



Council Communication

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In Control: City Council

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SECOND AND FINAL READING OF AN ORDINANCE APPROVING COMMONS AT 104TH 1ST AMENDMENT PUD ZONE DOCUMENT TO ALLOW ADDITIONAL LAND USES AND THEIR ASSOCIATED BULK STANDARDS FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF POTOMAC STREET AND E. 104TH AVENUE.

Summary & Background

Southwestern Property Corp has submitted this application in order to allow multi-family residential land uses in addition to the already-allowed uses in the Commons at 104th PUD. The subject property is located at the southeast corner of E. 104th Avenue and Potomac Street and contains a total of approximately 16.57 acres. The property is divided into two planning areas: Planning Area A (6.97 Acres) and Planning Area B (9.60 Acres). The proposed amendment will allow commercial uses in Planning Area A along E. 104th Avenue and multi-family residential uses in Planning Area B to the south.

The original PUD was approved by City Council in 2008 and does not allow for multi-family residential uses. The applicant intends to use Planning Area A for commercial pad sites along E. 104th Avenue. Planning Area B will be developed for a multi-family residential use with approximately 228 units. The Development Review Team (DRT) review of the proposed PUD amendment indicates that it meets the Land Development Code (LDC) requirements. The traffic, drainage, and other technical requirements were reviewed and found to be acceptable by the City's Engineering staff.

The Comprehensive Plan and Future Land Use Map call for this area to be Mixed-Use (corridor and commercial), per a Land Use Plan Amendment (LUP-55-19) that was approved by City Council in 2019. The proposed amendment to allow multi-family residential land uses will be in line with the land use plan amendment to a future designation of Mixed-Use. Mixed-Use allows for commercial uses and high density residential which is compatible with the overall area and surrounding development. The development along the frontage E. 104th Avenue will remain non-residential.

Per Section 21-3251(2) of the City's LDC, Planned Unit Developments reviewed by the DRT and the Director of Community Development. Then the Planning Commission holds a public hearing and provides a recommendation to the City Council. City Council holds a public hearing and makes a final decision to approve, approve with conditions, or deny the application based on the approval criteria from Section 21-3251(3). On October 17, 2022 this Ordinance was introduced by council and approved with the following motions:

1. Cap residential development at 50% until a time at which 25% of the frontage of 104th Ave, zoned commercial, is under vertical construction 2. change the use of service stations, fuel sales, and car wash from use by right to conditional use 3. change the use of restaurants with drive-thru from a use by right to a conditional use. These conditions were incorporated into the updated Commons at 104th 1st Amendment PUD Zone Document (pg. 5).

Staff Responsible (Department Head): Jim Tolbert, Community Development

Staff Presenting: Dalton Guerra, City Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On September 6, 2022, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the PUD Amendment request to City Council with a recommendation for approval.

Alternatives:

City Council can vote to approve the application, in accordance with the PC recommendation;

Approve the application with conditions; or

City Council can vote to deny the application.