

## **MEMO**

To: Board of Adjustments

From: Sofia Nelson, Director of Planning

Date: January 9, 2014

Re: Parking Variance Request for Multi-family Project

## Background

On December 2<sup>nd</sup> the Board of Adjustments reviewed a request for a parking variance for a multi-family project to be located at the intersection Amberwood South and I-35. The request at the time was to allow the following parking ratio:

The applicant is requesting a variance to the parking requirements for a multi-family development. Chapter 53-263 of the City Code requires two spaces minimum for each living unit, and one-half space for each additional bedroom above two. As a result of the proposed units within the project the development is required to have 322 parking spaces. The applicant is requesting the parking calculation rate be reduced and calculated at 1.5 spaces per single bedroom unit, 2 spaces for every 2 bedroom unit, and 2.5 spaces for every 3 bedroom unit. The variance request would allow the developer to provide 294 parking spaces (7 spaces over the requested rate to accommodate for the leasing office) for 160 units.

During the deliberation of the request the Board asked for additional information to be provided prior to moving to either approve or deny the request. The requested information consisted of staff providing minutes on other parking variance requests granted for multi-family projects, staff providing the parking calculation the multi-family projects in Plum Creek and other multifamily developments in Kyle. Additional the Commission asked the applicant to provide a site plan that demonstrated the use of the maximum number of compact parking spaces. Staff has attached the requested information to this memo and the applicant has revised the site plan to include compact parking. The revision to the site plan allowed for 11 additional parking spaces to be added to the site, bringing the total provided parking spaces to 305 ( a ratio of 1.75 parking spaces per 1 bedroom unit).

## Staff Analysis

Staff and the applicant have provided the requested information. The Texas Local Government Code authorizes the Board of Adjustments in specific cases to grant a variance from the terms of a zoning ordinance if the Board finds the following to be true:

- The variance is not contrary to the public interest;
- Due to special conditions the literal enforcement of the ordinance would result in unnecessary hardship, and
- If the spirit of the ordinance is observed and substantial justice is done;

While staff acknowledges that the ratio between already developed multi-family projects and the proposed project differ state law states the above criteria must be found to be true in order to grant the variance request.

## Attachments

- The original staff memo to the Board of Adjustments
- Email to staff from applicant- this email outlines the update to the site plan, applicant conducted research, updated site plan
- A copy of the requested minutes from the variance request that approved site variances for adjacent multi-family development.
- Parking ratios for Plum Creek Development



## **MEMO**

To: Board of Adjustments

From: Sofia Nelson, Director of Planning

Date: November 22, 2013

Re: Kyle Multi-family Community Parking Variance

## Background

The subject property is located at the intersection of Amberwood South and I 35 (south of Amberwood South). The subject property is approximately 7.634 acres and is zoned R-3-2 (multi-family 21 units per acre). Based on the size of the property and the approved density the maximum number of units allowed on the site is 160 units.

## Request

The applicant is requesting a variance to the parking requirements for a multi-family development. Chapter 53-263 of the City Code requires two spaces minimum for each living unit, and one-half space for each additional bedroom above two. As a result of the proposed units within the project the development is required to have 322 parking spaces. The applicant is requesting the parking calculation rate be reduced and calculated at 1.5 spaces per single bedroom unit, 2 spaces for every 2 bedroom unit, and 2.5 spaces for every 3 bedroom unit. The variance request would allow the developer to provide 294 parking spaces (7 spaces over the requested rate to accommodate for the leasing office) for 160 units.

## **Analysis**

The Texas Local Government Code authorizes the Board of Adjustments in specific cases to grant a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions the literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;

In review of the proposed request staff has made the following findings:

The proposed parking plan would allow for the reduction of 28 spaces

- The difference in the required parking rate and the requested parking rate is only evident in the proposed rate for 1 bedroom apartments. The code stated parking rate requires 2 spaces and the proposed parking rate is 1.5.
- The proposed rate generally allows for 1 space per bedroom
- The proposed parking rate does not appear to be contrary to the public interest
- The literal enforcement of the ordinance would require the applicant to provide an additional 28 parking spaces or reduce the number of apartments developed on the site.

Plum Creek Parking Schedule C	
Use	Number of Parking Spaces
Residential dwelling designed and used as single- family and two family residences and up	Two spaces for one bedroom and one-half for each additional bedroom
Efficiency	One space for each efficiency
Multifamily dwelling	1.5 spaces for one bedroom and 0.5 for each additional bedroom
Warehouses, manufacturing plants and other similar commercial establishments not catering to the general public	One space per 1,000 feet of gross floor area
Hotels, motels and similar transient accommodations	One space per bedroom and 1 space for each two employees, 1.1 spaces per bedroom, whichever is greater
Rest homes, hospitals, nursing homes, convalescent homes, sanitariums and similar uses	One space for each two employees, and 1 space for each four patients beds
Bars, cafes, restaurants, taverns, night clubs and similar uses	One spaces for every four seats provided for customers services, 1 space for each 100 feet of gross floor area whichever is greater
Banks, offices, financial lending institutions, gasoline stations, personal service shops, retail establishments, shopping centers and similar uses catering to the general public	Three and a half spaces for each 1,000 feet of gross floor area

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Site Development Plan

BELLA PALOMA (SD-10-010)

OWNER: SPECIFIED PROPERTIES XLVIII, L.P.

21.005 ACRES; 396 UNITS

LOCATED ON THE EAST SIDE OF IH-35, SOUTH OF AMBERWOOD SOUTH P&Z RECOMMENDATION TO CITY COUNCIL: APPROVE THE SITE PLAN AND ALL VARIANCE REQUESTS WITH A MODIFICATION TO THE LANDSCAPE PLAN TO REQUIRE TWO (2) TREES FOR EVERY TWELVE HUNDRED (1200) SOUARE FEET OF LANDSCAPED AREA.

PLANNING AND ZONING COMMISSION VOTED 6-1 TO APPROVE THE SITE PLAN AND ALL VARIANCE REQUESTS WITH A MODIFICATION TO THE LANDSCAPE PLAN TO REQUIRE TWO (2) TREES FOR EVERY TWELVE HUNDRED (1200) SQUARE FEET OF LANDSCAPED AREA

## **PUBLIC HEARING**

Mayor Johnson opens the Public Hearing at 7:54 pm. for the Bella Paloma Site Development Plan and variance requests. Amberwood resident Tammy Swaton is concerned with the apartment complex being proposed due to the number of one bedroom apartments that will attract young single people that have parties and the fact that is will be a 3 story complex that will allow people views of inside homes and yards. She asks if a traffic or water study has been done and that the Developer should plan to have meetings on a monthly basis with the residents of the subdivision. With no one else wishing to speak Mayor Johnson closes the public hearing at 7:57 pm. Mr. Bruce, also a resident of Amberwood states the he agrees with Ms. Swaton and has the same concerns. Ms. Swaton returns to podium to inform Council and give to the Mayor signatures she collected on Sunday from her neighbors with the same concerns. Mayor Johnson states that she had closed the public hearing and then people started talking. She asks if anyone wants her to reopen the public hearing and the answer is yes. Mayor Johnson reopens the public hearing at 8:00 pm. Lila Knight asks the Council to deny the variance on trees. She states that the trees will help shield the complex from the existing neighborhoods. Kay Rush states that she finds it hard to believe that an apartment complex is going in without fencing, especially with livestock nearby. A major concern to her is access into the development with adequate turn lanes and traffic flow especially for emergency vehicles. Ben Estrada and Jason Titler also residents of Amberwood, want to support all the comments of the other residents and have concerns of privacy as well. With no one else wishing to speak Mayor Johnson closes the pulic hearing at 8:07 pm.

Mayor Johnson moves to approve the site plan for Bella Paloma, 21.005 acres; 396 units; Located on the east side of IH-35, south of Amberwood South, and grant the variance for parking spaces, a variance for tree size, a variance for general landscaping, along with a variance for increasing the tree allowance for parking spaces from 1 tree per 50 ft up to 1 tree per 100 ft, but denying the variance for lesser trees in general. Mayor Johnson asks for a second, with no second, motion fails.

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Council Member Hervol makes a motion to approve the variance for 1.5 spaces per unit. Council Member Selbera seconds the motion. Council Members Hervol, Selbera, Johnson, Huebner and Wilson vote aye. Council Member Sanchez votes nay. Motion carried.

Mayor Johnson states that there is still no approved site plan or any of the other requested variances and asks if there is a motion. Mayor Pro Tem Huebner makes a motion to table the site plan until the Developer explores building an 8 ft. fence around all property backing up to the apartment complex, and if not a fence then something that would provide a substantial barrier that the residents are happy with. Council Member Hervol seconds the motion. All votes nay. Motion fails. Mayor Johnson asks if there is another motion. Council Member Hervol makes a motion to approve the site development plan with the variance for 1.5 parking spaces and denying all landscaping variances. No one seconds the motion. Motion fails. Council Member Sanchez moves to approve the site plan. Mayor Johnson seconds the motion. Council Members Hervol, Sanchez, Selbera, Johnson, and Wilson vote aye. Council Member Huebner votes nay. Motion carried. Mayor Johnson moves to approve variances for landscaping including D, E, and F, but not C. Mayor Pro Tem Huebner seconds the motion. Mayor Johnson amends her motion to include larger caliper trees. Mayor Pro Tem Huebner seconds the amendment. Council Members Sanchez, Selbera, Johnson, Huebner, and Wilson vote aye. Council Member Hervol votes nay. Motion carried.

## CONSIDER AND POSSIBLE ACTION

CONSIDERATION AND ACTION AS MAY BE APPROPRIATE IN REGARDS TO AUTHORIZING THE CITY MANAGER TO EXECUTE AN ANTENNA LICENSE AGREEMENT WITH THE LOWER COLORADO RIVER AUTHORITY FOR WELL #3

Council Member Selbera moves to Authorizing the City Manager to Execute an Antenna License Agreement with the Lower Colorado River Authority for Well #3. Mayor Pro Tem Huebner seconds the motion. All votes aye. Motion carried.

#### GENERAL DISCUSSION AND POSSIBLE ACTION

(DISCUSSION ONLY) A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE KYLE AREA CHAMBER OF COMMERCE AND VISITORS BUREAU FOR THE LEASE AND OCCUPANCY OF THE KYLE TRAIN DEPOT; MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED MATTERS

Mayor Johnson states that this item was for discussion only and no motion is needed but that the Resolution needs some corrections or updating.

GENERAL DISCUSSION AND POSSIBLE ACTION ON THE CHARTER REVIEW COMMISSION'S UPDATE ON THE PROPOSED CHARTER AMENDMENTS AND PUBLIC HEARING

VARIANCE INFORMATION
- CITY COUNCIL MIN.
- REQUEST FOR VARIANCE
FROM APPLICANT

REGULAR CITY COUNCIL MEETING May 1, 2007 – Page 4 Kyle City Hall

GENERAL DISCUSSION AND POSSIBLE ACTION

REVIEW AND GENERAL DISCUSSION OF PROPOSED FEE WAIVERS AND VARIANCES REQUESTED FOR THE PROPOSED BELLA PALOMA APARTMENT PROJECT

Mayor Gonzalez moves to approve the Variances Requested for the Proposed Bella Paloma Apartment Project except item A ("Assistance on Park Fees – request that fifty percent (50%) of the allotted fees be waived" \$198,000) from the powerpoint presentation. Council Member Ekakiadis seconds the motion. All votes aye. Motion carried.

REVIEW AND DISCUSSION OF PROPOSED CITY RECREATION CENTER REQUEST FOR PROPOSAL (RFP) FOR DESIGN SERVICES

Mr. Urbanowicz stated that Staff is ready to mail the Request For Proposals to every Recreation Facility Design Architectural Firm in Texas. The Kyle Parks Board reviewed this document and recommend that it be mailed on May 2nd. With Council's approval of this document, staff can stay on schedule with current plans regarding the proposed Recreation Center.

REVIEW AND DISCUSSION OF ANNEXATION AND ETJ ISSUES BETWEEN THE CITY OF UHLAND AND THE CITY OF KYLE - COUNCILMAN SALAZAR

Council Member Salazar stated that the City of Kyle needs to work with the City of Uhland regarding the overlapping ETJ's. Council Member Moore agrees with Council Member Salazar. Council Member Salazar moves to direct staff to go back and talk and have open negotiations with the City of Uhland about potential swaps of ETJ. Council Member Salazar withdraws his motion. Council Member Moore moves to direct Staff to make a presentation, at the next City of Kyle Council meeting, of Uhland's presentation, for ETJ exchange, including maps, (what would be exchanged) and to start negotiations to give Council more insight to direct Staff better. Mayor Gonzalez seconds the motion. All votes aye. Motion carried.

REVIEW AND DISCUSSION OF KYLE HOUSING AUTHORITY AND KHA BOARD OF DIRECTORS -COUNCILMAN EKAKIADIS

Mayor Gonzalez would like to find out who the current Kyle Housing Authority Board Members are and if they have an interest to stay on as members. He would also like to give Council an opportunity to recommend someone. Once the members are on board, it is recommended that they go to training and get briefed on their responsibilities. Council Member Ekakiadis will coordinate all of this.

CITY MANAGERS REPORT

## WESTWOOD RESIDENTIAL

November 10, 2010

Ms. Debbie Guerra Planning Department City of Kyle 300 W. Center Street P.O. Box 40 Kyle, TX 78640

RE:

Site Development Permit Reinstatement -

Proposed Bella Paloma Development

#### Dear Debbie:

Westwood Residential has been working for an extended period of time on the development of a market rate multifamily property, in Kyle, Texas. In October, 2007, we completed the plan submission and approval process with the City of Kyle and the Site Development Permit was issued (SD-07-001). However, we subsequently experienced the complete melt-down of our financial markets and construction financing evaporated. This resulted in the development being postponed to this time, but we are excited about moving forward today with this new development.

With respect to the previous approvals granted by the Planning & Zoning Committee and City Council, we would like to respectfully request the inclusion of the same variances that were previously granted. Specifically, the following are presented for your consideration:

## 1. <u>Variances and/or Clarifications</u>:

## Parking Requirements:

• The City of Kyle standard parking requirement for a multifamily property is two (2) spaces per unit. Westwood is requesting a variance for the proposed development as follows: 1.5 spaces for each one (1) bedroom unit and two (2) spaces for each two (2) bedroom unit.

## Landscaping Requirements:

• The City of Kyle requires that two (2) trees are planted for every 600 square feet of landscaped area. Westwood is requesting modifications of this standard to provide one (1) tree for every 1,500 square feet of landscaped area.

- The City also requires that parking lots have one (1) tree within 50 feet of every parking space. Westwood is requesting modification of this standard to provide one (1) tree within 100 feet of every parking space.
- Tree requirements state that trees must be 4" minimum caliper measured three (3) feet above grade. Westwood is requesting that this standard be modified to allow for a 3" minimum caliper tree, as measured based upon industry standards (American Nursery Standards measure 6" above grade).
- Ordinance (g) requires that 50% of the landscaping is placed between the front property line and the building. Westwood is requesting a variance to allow the even distribution of landscaping throughout the site.

We thank the City of Kyle for their consideration of this matter and we remain excited about being part of the tremendous growth that is occurring in your community. If you have any questions, please do not hesitate to call me at 972 -292-7656.

Sincerely.

Senior Vice President

## Sofia Nelson

From:

Grayum, Richard

Sent:

Monday, December 09, 2013 4:54 PM

To:

snelson@cityofkyle.com

Subject:

Kyle Multifamily at Amberwood South

Attachments:

301701GC101-5 SITE PLAN.pdf; Parking Requirements.pdf

Categories:

**Red Category** 

Sofia,

We have completed the drawing to show the 8' x 16' compact spaces for 25% of the parking spaces and rearrange some landscape islands to provide more parking stalls as requested. We can meet the criteria for 2 parking spaces per two bedroom unit and 2.5 parking spaces for three bedroom units if we can reduce the amount of parking required for one bedroom units from 2 parking spaces per unit to 1.76. We have revised the parking table to show this requested variance.

We would like to schedule another meeting with the Board of Adjustments to continue the discussion and determine if this is satisfactory.

A question was raised in the meeting about the multifamily parking requirements in the Plum Creek PUD.

Per Schedule C of the Plum Creek PUD, a multifamily dwelling is required to have 1.5 units per one bedroom and 0.5 for each additional bedroom. (this is the same variance we were asking for) Per Ordinance No. 541, Sec 1, 3-6-2008

http://www.cityofkyle.com/sites/default/files/fileattachments/plum creek pud-zoning.pdf

Another question that was asked by the Board of Adjustments was, "How many apartment projects are in Kyle, TX and what requirements were they constructed to?"

There are three existing multifamily developments in Kyle: The Settlement Apartments, Village at Plum Creek and Saddle Creek Apartments.

The Settlement received the variance of 1.5 spaces per single bedroom unit instead of 2 spaces per single bedroom unit. This was done once in 2007 and reaffirmed at the Dec. 7th, 2010 City Council meeting.

The Village at Plum Creek is only required to have 1.5 spaces per single bedroom unit.

I could not find any variances related to The Saddle Creek Apartment (built around 2005), but looking at an aerial of the development, it appears there are significantly less parking spaces for building than we are providing.

I looked through the website for minutes or video from the Planning and Zoning or City Council Meetings that heard and gave their recommendation on these developments, but they were not available on the website. Could you share any minutes that you dig up related to parking variances for the aforementioned multifamily developments.

I have also included the amount of parking required for multifamily in municipalities around the State that I referenced in the last Board of Adjustment meeting for the Board's information.

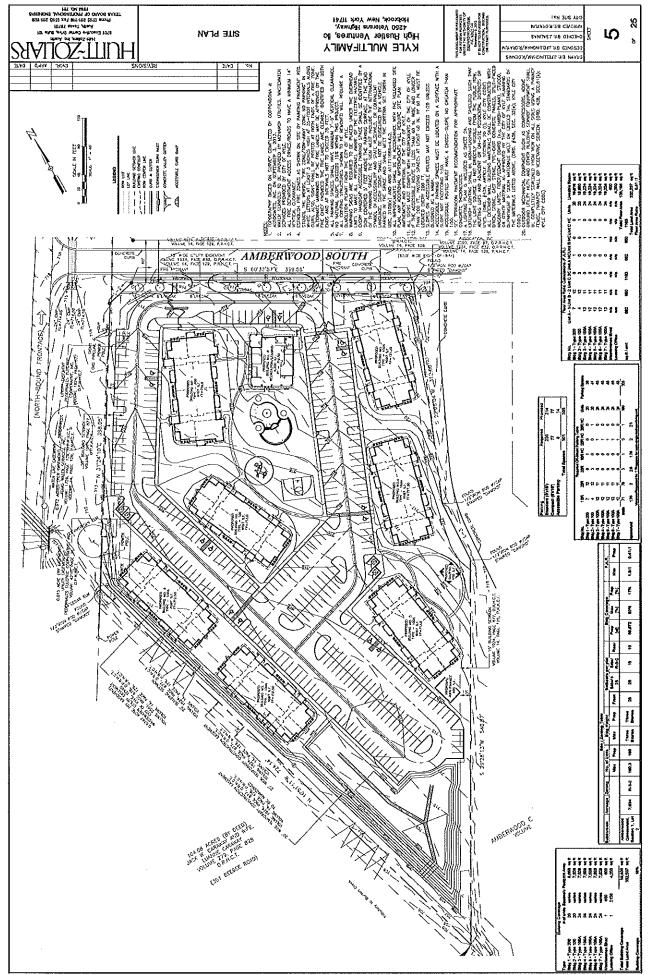
Hope to talk to you soon.

Regards, Richard

HUITT-ZOLLARS, INC.

Richard Grayum, P.E., LEED AP 3701 Executive Center Drive Suite 101 Austin, Texas 78731 Phone 512.231.1119, extension 10419 Cell 512.844.8632 Fax 512.231.1129 www.huitt-zollars.com

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## Parking Requirements around Texas for Multifamily Projects

## Kyle, TX Section 53-33

2 spaces for each living unit

And one half space for each additional bedroom unit

- 1.5 spaces for each one bedroom unit
- 2.0 spaces for each two bedroom unit
- 2.5 spaces for each three bedroom unit
- 3.0 spaces for each four bedroom unit.

## San Antonio, TX Chapter 35-526 Parking & Loading

https://webapps1.sanantonio.gov/dsddocumentcentral/upload/Jan06ord05 Standards.pdf

Multifamily Residential

1.5 parking spaces per unit (for 25 - 50 units maximum)

# Austin, TX <u>Chapter</u> 25-6 Appendix A Table of Off-Street Parking and Loading Requirements Multifamily Residential

- 1.50 spaces for one bedroom dwelling unit
- 1.50 spaces for dwelling unit larger than one unit

plus 0.5 spaces for each additional bedroom

## Houston, TX <a href="http://www.houstontx.gov/planning/DevelopRegs/docs-pdfs/parking-req.pdf">http://www.houstontx.gov/planning/DevelopRegs/docs-pdfs/parking-req.pdf</a> Class 2 Residential

- a. Apartments
- 1.250 spaces for each efficiency
- 1.333 spaces for each one bedroom apartment
- 1.666 spaces for each two bedroom apartment
- 2.0 spaces for each apartment with three (3) or more bedrooms

#### Dallas, TX Zoning

Requirements for Multifamily Zoned Ares

One space for each 500 square feet of dwelling unit floor area

Except in Central Business Districts, only one space for 2,000 sq ft of dwelling unit floor area.

### Fort Worth, TX

**Chapter** 6 Development Standards Multifamily Residential

- 1 space per bedroom plus 1 space per 250 square feet of common space, offices, and recreation
- 2 spaces may be tandem is assigned to the same unit and restricted from storage use.