



CITY COUNCIL COMMUNICATION

March 8, 2011

SUBJECT: Continue Public Hearing for Planned Development Case No. 10-02-PD and Consider First and Final Reading of Ordinance No. 1904

SUBMITTED BY: Mike Collins, Director of Planning and Economic Development

REFERENCE NO: 10-02-PD

ACTION REQUESTED:

Continue the public hearing regarding a request for a Planned Development to change the zoning of A Barnard Survey, A-107, Tract 1A and 1C; Adam Bradford Survey, A-152, Tracts 1, 1A2, 1A3, 1A4, 1A07, 1B, 4, 4B, 4B1, 4B1A, 4B1A2, 4B2, 4B2A, 4C, 4C1, 4C2, 4D, 4D1, 4D2, 4E, 5, 5A, 5A1, 5A1A, and 5B from C-2 (Community Business District) into PD (Planned Development) and approve Ordinance No. 1904, concurring with the Planning and Zoning Commission's 7-0 recommendation on March 1, 2011. This property is located at the northwest corner of Airport Freeway and Highway 360 extending north to Harwood Road.

ALTERNATIVES:

1. Conduct and close the Public Hearing.
2. Approve the request – *simple majority*
3. Approve the request with modifications – *simple majority*
4. Deny the request – *simple majority*

SUMMARY OF ACTIONS TAKEN BY PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommended at its' March 1, 2011, meeting approval of the PD with amendments so that the following sections would read :

Section 3 H) Use of Alternative Materials - Commercial and mixed use development shall be constructed in accordance with the material standards in Section 10 of this Ordinance unless modification is approved by the City Council. In order to obtain a modification to the required building materials, the applicant shall provide color elevations describing the materials on the structure, and the percentage of each material on the structure. The use of alternate materials, shall be a discretionary decision of the City Council following a recommendation from the Planning and Zoning Commission. In granting a modification to the required building materials, the City Council shall first determine that the alternative materials are consistent with the goals

of this Ordinance and provide the same degree of durability, safety, and aesthetic appeal as the required materials in Section 10. Such an exception may be considered concurrent with the site plan.

Section 6 Table of Permitted Uses – Add language to the Special Conditions Oil and Gas Extraction to read: Must conform to Chapter 40 Gas Drilling and Production.

The Planning and Zoning Commission also discussed its' desire to enable composite materials to be permitted for residential fence construction. Staff did not have specific language for an amendment to be approved during the meeting, so the P&Z directed staff to present an amendment to the City Council consistent with their intent. Staff would therefore recommend that the following amendment be considered by the City Council:

Add to Section 12 B) Fence Standards.

Add language to Fence types and descriptions: “Premium Composite Fence: Residential applications only, solid composite wood/plastic fencing colored to match wood grains and colors”.

Add language to Restrictions related to use of the Premium Composite Fence: “Permitted on Lot Types R1, R2, R3, R4, R5, R6. Fence cannot exceed 6 feet in height and must remain inside building setback lines”.

SUMMARY OF SUBJECT:

Applicant: Realty Capital, represented by Richard Myers, Tim Coltart, and Dan Quinto

Location/Zoning: 200 acres of C-2 zoned property out of the northwest corner of SH 183 and SH 360. The zone change proposes the following amount and categories of zoning:

76 acres of T5c - enabling a variety of retail, office, and commercial uses on the east side of Bear Creek Parkway and south of Midway Road;

20 acres of T5a, which allows multi-family, single-family attached or detached residential on the east side of Bear Creek Parkway and south of Midway Road;

25 acres of T4b - which allows townhomes and zero lot line residential;

70 acres of T4a – enabling single family detached;

Any of the property located on east side of Bear Creek Parkway and south of Midway Road can be used for T5b mixed use, but only after construction of the riverwalk amenity. The ground floor of all the buildings must be built to commercial building standards and shall be used for retail, office or commercial uses only.

Riverwalk: The riverwalk, to be located on east side of Bear Creek Parkway and south of Midway Road, must be built to the following standards:

- A minimum build out length of 3000'; The initial segment constructed must be 750 linear feet and must be built when the first application for commercial construction within 150 linear feet of the riverwalk or application for mixed use construction is made:
- Variable width averaging 18', not less than 15', with a hard edge, dark bottom, and stone treatment to create a natural look;
- Will provide continuous pedestrian access and opportunities for private development to build to the water's edge.
- The developer would have the flexibility to establish the alignment of the water feature within the 750' and plan it together with the mixed use and/or commercial project being proposed.

Permitted Uses Table: A separate permitted uses table has been created that contains primarily retail, office, and commercial businesses. Uses that are related to industrial, manufacturing or other related activities are not permitted. Integral to the success of the Riverwalk will be establishing the area as an entertainment district. Businesses including microbrewers, drinking establishments or pool halls that are located in less than 8,000 s.f. are permitted by right in the T5c commercial and T5b mixed use districts, but only if alcohol sales do not exceed 75% of gross sales. These same uses will require a Specific Use Permit if they locate in space exceeding 8,000 s.f.

Project Description: Under the Riverwalk! PD, the slightly less than 200 acre area would be developed as an integrated residential, commercial and mixed use project designed around a central riverwalk amenity that will serve as the integral component of the development.

The planning principles contained in the proposed PD are referred to as form-based codes. These codes encourage predictable built results and a high-quality street environment by using physical form (rather than separation of uses) as the organizing principle for the ordinance. They are regulations, not mere guidelines.

Form-based codes address the relationship between the building facades and the street environment, how buildings are constructed in relation to one another, and the scale and types of streets. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to the Regulating Plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the community that the ordinance implements.

Design Standards: Multiple roadway types are permitted and will be located based on the kind of development abutting the street. All roadway types will provide emergency service access and will meet City requirements. Streets will be designed to create tree-lined streets with sidewalks.

A variety of commercial and residential lot types are established to match the permitted land uses with the types of lots appropriate to the use and the quality of the streetscape.

Building design standards are established for both commercial and residential construction. Specific to residential, these architectural design standards will increase the likelihood that a good quality residential product will be developed. The materials used for all structures will be in compliance with the Unified Development Code. Specific to commercial development, the applicant will be permitted to seek an exception to these masonry standards. The applicant would submit a color illustration of the elevation showing use of the alternative material(s). The exception would be considered concurrently with the site plan by the Planning and Zoning Commission and City Council.

Minimum open space, trail connections and green ways have been established that will result in seamless pedestrian access throughout the overall development. These elements are among the highest priority in the development and will incorporate attentive and creative design.

Sign location standards in the PD are consistent with those found in the Glade Parks PD. The Riverwalk! contains one difference. If you approach this property on Airport Freeway from the east, your view is blocked by the S.H. 360 overpasses. Therefore, the PD would permit the developer to place one (1) ninety foot sign on the Airport Freeway frontage road at Bear Creek Parkway that would be used to display the name of the development and improve the visibility for the project.

Development Process: The arrangement of the Sub-Zone districts in the Riverwalk! Development Code is governed by the Regulating Plan. This plan, along with the constraining text, rules and tables of Section 5 of the ordinance, designates the general locations and spatial relationship of the Sub-Zone districts within the development. As sections of the property are brought forward for development, the Regulating Plan is further defined by tying down the specific locations of each of the Sub-Zones and how each development project fits within that Sub-Zone.

The process designed to further define the Sub-Zones is the Concept Plan. The Concept Plan shows how the Sub-Zones will be specifically laid out on the property, how open space, trails and the riverwalk amenity in that area will be integrated into the development, the arrangement of land uses, and the arrangement of collector streets. The Concept Plan, to be approved by both the Commission and City Council, is required of all development within the district either before, or along with, the consideration of the Preliminary Plat and Site Plan.

At their March 1, 2011 public hearing, the Planning and Zoning Commission voted 7-0 to recommend approval.

FINANCIAL CONSIDERATIONS:

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Over/Under Projection By:

Other Comments:

SUPPORTING DOCUMENTS:

- Ordinance No. 1904
- Draft Minutes – P & Z
- Application
- Letter of Approval: Lieven J. Van Riet
- Letter of Opposition: Harvey Holden
- Map 1, Map 2, and Map 3

APPROVED BY:

_____ **CB** _____

City Manager's Office

_____ **KS** _____

City Secretary's Office