



Legislation Details (With Text)

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**Type:** CONSENT AGENDA      **Status:** Approved

**File created:** 9/1/2022      **In control:** Department of Planning and Urban Design

**On agenda:** 9/28/2022      **Final action:**

**Title:** An ordinance correcting (1) Planned Development District No. 1016, amended by Ordinance No. 31226; and (2) Planned Development District No. 1068, amended by Ordinance No. 32245 - Financing: No cost consideration to the City

**Sponsors:**

**Indexes:** 6, 7

**Code sections:**

**Attachments:** 1. Maps

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Economic Development

**AGENDA DATE:** September 28, 2022

**COUNCIL DISTRICT(S):** 6, 7

**DEPARTMENT:** Department of Planning and Urban Design

**EXECUTIVE:** Majed Al-Ghafry

**SUBJECT**

An ordinance correcting **(1)** Planned Development District No. 1016, amended by Ordinance No. 31226; and **(2)** Planned Development District No. 1068, amended by Ordinance No. 32245 - Financing: No cost consideration to the City

**BACKGROUND**

On May 22, 2019, City Council authorized Ordinance No. 31226 for a new Planned Development District No. 1016, located on the southwest corner of Samuell Boulevard and Hunnicutt Road, for: 1) a Planned Development District for R-7.5(A) Single Family District uses, private recreation center, club or area, and private street or alley uses; and, 2) the termination of Specific Use Permit No. 2166 for an adult day care facility on property zoned an R-7.5(A) Single Family District with Specific Use Permit No. 105 for a convalescent home and institutional uses, and Specific Use Permit No. 2166 for an adult day care facility. The request was to redevelop the site with a maximum 240-unit single family development. The proposed Planned Development District would allow for 1) private recreation center, club or area and private street or alley as permitted uses by right; 2) the modification of the required front, side and rear yard regulations; 3) the reduction to the minimum lot size; 4) an increase in the maximum height allowed; 5) an increase in lot coverage; and 6) the

modification to the landscape regulations. The proposed Planned Development District will be subject to a Conceptual Plan and Street Section Exhibit.

Subsequent to the passage of the ordinance it was determined that the following language does not reflect the intent of the approved request, as it was included in the CPC recommended conditions as approved by City Council.

Language to be corrected:

**SEC. 51P-1016.110. YARD, LOT, AND SPACE REGULATIONS.**

*Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)*

- (a) Front yard. Except as provided in this subsection, minimum front yard is 10 feet.
  - (1) For single family structures on 4,000 square foot lots, minimum front yard is 20 feet.
  - (2) For single family structures on 1,500 square foot lots, minimum front yard is five feet.
- (b) Side yard
  - (1) Except as provided in this subsection, minimum side yard is five feet.
  - (2) For single family structures on 1,500 square foot lots, a minimum three-foot side yard is required on one side of the lot. No minimum side yard is required on the other side of the same lot.
- (c) Rear yard. Except as provided in this subsection, no minimum rear yard is required.
  - (1) For single family structures on 4,000 square foot lots, minimum rear yard is 10 feet.
  - (2) For single family structures on 1,500 square foot lots, minimum rear yard is five feet.

[...]

- (h) Lot coverage. Maximum lot coverage is:
  - (1) 53 percent for residential structures on 4,000 square foot lots;
  - (2) 74 percent for residential structures on 1,500 square foot lots; and
  - (3) 40 percent for all nonresidential structures.

The new language, per the CPC recommended conditions and the full intent of the request and approved conditions is:

**SEC. 51P- .110. YARD, LOT, AND SPACE REGULATIONS.**

*(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)*

- (a) Front yard. Minimum front yard is:
  - (1) 20 feet for single family structures on lots containing minimum 4,000 square feet,
  - (2) five feet for single family structures on lots containing minimum 1,500 square feet,

.....

- (c) Side yard. Minimum side yard is:
  - (1) five feet for single family structures on lots containing minimum 4,000 square feet,

(2) for single family structures on lots containing minimum 1,500 square feet, only one side yard of a minimum of three feet is required, no minimum required on the other side yard of the same lot.

.....

- (c) Rear yard. Minimum rear yard is:
  - (1) 10 feet for single family structures on lots containing minimum 4,000 square feet,

(2) five feet for single family structures on lots containing minimum 1,500 square feet, and

[...]

(h) Lot Coverage: Maximum lot coverage is:

(1) 53 percent for residential structures on lots containing minimum 4,000 square feet,

(2) 74 percent for residential structures on lots containing minimum 1,500 square feet, and

(3) 40 percent for all nonresidential structures.

On June 22, 2022, City Council authorized Ordinance No. 32245 for a Planned Development District No. 1086, located on the southwest corner of Sylvan Avenue and Singleton Boulevard, to allow for modified development standards primarily related to permitted uses, yard, lot, and space regulations, and design standards to develop the site as multifamily with some retail components.

Subsequent to the passage of the ordinance it was determined that the Ordinance inadvertently noted some references to bonuses incorrectly. The new language, per the CPC recommended conditions and the full intent of the request and approved conditions is:

**SEC. 51P-1086.109. YARD, LOT, AND SPACE REGULATIONS**

(3) *Density.*

(A) *Except as provided in this section, the maximum number of dwelling units is 200.*

(B) *If the conditions in Section 51P-1086.113 and Section 51P-1086.115 are met, the maximum number of dwelling units is 440.*

**SEC. 51P-1086.115. DEVELOPMENT BONUS FOR MIXED INCOME HOUSING.**

(a) *Except as provided in this section, compliance with Division 51A-4.1100 is required to obtain the development bonus in Section 51P-1086. ~~108~~109.*

(b) *The density bonus set forth in Section 51P-1086. ~~108~~109 applies if a minimum of five percent of the total number of dwelling units are available to households earning between 51 and 60 percent of the area median family income.*

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 22, 2019, City Council authorized an ordinance for a new Planned Development District No. 1016, located on the southwest corner of Samuell Boulevard and Hunnicutt Road, by Resolution No. 19-0816 and Ordinance No. 31226.

On June 22, 2022, City Council authorized an ordinance for a Planned Development District No. 1086, located on the southwest corner of Sylvan Avenue and Singleton Boulevard, by Resolution No. 22-1018 and Ordinance No. 32245.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAPS**

Attached