

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Pickett, Planner II

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” – Planned Development District to “PD” – Planned Development District, Generally to Allow for Single Family Attached Residential Uses, Located Approximately 300 Feet South of Eldorado Parkway and on the East Side of Ridge Road

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the May 5, 2015 meeting.

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**STAFF RECOMMENDATION:** Staff recommends denial of the proposed rezoning request due to the proposed development standards’ inability to mandate or achieve a high quality development.

**However, the applicant is requesting approval of the following special ordinance provisions:**

1. The subject property shall generally develop in accordance with the attached Concept Plan.
2. The use and development of the subject property shall develop in accordance with Section 146-108 (“TH” - Townhome Residential District) of the Zoning Ordinance, and as amended, except as follows:
  - a. The minimum lot size shall be reduced from 2,700 square feet to 2,200 square feet.
  - b. The minimum lot width shall be reduced from 25 feet to 22 feet.
  - c. The minimum front yard setback shall be reduced from 20 to 10 feet.
  - d. The minimum side yard at corner setback shall be reduced from 15 feet to 10 feet.



North	“PD” – Planned Development District Ordinance No. 98-11-59, “PD” – Planned Development District Ordinance No. 2015-04-027, “PD” – Planned Development District Ordinance No. 2015-04-028, and “PD” – Planned Development District Ordinance No. 2015-04-029 (Retail Uses)	Citi Bank and Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 98-08-41 (Single Family Residential Uses)	Pine Ridge Estates Subdivision
East	“PD” – Planned Development District Ordinance No. 98-08-41 (Single Family Residential Uses)	Pine Ridge Estates Subdivision
West	“PD” – Planned Development District Ordinance No. 2011-05-027 and “PD” – Planned Development District Ordinance No. 2012-08-041 (Office Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to “PD” – Planned Development District, generally for townhome uses.

The applicant has requested the property generally follow the “TH” – Townhome Residential District regulations, with a reduced minimum lot area (2,700 square feet to 2,200 square feet), lot width (25 feet to 22 feet), front yard setback (20 feet to 10 feet), and side yard at corner setback (15 feet to 10 feet). It should also be noted that the City Council adopted new residential zoning districts in 2014, including the “TH” District, with standards they felt were appropriate for each district. While Staff understands that the property may be appropriate for residential uses given the surrounding single family detached residential development to the east and south, Staff feels that supporting the request for modified space limits would be contrary to Council’s goals and objectives and does not see any reason why the existing “TH” – Townhome Residential District regulations cannot be met. The applicant has also requested that instead of the current requirement of two canopy trees per lot, the proposed development only be required one tree per lot. Staff feels this request will lessen the overall aesthetics of the development, and as such cannot support the requested reduction.

Furthermore, Section 146-94 (“PD” – Planned Development District) of the Zoning Ordinance states that a PD Ordinance may not be approved without ensuring a level of exceptional quality or innovation for the design or development. To satisfy this requirement, the applicant has proposed architectural standards, mandating 100% masonry on each elevation (excluding features such porch posts and lintels, box or bay windows, dormers, and rooftop screening elements). Staff is supportive of the increase in masonry percentage on each elevation; however, the applicant has indicated that due

to the space limitations on each lot, HVAC equipment will be placed on the roof and screened with a wood screening fence (see attached photo). Staff has concerns that the visual aesthetics of the units will be negatively impacted by the rooftop screening devices.

Additionally, the applicant has proposed a tower entry feature for the development (see attached photo for informational purposes only), as well as six-foot wide sidewalks along both sides of all public streets within the development. Staff has no objections to the proposed additional features.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses; however, townhome uses are currently allowed on the subject property. The FLUP modules diagram designates the subject property as Suburban Mix within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.
- **Impact on Infrastructure:** The proposed rezoning request may have an impact on the existing and planned water, sewer and thoroughfare plans in the area as the property is currently designated for commercial uses.
- **Impact on Public Facilities/Services:** The proposed rezoning request may have an impact on public services, such as schools, fire and police, libraries, parks and sanitation services as the property is currently designated for commercial uses.
- **Compatibility with Existing and Potential Adjacent Land Uses:** The properties located adjacent to the subject property to the east and south are zoned for single family detached residential uses, while the properties to the north are zoned for retail uses (three specific use permits for restaurant with drive-through windows were approved at the April 7, 2015 City Council meeting) and should remain compatible.
- **Fiscal Analysis:** Staff did not perform a fiscal analysis for this case because the zoning on the subject property currently allows townhome uses.

The attached “Land Use and Tax Base Summary” shows that Module 38 is currently comprised of approximately 74.6% residential uses and 25.4% non-residential uses (including institutional uses). The proposed rezoning request will have an impact on the anticipated land uses in this module as the Land Use and

Tax Base Summary is based on the primary use of the property for commercial uses, even though single family attached residential uses are currently allowed. Estimated tax revenues in Module 38 are comprised of approximately 67.4% from residential uses and 32.6% from non-residential uses. Estimated tax revenues by type in Module 38 are comprised of approximately 72% ad valorem taxes and 28% sales and use taxes.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of townhome land uses in the area.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- PZ Minutes 03.24.15
- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Land Use and Tax Base Summary
- Existing “PD” – Planned Development District Ordinance No. 98-11-59
- Proposed Zoning Exhibit – Concept Plan
- Proposed Layout – Informational Only
- Proposed Elevations – Informational Only
- Rooftop Screening Photo – Informational Only
- Proposed Entry Monument – Informational Only
- PowerPoint Presentation