

MEMO

To: Planning and Zoning Commission

From: Sofia Nelson, Director of Planning

Date: September 20, 2012

RE: PUD request

Below is a review of the rules applicable to PUD requests, these criteria can be found in Section 53-704 of the City of Kyle Code. Below each requirement you will see staff's analysis written in bold and italics

You will find that City Staff did not make a recommendation on this zoning case. As identified below and in the staff report included within the meeting packet PUDs are substantially discretionary on the parts of P&Z and City Council. Because PUDs are called to create a product that is superior to what would normally be developed recommendation for approval is reserved for developments which would meet or exceed all the requirements in the City's code. This particular PUD is requesting special considerations on several items; staff as a result cannot recommend approval. Because the applicant is also exceeding other standards staff did not believe that a recommendation of denial would be fair to the applicant. Staff's role in this process has been to negotiate the best development standards possible should the Planning and Zoning Commission and City Council find the development be consistent with the intent of the comprehensive plan and approve the request.

Sec. 53-704. Rules applicable

The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may attach a planned unit development district designation to any tract of land equal to or greater than three buildable acres. Under the planned development designation the following rules apply:

- (1)The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.
- (2)Permitted uses are those listed under the applicable zoning districts for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as CBD-2, RS, W, CM districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective

transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

- *The applicant is seeking to remove the following uses from uses permitted to be developed: sale of motor vehicles, car wash, bus terminal facility, auto repair*
- (3) Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development; provided that the plan is consistent with sound urban planning and good engineering practices.
- a. Front, side and rear setbacks.-*No variance is being requested.*
 - b. Maximum height.-*No variance is being requested.*
 - c. Maximum lot coverage.-*The applicant is imposing a restriction of 75% of lot area instead of 80%*
 - d. Floor area ratio. - *No variance is being requested.*
 - e. Off-street parking requirements.- *A reduction is being requested for the multi-family development and a request to exceed the maximum parking for the site is being requested for truck parking.*
 - f. Special district requirements pertaining to the base zoning- *The subject property is within the I-35 Overlay District. The development standards in which the applicant is varying from the overlay development standards are as follows: glazing requirements and the number of design elements required on each building. The following site standards are also differ from those outlined in the overlay ordinance: the number of consecutive parking spaces.*
 - g. Number of dwelling units per buildable acre. *The applicant is seeking a request to allow 28 units per acre (the new settlement district does not recommend this density, the regional node future land use district identifies this density as a recommended zoning category).*
 - h. Accessory building regulations. *No variance is being requested.*
 - i. Sign standards. *The applicant is seeking to install 1- 80' pylon sign with LED sign face, 1- 50' pylon sign, 2-25' and 1 monument sign. The sign code currently allows for a maximum sign of 1 per lot with a maximum of 35' feet. The applicant is seeking to reduce the number of sign faces for an increase in height from 35' to 1-50' and 1-80' sign and the use of LED signage on a non-monument sign. The applicant's renderings also appear to allow for exposed metal where the city code requires all sign structures and their attachments to*

the foundation shall be fully constructed or covered by stone, brick, or stone veneer.

(4) In approving a planned unit development, no standards may be modified unless such modification is expressly permitted by this chapter, and in no case may standards be modified when such modifications are prohibited by this chapter.

- It does not appear that any additional standard aside from what is identified above is being modified.***

(5) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.

- The applicant has added additional landscaping requirements to the development standards, however lighting, noise air, and open space requirements have not been included in the PUD document.***

(6) The planning and zoning commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this chapter.

- The intent of the requested base zoning districts are as follows: Retail Services-This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products. The conditions and limitations on uses in the RS district are as follows:***

(1)The use be conducted wholly within an enclosed building, except for delivery, catering, gasoline sales, nurseries and garden centers.

(2)Required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.

(3)All merchandise to be sold on the premises, except for delivery and catering.

(4)The use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused customer and

employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.

(5) Establishments located on property that is within 300 feet of any property zoned for a residential use when the commercial use is first established may not be open to the general public before 6:00 a.m. and must be closed to the general public by 10:00 p.m.

- The intent of the multifamily residential district R-3-3 is to permit typical apartment development with buildings not exceeding three stories, nor more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area.*