



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 06/22/21
Second Reading Ordinance for the City Council Meeting 06/29/21

DATE: May 14, 2021
TO: Peter Zanoni, City Manager
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Rezoning a property at or near 7610 Slough Road

CAPTION:

Zoning Case No. 0221-03, Cardinal Investments and Holdings, LLC.: (District 5) Ordinance rezoning property at or near 7610 Slough Road from the "FR" Farm Rural District to the "RS-6/PUD" Single-Family 6 District with a Planned Unit Development. (3/4 vote required to approve)

SUMMARY:

The purpose of the rezoning request is to allow for the construction of a 16-unit single-family townhome development.

BACKGROUND AND FINDINGS:

The subject property is 1.83 acres in size. The applicant states that the Dolce Vida, Planned Unit Development (PUD) is a planned community that will consist of 16 single-family townhouse lots. The subject property is currently zoned "FR" Farm Rural District, consists of vacant property, and has remained since annexation in 1995. To the north is a single-family residential subdivision (Legends of Diamante Unit 2) zoned "RS-6" Single-Family 6 District. To the south is a single-family residential subdivision (Rancho Las Brisas Unit 1) zoned "RS-4.5" Single-Family 4.5 District. To the east are a few large tract single-family homes zoned "FR" Farm Rural District and a single-family residential subdivision (Legends of Diamante Unit 1) zoned "RS-6" Single-Family 6 District. To the west is a single-family residential subdivision (South Lake Estates) zoned "RS-6" Single-Family 6 District.

Conformity to City Policy

The subject property is located within the boundaries of the Southside Area Development Plan and is planned for medium density residential use.

- The proposed rezoning is consistent with the Future Land Use Map. The proposed use of single-family townhomes is consistent with the overall goals and strategies of Plan CC and the Southside Area Development Plan (ADP). The proposed rezoning is also compatible with neighboring properties and with the general character of the surrounding area. This rezoning does not have a negative impact upon the surrounding neighborhood.

- Surrounding properties have been rezoned within the past decade indicating a pattern towards higher density single-family residential development. The zoning pattern is in line with a Plan CC policy statement of creating urban villages and accommodating continuous growth.
- Based on the number of lots, the density of the proposed PUD is 9.30 dwelling units per acre. The range of density for a medium residential use is between 4 and 13 dwelling units per acre.
- The subject property is located at the intersection of two minor collector streets that can accommodate in minor increase in density. The proposed private street will be one-way.
- As part of the rezoning process, all PUDs are reviewed by the Technical Review Committee (TRC). Concerns were raised by members of the TRC in the following areas.
 - Consistency with the Unified Development Code (UDC).
- According to Section 3.5.4 of the Unified Development Code (UDC), PUDs should be reviewed by the following criteria:
 - The development is in harmony with the character of the surrounding area.
 - The development is in conformity with the Comprehensive Plan and is consistent with the intent and purpose of this Section.
 - The development contains a variety of housing types, employment opportunities or commercial services to achieve a balanced community.
 - The orderly and creative arrangement of all land uses with respect to each other and to the entire community.
 - The development contains a planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways and pedestrian walkways.
 - The development is staged in a manner which can be accommodated by the timely provision of public utilities, facilities and services.
 - Traffic management, utilities, and fire protection of the proposed lots.
- Consistently the membership of the TRC has voiced concerns on multiple plats concerning the narrowing of right-of-way and the effect on traffic management.
- The Utilities Department has raised concerns if there is available wastewater capacity. This issue will need to be resolved during the public improvements phase of the platting process.
- The narrowing of a right-of-way to 25 -feet and the reduction of setbacks to 18-feet may have potential negative impacts to the eventual individual homeowner. Specifically, the availability of enough space for personal vehicles to avoid encroachment into the right-of-way.
- The street design is similar to residential street cross section L-1E allowed by right in section 8.2.1.B of the UDC.
- While staff understands the paved portion of the right-of-way will be 25-feet, the reduction from the 28-foot pavement section standard and the reduced off-street parking may encourage on-street parking and therefore interfere with the ability of a fire apparatus (vehicle) and other public service vehicles to navigate and respond in the event of an emergency or scheduled services (i.e. Solid Waste).
- Several members of the TRC encourage that on-street parking is prohibited and should be enforced by the Homeowner's Association (HOA).
 - The rezoning case was originally heard on and tabled on March 17th to allow the developer additional time to address TRC comments.
 - In response to the comments from the Technical Review Committee (TRC), the applicant updated the site design to include increased street yard setbacks. Updates to the street included eliminating on-street parking, identify the street as one-way, and the addition of a sidewalk on one side of the private street.
 - Based on the updates, the proposed PUD is compliant with Section 3.5.4 of the UDC.
 - TRC reviewed the updates to the PUD and recommended approval on April 29th.

Public Input Process

Number of Notices Mailed
41 within 200-foot notification area
3 outside notification area

As of May 21, 2021:

In Favor	In Opposition
0 inside notification area	16 inside notification area
0 outside notification area	11 outside notification area

Totaling 24.75% of the 200-foot notification area* is in opposition.

*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area. Notified property owner's land in square feet / Total square footage of all property in the notification area = Percentage of public opposition

ALTERNATIVES:

1. Denial of the zoning to the "FR" Farm Rural District to the "RS-6/PUD" Single-Family 6 District with a Planned Unit Development.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Commission Recommendation

Planning Commission recommended approval of the zoning to the "FR" Farm Rural District to the "RS-6/PUD" Single-Family 6 District with a Planned Unit Development with conditions on May 12, 2021.

Vote Count:

For: 6
Opposed: 0
Absent: 1
Abstained: 2

Staff recommends approval of the zoning request.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation - Aerial Map
Planning Commission Final Report