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## MEMORANDUM

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**To:** Mayor Huseman and City Councilors

**From:** Jim Tolbert, Community Development Director  
Dalton Guerra, Planner II

**Date:** October 17 2022

**Subject:** Z-860-07-08-18-22: An Ordinance Amending the Commons at 104<sup>th</sup> PUD  
Zone Document

**Title**

AN ORDINANCE APPROVING AMENDMENT NO. 1 TO THE COMMONS AT 104TH 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 and Background Information**

Southwestern Property Corp has submitted this application in order to allow multi-family residential land 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 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 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 current zoning and 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.

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).

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 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.

<b>Staff</b>	<b>Responsible</b>	<b>(Department</b>	<b>Head)</b>
Jim Tolbert,	Community Development		

**Staff Member 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.

**Alternative:**  
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.

**Suggested Motion**  
I move that the City Council enter a finding that the requested PUD Amendment for the subject property contained in case Z-860-07-08-18-22 meets the criteria of the Land Development Code and, based upon such finding, approve the PUD Amendment to allow additional land uses.

**Attachment List** \_\_\_\_\_ 2

Planning Commission Staff Report  
Vicinity Map  
Applicant Narrative  
Commons at 104<sup>th</sup> PUD Amendment No.1  
Concept Site Plan  
Traffic Letter  
Drainage Letter  
Can Serve Letter  
Comment Letters  
Planning Commission Minutes  
Staff Presentation  
Applicant Presentation