

MEMORANDUM

TO: Donna Barron, City Manager
FROM: Richard E. Luedke, Planning Director
DATE: September 10, 2018

SUBJECT: Public Hearing: Consideration of an Ordinance Amending Chapter 17, Zoning, Section 17-3, Definitions and Additional Use Regulations, Section 17-22.8.1, Mixed-Use–Shopping Center (MU-SC) District Regulations, Section 17-22.8.2, Mixed-Use (MU) District Regulations, and Section 17-22.8.3, Mixed-Use Ninety (MU-90) District Regulations, by Repealing and Replacing Them in Their Entirety; Altering Definitions; Adding and Deleting Uses and Related Regulations Within the Various Mixed Use Districts; and Amending the Concept Plan Adoption and Amendment Process Within the Various Mixed Use Districts.

BACKGROUND

The twenty-foot front setbacks and fifteen-foot side setbacks required in the Mixed Use (MU) Zoning District do not allow for the urban-style development desired. Past projects utilized a Planned Development zone change with Mixed-Use (MU) as the base district to amend the setbacks. However, this is not an option for properties that are less than five acres in size. The setbacks need to be amended to allow properties less than five acres to develop with greater setback flexibility under the Mixed Use (MU) Zoning District. Pending projects need this code amendment to move forward.

During review of the MU Zoning District for setback changes additional amendments were identified for the MU Zoning District, the Mixed-Use–Shopping Center (MU-SC) Zoning District, the Mixed-Use Ninety (MU-90) Zoning District, and the Definitions, including uses permitted and the process for rezoning. Proposed changes are summarized in this report and a draft of the new regulations is attached to the back-up. The Planning and Zoning Commission recommend approval unanimously (5-0) at their August 21, 2018 meeting.

ANALYSIS

Uses permitted

In all three Mixed-Use Zoning Districts (MU, MU-SC, and MU-90) staff has removed ‘Gasoline service station’ uses and ‘Cemetery, columbarium, mausoleum and accessory uses’. Staff has also changed ‘apartment’ to ‘multi-family dwelling unit’ to be consistent with the rest of the zoning and development ordinances. The definition of apartment building stated it was a multifamily dwelling. These districts were the only sections of code to use the term ‘apartment’ and ‘apartment building’ so the definitions of these terms are being removed from the Definitions section.

In the Mixed Use (MU) zoning district, staff has added the option for single family detached dwelling units. Single family detached can be appropriate as component of more dense developments or infill projects. Previous developments have used a Planned Development zone change with an MU base district for a detached product, such as Villas on Rockbrook. Standards have been added to address minimum lot size, dwelling unit size, lot width, and lot depth for single-family detached uses.

Setbacks

The current MU Zoning district has a minimum twenty-foot front yard setback, fifteen-foot side yard setback and zero-foot rear yard setback with the stipulation that all setbacks adjacent to a federal or state highway are twenty-five feet. Staff is proposing to replace these setbacks with the following language:

There shall be no minimum front, side, or rear setback, and no setback shall exceed 25 feet. The setbacks shall be based on site context, area development patterns and recommendations contained with any City-adopted long-range plans for the area containing the subject site.

This allows flexibility within Mixed Use developments to meet the context of the area and the goals of adopted long-range plans. The setbacks will be established on the concept plan submitted with an MU zone change request. This process is further outlined below. No amendments are proposed to setbacks in the MU-SC or MU-90 districts.

Process

In reviewing all three Mixed Use districts (MU, MU-SC and MU-90), it was apparent that the process language needed clarification. The revised language clarifies that a concept plan is required as part of a zone change to any of these three districts and that the concept plan will be adopted as part of the ordinance. The proposed revisions provide a more detailed process for amending the concept plan. If the amendments are to zoning standards, including building height, building size, setbacks, population density, or location of buildings, a new zone change request and concept plan will be required. If the amendment is to any other item, the revised concept plan may be approved by the Planning and Zoning Commission with an option to appeal a denial to City Council.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the ordinance as set forth in the caption above.