



AGENDA ITEM SUMMARY REPORT

MEETING DATE: May 4, 2023

PREPARED BY: Otis T. Spriggs, AICP, Director of Development Services

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on a request for approval of an ordinance rezoning 13.002 acres from the (SF-6.3) Single Family Zoning District to the Planned District (PD), SFA, Single Family Attached base zoning district for property located at 710 W. Mulberry St., west of N. Walker St.

AGENDA ITEM SECTION: Public Hearing and Action Item

BUDGETED AMOUNT: N/A **FUNDS REQUESTED:** N/A

FUND: N/A

Property Description: Legal Description: A0699 M C TOBIN TRACT 49-51-56 ACRES 13.002 of the Deed Records of Brazoria County, Texas.

EXECUTIVE SUMMARY:

This is a rezoning request that was received from Corey Boyer. He hopes to repurpose a previously approved single family residential subdivision that is current at the construction initiation stage. The developer has petitioned to rezone the property to PD-Planned District, SFA for a townhome development concept for Mulberry Fields (41 home sites to now proposed 82 townhomes, 2-3 bedrooms), for a workforce housing concept (\$200-\$220k Sales Range for purchase). The development will be managed by an established homeowner's association (HOA).

Approximately 1-acre Greenspace/parking area (21 parking spaces) is proposed.

There are 2 points of egress/ingress off Walker Street and with limitation of a right turn out movement on to Mulberry SH 35 (left turn in). A previous traffic analysis was performed; however, the developer is agreeable to no left-turn out of the development. Street parking would be allowed on the 28 ft. street pavement.

The lot layout would yield a 25 ft. build-line in front; 30 ft. rear yards, which will be fenced.

The developer is proposing 21 visitor parking spaces in the center of the layout with some amount of greenspace/park and/or dog park area.

Surrounding Land Uses

North: Tesla Battery Park, TNP Substation, Broad Reach Power BRP utility power plant

South: Tire shop; Tiny Treasures Learning City, Angleton Firewood Guy

East: Cellphone Towers (West Walker St.)

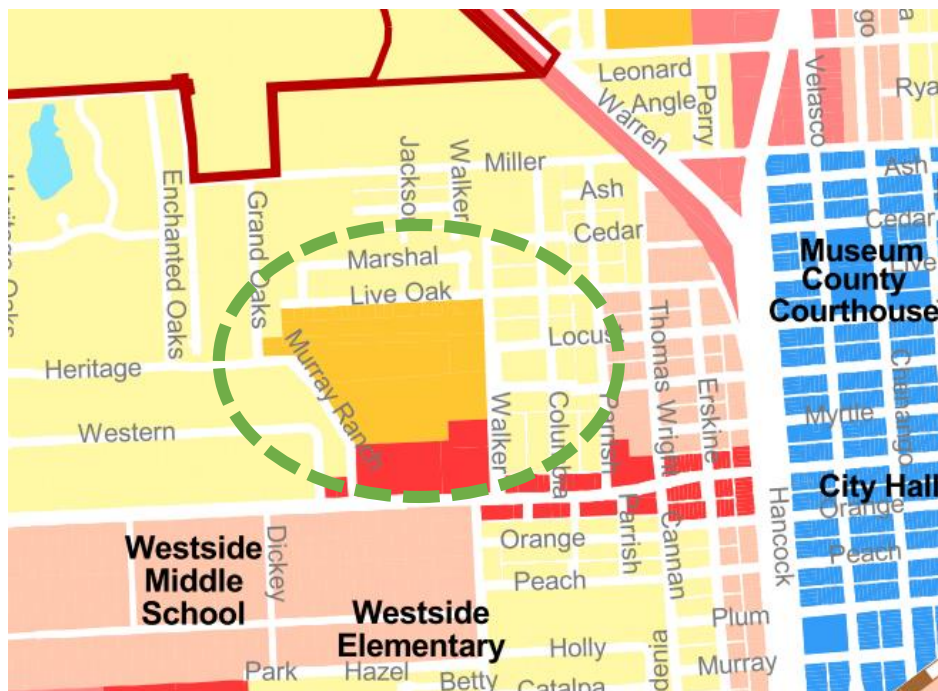
West: Single Family Homes

Comprehensive Plan: Land Use Plan Consistency:

For the subject site the recommended uses of the adopted Comprehensive Plan fall under the Multi-Family category:

Multifamily represents structures of more than two units. While single family and duplex units may be included, the role of multifamily activity is to permit structures of higher density. Accessory uses such as recreation facilities, services and limited commercial activity, such as first floor commercial with residential structures above are appropriate. The zoning ordinance should provide for varying densities and development types through different zoning districts.

Staff finds that the proposed use is consistent with the adopted Comprehensive Plan and Land Use Plan. Given the surrounding uses, the proposed use provides a compatible transition from the commercial uses along SH 35 and more intense uses to the north between the residential to the west.



Adopted Future Land Use Plan

Review Criteria and Findings of Fact:

In making a determination regarding a requested zoning change, the planning and zoning commission and the city council shall consider the following factors:

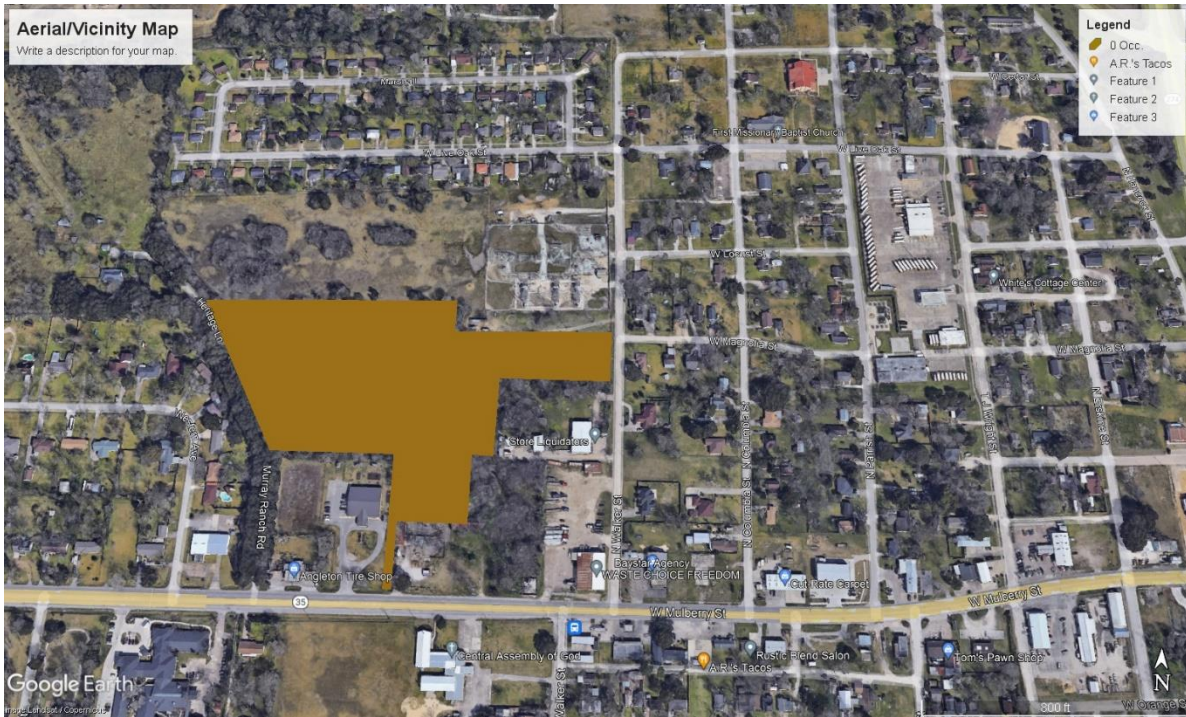
- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole. **(Staff concurs the property is more appropriate as residential as opposed to the existing commercial zoning which results in spot zoning).**
- b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area; **(There will be no negative impact on said capacity of public improvements).**
- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unavailable for development; **(Opportunities for infill development are adequate in the surrounding area; developing the property as commercial is not feasible and would not provide adequate commercial parking).**
- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change **(Area is a stable residential neighborhood (approximately 40 yrs. old); this will provide a transitional buffer next to the Broad Reach Power BRP utility power plant to the south).**
- e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved. **(This rezoning will provide for infill reinvestment, and a positive investment to the neighborhood with a quality purchase infill housing option).**
- f. Any other factors that will substantially affect the public health, safety, morals, or general welfare. **(No factors will negatively affect the public health, safety, morals or general welfare).**



VICINITY MAP: 710 W. MULBERRY ST.

0 145 290 580 870 1,160
Feet

Aerial Map Views



Staff Analysis:

The applicant seeks to rezone the property to a PD, with a base zoning of the SFA zoning district. The Zoning Ordinance Sec. 28-50. - SFA—Single-family attached residential district (Townhomes), outlines the requirements that must be met by this request.

General purpose and description: The SFA—Single-Family Attached Residential, district is intended to promote stable, quality, attached-occupancy residential development on individual lots at

higher residential densities. Individual ownership of each lot and dwelling unit is encouraged. Sec. 28-50. - SFA—Single-family attached residential district (Townhomes).

Height regulations:

- (1) Maximum height:
 - a. Two and one-half stories, and not to exceed 35 feet, for the main building or house.
- (d) Area regulations:
 - (1) Size of lots:
 - a. Minimum lot area: 2,500 square feet.
 - b. Maximum density: Ten units per gross acre of land area within the development.
 - c. Maximum project size: The maximum size of a single-family attached residential development shall be 25 acres.
 - d. Minimum lot width: 20 feet.
 - e. Minimum lot depth: 100 feet.
 - (2) Size of yards:
 - a. Minimum front yard: 15 feet; front yard setbacks shall be staggered in at least four-foot increments such that no more than two units have the same front setback in a row; no front-entry garages permitted unless the garage door or carport access opening is set back at least 20 feet from the property line (i.e., the right-of-way or street easement line).
 - b. Minimum side yard:
 - 1. Single-family attached dwellings shall not have an interior side yard; however, a minimum ten-foot side yard is required for a corner lot adjacent to a residential street or alley that only serves lots within the SFA subdivision, a minimum 15-foot side yard is required for a corner lot adjacent to a residential or collector street serving lots outside the SFA subdivision, a minimum 20-foot side yard is required for a corner lot adjacent to an arterial street. The ends of any two adjacent building complexes or rows of buildings shall be at least 15 feet apart.
 - 2. A complex or continuous row of attached single-family dwellings shall have a minimum length of four dwelling units (quadriplex), a maximum length of eight dwelling units.
 - c. Minimum rear yard: 15 feet for the main building and any accessory building(s); 20 feet for rear entry garage.
- (3) Maximum lot coverage: 70 percent by main and accessory buildings on each individual lot.
- (4) Parking regulations:
 - a. A minimum of two parking spaces for each dwelling unit, located in front, behind, beside or incorporated into the dwelling unit and located on the same lot as each dwelling unit (see section 28-101, off-street parking and loading requirements).
 - b. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of one guest/visitor space per four units. SFA developments that include a two-car

garage or carport and driveway area equivalent to two additional parking spaces on each lot are not required to provide visitor parking spaces.

c. Additional parking shall be required for any recreational uses, clubhouse, office, sales offices and other similar accessory structures and uses.

(5) Minimum floor area per dwelling unit: 800 square feet of air-conditioned floor area.

(e) Special requirements:

(1) Maintenance requirements for common areas. A property owners association is required for continued maintenance of common land and facilities.

(4) All utilities shall be provided separately to each lot within an SFA district so that each unit is individually metered.

(6) Each SFA lot shall contain a private yard with not less than 300 square feet of area (i.e., a back yard or large side yard). Private yards may include a patio cover, gazebo or other similar non-enclosed structure which does not cover more than 25 percent of the area of the private yard, and they may also include a swimming pool, swing set, play fort, or other private leisure amenity.

(7) The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

(8) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

(9) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.

(10) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.

(11) Homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.

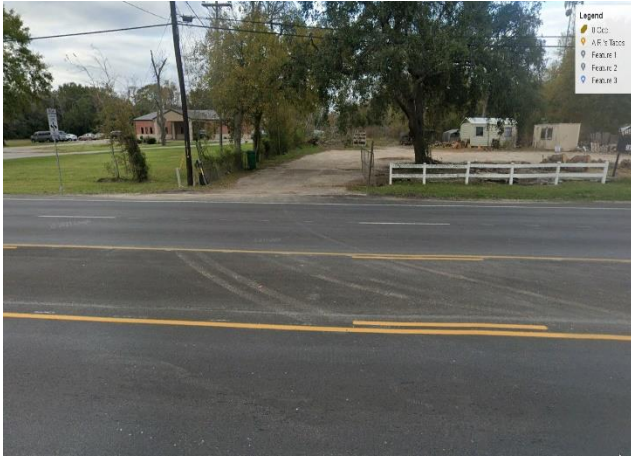
(12) Fencing, walls and screening requirements (section 28-104).

(13) Screening requirements. A screening fence along shared property lines between SFA districts and other single-family zoning districts shall be required. Said screening fence shall comply with the requirements of section 28-104.

Prototype Samples of Proposed Townhomes



SITE PHOTOS



VIEW LOOKING AT ENTRANCE TO SITE



VIEW LOOKING AT ADAJACENT WOOD BUSINESS



VIEW LOOKING OF PROPERTY FRONTAGE ALONG SH35



VIEW OF CHURCH ACROSS SH35 FROM SITE

RECOMMENDATION:

The Planning and Zoning Commission should conduct the public hearing and receive public comments on a rezoning of 13.002 acres from the (SF-6.3) Single Family Zoning District to the Planned District (PD), SFA, Single Family Attached base zoning district, for property located at 710 W. Mulberry St., west of N. Walker St.; and the Commission should recommend approval of the rezoning conditioned upon an agreed Development Agreement in compliance with Code Section 28-50. - SFA—Single-family attached residential district (Townhomes), and that a revised Concept Plan be revised to include any recommended changes by the P&Z Commission, to be submitted prior to final Council action.