



## AGENDA MEMORANDUM

Public Hearing and First Reading for the City Council Meeting of March 26, 2013  
Second Reading for the City Council Meeting of April 9, 2013

**DATE:** February 14, 2013

**TO:** Ronald L. Olson, City Manager

**FROM:** Mark E. Van Vleck, P.E., Director, Development Services Department  
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**PUBLIC HEARING – CHANGE OF ZONING**  
**N.P. Homes, L.L.C. (Case No. 0812-02)**  
**Change from “CG-2” General Commercial District to “CG-2/PUD” General Commercial District with a Planned Unit Development Overlay**  
**Property Address: 5402 Chicago Drive**

### **CAPTION:**

Case No. 0812-02: N.P. Homes, L.L.C.: A change of zoning from the “CG-2” General Commercial District to the “CG-2/PUD” General Commercial District with a Planned Unit Development Overlay, not resulting in a change of future land use. The rezoning also includes the associated PUD replat. The property to be rezoned is described as King’s Crossing West Unit 2, Block 2, Lot 3, located at the northeast corner of Chicago Drive, approximately 500 feet west of South Staples Street (FM 2444).

### **PURPOSE:**

The purpose of this item is to rezone the property to allow a 32-unit townhouse development.

### **RECOMMENDATION:**

#### Planning Commission and Staff Recommendation (February 13, 2013):

Approval of the change of zoning from the “CG-2” General Commercial District to the “CG-2/PUD” General Commercial District with a Planned Unit Development Overlay subject to the following eight conditions:

- 1. Development Plan:** The Owner shall develop the Property in accordance with Exhibit A. The development of the Property is to consist of six townhouse buildings with three dwelling units in each building, three townhouse buildings with four dwelling units in each building, and one duplex townhouse building with two dwelling units in the building. The development of the Property shall be constructed in one phase.

2. **Dwelling Units per Acre:** The density of dwelling units on the Property cannot exceed 32 dwelling units on the site's 3.301 acres.
3. **Building Height:** The maximum height of the townhouse buildings on the Property shall not exceed 35 total feet.
4. **Parking:** Each dwelling unit must have two parking spaces within a private garage, and each dwelling unit must also contain two guest parking spaces available on the 18-foot long by 18-foot wide driveway located within the dwelling unit's lot.
5. **Setbacks:** A minimum 20-foot front yard setback shall be provided along the north-south portion of Chicago Drive and a 10-foot front yard setback along the east-west portion of Chicago Drive. On individual lots not sharing a common wall with another dwelling unit on the Property, Owner shall provide a 5-foot wide side yard setback and a minimum 7.5-foot wide rear yard setback. Individual lots fronting on internal private streets shall have a minimum front yard setback requirement of 15 feet. The separation distance between buildings shall be not less than 10 feet. The Owners shall provide a minimum open space requirement of 30% on the Property.
6. **Private Street Access:** Each lot shall have access to a private street with a paved width of not less than 24 feet. The private street shall be striped to indicate "Fire Lane/No Parking."
7. **Pedestrian Access:** A minimum four-foot wide sidewalk is required to be constructed along the internal private street and shall be located in a four-foot wide dedicated sidewalk easement.
8. **Time Limit:** The Owners shall commence construction of the development on the Property within 24 months from the date this Planned Unit Development Overlay ordinance is approved by the City Council.

### **BACKGROUND AND FINDINGS:**

The applicant plans to build 10 one-story structures with multiple units in each building for a total of 32 dwelling units on the 3.3-acre site. Each dwelling unit would share at least one common wall with a neighboring unit.

The applicant has requested the Planned Unit Development Overlay (PUD) because the proposed development would not strictly comply with all setback and street width requirements as required by the Unified Development Code (UDC). PUDs allow for increased flexibility in site layout and design.

The PUD zoning offers more protection to the single-family neighborhood from nuisances associated with commercial development. The existing "CG-2" General Commercial District permits a broad range of commercial uses.

### **ALTERNATIVES:**

1. Approve an intermediate zoning district;
2. Modify the PUD conditions; or
3. Deny the request.

**OTHER CONSIDERATIONS:**

Not Applicable

**CONFORMITY TO CITY POLICY:**

The proposed change of zoning is consistent with the adopted Future Land Use Map and it meets criteria of the Comprehensive Plan and Southside Area Development Plan by encouraging infill development and locating medium-density residential development along a collector street with convenient access to an arterial street.

**EMERGENCY / NON-EMERGENCY:**

Non-Emergency

**DEPARTMENTAL CLEARANCES:**

Planning/Environmental Services, Legal, and Planning Commission

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

<b>Fiscal Year: 2012-2013</b>	<b>Project to Date Expenditures (CIP only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**Comments:** None

**LIST OF SUPPORTING DOCUMENTS:**

Aerial Overview Map  
Zoning Report with Attachments  
Ordinance with Exhibits