commerce Street. The subject property is designated Commerce District on the PD-88 Regulating Plan, and the request is to change the property designation to the Urban Center District. This amendment will allow the development of the property for a four-story multi-family residential development consisting of 379 units including structured parking. A proposed conceptual site plan is included with this zoning request.

## **Existing Zoning:**

The subject property is zoned PD-88 and located within the Commerce development district in the Regulating Plan. The property has been zoned PD-88, also known as the Mercer Crossing Code, since 2006 with the adoption of Ordinance No. 2868. The Mercer Crossing Code was design to foster a setting for economic growth and diverse urban neighborhoods in a sustainable mixed-use pattern. A series of vibrant, diverse urban centers were proposed to be integrated with employment and commercial district. The applicant is requesting to amend the development designation of the subject 8.02-acre tract from Commerce District to Urban Center District in PD-88's Regulating Plan.

The Commerce District is intended to have flexible development standards allowing for commercial development ranging from small, single lot, one story, single-use projects (such as stand-alone office or retail building, including “big box” retail) to large, multi-site, multi-story mixed use developments, shopping centers, business parks or corporate campuses. Urban Center District establishes specific standards designed to produce a mixed-use, pedestrian-oriented place characterized by broad sidewalks and street trees and opportunities for shop fronts, sidewalk cafes or other commercial uses at street level with upper story residences or office.

Since the establishment of PD-88 several amendments were made to the Regulating Plan, specifically as it relates to the development districts and introduction of new development districts (i.e. Office-1, Mid-Density Residential and Townhome Residential Districts) that established varying design and form throughout PD-88. Additionally, in 2017 approximately 267 acres of PD-88 were rezoned to PD-99 that allowed for development of primarily single-family development and some multi-family and commerce uses. This amendment created a disconnection from the City’s Comprehensive Plan and goals of PD-88. Most recently, in 2018 the property to the east (Brickyard Phase 6) was rezoned from PD-88 Commerce District to PD-88 Mid-Density Residential District due to the introduction of PD-99.

This request, to rezone the subject property from PD-88 Commerce District to PD-88 Urban Center District, would allow for the applicant to construct a multi-family development as proposed in the associated conceptual site plan (see Proposed Conceptual Site Plan section below).

#### **Adjacent Zoning Districts and Land Uses:**

<b>Direction</b>	<b>Zoning District</b>	<b>Land Use</b>
<b>North</b>	Planned Development District No. 88 (PD-88) – Urban Center District	Vacant
<b>South</b>	N/A	LBJ Freeway
<b>East</b>	Commerce District	Vacant
<b>West</b>	Planned Development District No. 99 (PD-99)	Multi-Family

#### **Proposed Conceptual Site Plan:**

The applicant has included a conceptual site plan with this rezoning request illustrating the development intentions. The conceptual site plan proposes the construction of a four-story multi-family residential development consisting of 376 units and four level structured parking consisting of approximately 846,588 square feet.

The residential portion of the building is proposed to be 47 feet in height. A parking structure is provided in the center of the development with access from Commerce Street and Mercer Parkway via a shared driveway. The parking structure is anticipated to be 42 feet in height and will provide approximately 692 parking spaces. PD-88 requires 1 and 1/8 parking spaces per residential unit, with 1/8 being shared parking; thus 423 parking spaces are required for this development. Although the applicant is proposing to provide the required parking, a special exception is being requested to eliminate the need to require the parking to be shared (see special exception below).

The development is proposed to maximize the street frontage with the building setback 17 feet from Mercer Parkway and Commerce Street right-of-way. Open spaces are proposed at the center of building totaling approximately 118,641 square feet (34% of the site area) that will be accessible to future residents of the development.

As part of the City's Trails Master Plan, a 12-foot wide regional veloweb trail is planned to connect Farmers Branch DART station to the Campion trail. Therefore, this development is proposing to construct the 12-foot wide trail along the south side of the property from the existing 12-foot wide trail along Commerce Street to the property to the east. Additionally, a 6-foot wide sidewalk will also be provided along Mercer Parkway that will continue the pedestrian connectivity throughout the west side of the City.

### **Issues for Consideration:**

The applicant is requesting the following special exceptions as described below.

#### ***Special Exception #1 – Section II.B.3.A Maximum Floor-Plate***

PD-88 zoning requires that the maximum floor-plate (footprint) for Urban Center District is 60,000 square feet. The applicant is seeking approval of a special exception to exceed the maximum floor-plate to approximately 211,647 square feet.

Staff believes that the requested special exception is appropriate given that the proposed building mass is consistent with the design of adjacent properties. Additionally, the building elevations will provide varying wall plane projections rather than being at a single plane.

#### ***Special Exception #2 – Section II.B.5.B Shared Parking***

PD-88 requires a minimum of 1 and 1/8 (1.125) parking spaces per residential unit, of which a minimum of 1/8 parking space per residential unit must be shared parking. The applicant is requesting to provide the minimum parking per unit but that the parking not be required to be shared.

Staff believes that the requested special exception is appropriate given that the adjacent developments will provide the necessary parking for their developments. Additionally, given the proposed unit mix proposed for this development (159 1-bedroom units; 193 2-bedroom units; and 24 3-bedroom units), the parking proposed (692 parking spaces) will ensure parking demands by future residents is provided.

#### ***Special Exception #3 – Section II.E. Required Building Line (RBL)***

The subject property is required an RBL of 5 feet from the property line along Mercer Parkway and 10 feet from the property line along Commerce Street given street types designation in PD-88. The applicant is seeking approval of a special exception to allow an RBL of 17 feet from the property line along both Mercer Parkway and Commerce Street.

Staff believes that the requested special exception is appropriate due to context of proposed development. The development to the west, located in PD-99, and the future development to east are setback more than 17 feet from Mercer Parkway. Additionally, the additional setback would allow for landscape open space along the street frontage. Along Commerce Street, the building must be setback further than 10 feet from the property line due to the exiting 12-foot trail that is partially located within the property. The building is proposed to be 10 feet from the existing public access easement/trail. From a pedestrian scale, the building will appear to be closer to the street which is the intent of the RBL.

#### ***Special Exception #4 – Section III.C. Open Area***

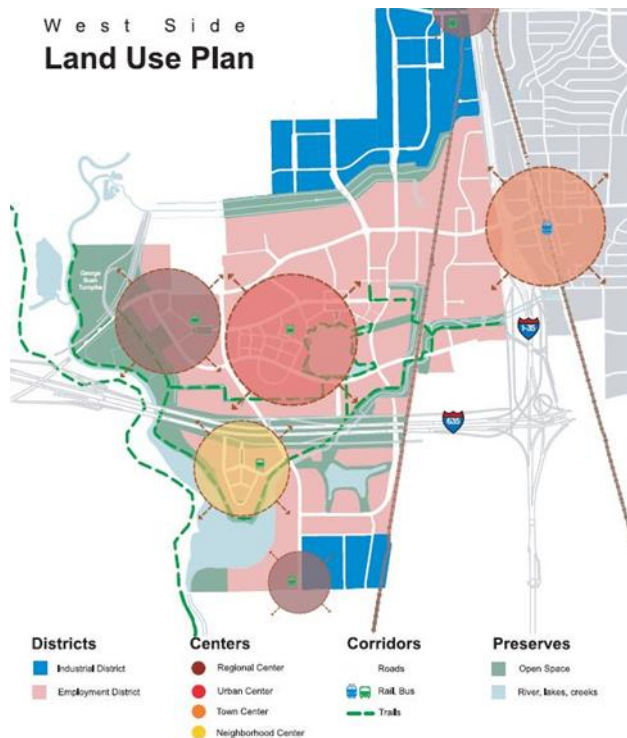
PD-88 zoning requires that developments within Urban Center provide a contiguous open area equal to at least 15% of the total buildable area and be located anywhere behind the parking setback, at grade or at the second or third story. This site is required 49,315 square feet of contiguous open area. The applicant is requesting to provide 36,100 square feet of contiguous open area.

Staff believes that the requested special exception is appropriate give that additional open area will be provided within the development. The applicant is proposing to provide a 16,879 square foot open area just south of the parking structure and a 24,522 square foot open area as a courtyard area on the south side of the building. The proposed open areas will be accessible to future residents of the development.

#### **Comprehensive Plan Recommendation:**

The West Side Plan, adopted in 2003, designates the subject property as Employment District as provided for on the Future Land Use Map. This land use designation recommends high quality office, research and development uses, and mixed-use retail/residential with supporting land uses. Transit and trail connections are also mentioned in the Plan as important components of the Employment District. The stated goal of the West Side Plan is to create a successful environment for many forms of business and retail activity, while keeping the district walkable, transit accessible, respectful to the natural environment, and completely integrated with the elements of mixed-use centers.

Staff believes that the proposed zoning amendment is compatible with the goals of the West Side Plan given the significant changes in land use patters as a result of more recent zoning



changes allowing single-family and multi-family residential uses. Therefore, the proposed changes to the PD-88 zoning district is appropriate given these changes.

**Public Response:**

On July 25, 2019, 7 zoning notification letters were mailed to the surrounding property owners and to Dallas and Carrollton-Farmers Branch Independent School Districts. A zoning notification sign was also placed on the site on the same day. As of August 28, 2019 no written correspondence has been received by the city.

**Recommendation:**

On August 5, 2019 the Planning and Zoning Commission considered this request and unanimously recommended approval of the rezoning, as presented in Ordinance No. 3591.

**Possible Council Action:**

1. Motion to approve Ordinance No. 3591.
2. Motion to approve Ordinance No. 3591 with the following modifications...
3. Motion to deny Ordinance No. 3591.
4. Motion to continue discussion at the next meeting.

**Applicable Zoning and Development Case History:** *(most recent to oldest)*

Date Approved	Case Number	Description
2/5/2018 Ordinance No. 3553	18-ZA-11	Amendment to PD-88 Regulating Plan for Brickyard Phase 6 & 7 from Commerce District to Mid-Density District to allow for multi-family development. Considered by Planning and Zoning Commission on 1/14/2019.
4/19/2016 Ordinance No. 3361	15-ZA-05	West side of future Senlac Drive and north side of future Mercer Parkway was rezoned from Office-1 District to Mid-Density District within PD-88, for The Brickyard Phases 3, 4 and 5. Includes a Conceptual Site Plan. Considered by Planning and Zoning Commission on 2/22/2016.
9/2/2014 Ordinance No. 3300	14-ZA-07	Northwest and Northeast corners of Senlac Drive and Wittington Place were rezoned from Commerce District to Mid-Density District within PD-88, for Phases 1 and 2 of The Brickyard development. Includes a Conceptual Site Plan. Considered by Planning and Zoning Commission on 8/11/2014.
7/15/2014	14-ZA-05	Adding the Subsection "Signage" for Mid-Density District within PD-88 to include monument signs.

Ordinance No. 3291		Considered by Planning and Zoning Commission on 6/23/2014.
2/4/2014 Ordinance No. 3255	13-ZA-03	The Office-1 District within PD-88 was created, with the rezoning of 39 acres located at the southwest corner of Wittington Place and Senlac Drive. Includes: Building Envelope Standards, Conceptual Site Plan, and Street Types. Considered by Planning and Zoning Commission on 1/13/2014.
7/17/2012 Ordinance No. 3190	12-ZA-04	The Mid-Density District within PD-88 was created. Includes: Development Standards, Conceptual Site Plan, and Street Types. Considered by Planning and Zoning Commission on 5/14/2012.
8/21/2006 Ordinance No. 2868	06-ZA-02	875 acres on the west side were rezoned from Planned Development Districts Nos. 24, 50, 60, 61, 72, 77, 78 and 85 to PD-88, known as Mercer Crossing Code, a form-based code, that originally contained three types of districts: Commerce, Urban Center, and Urban Center Reserve. Includes: Regulating Plan, Street Types and Cross-Sections and Building Envelope Standards. Considered by Planning and Zoning Commission on 7/10/2006.