

STAFF REPORT

DATE: 04/23/2025

TO: Bel Aire Planning Commission

FROM: Paula Downs

RE: Agenda

STAFF COMMUNICATION

FOR MEETING OF	5/6/2025
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY: PUD-25-01 An Amendment to the Tierra Verde PUD, that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements.

General Location: The subject property is generally located between 45th and 49th, on Tierra Lakes Pkwy and West of Webb Road and is currently platted as Lot 1, Block 2, Tierra Verde South Addition.

Background:

The city placed notification on the City of Bel Aire's website as required by city code. The affidavit of publication is provided. The PUD process required notification of surrounding property owners. Publication notification was made on March 20, 2025, to all known property owners as of January 21, 2025.

Lot 1, Block 2, Tierra Verde South Addition was originally platted September 21, 2009.

Case History:

1. Planning Commission Meeting: May 11, 2023

PUD-23-02- Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have a re-platting changes at this time.

The Planning Commission recommended approval to amend the Tierra Verde South Addition PUD to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3. The original C-1 designation would also remain to encourage development of the property.

The applicant wanted to allow R-6 Zoning uses to provide more options for development. The land has sat relatively vacant for a long time and the ability to do some mixed use will benefit with the ability for variety. At that time, there was no specific use for the properties.

2. City Council Meeting: June 20, 2023

PUD-23-02 was on the agenda with an Amended PUD Agreement. Council approved the Planning Commission's recommendation to amend the Tierra Verde South Addition PUD Agreement to include R-5 and R-6 multi-family zoning with the condition that R-6 not be allowed in Lot 3 and authorize signatures. The amended PUD Agreement was signed June 20, 2023, and filed with the Register of Deeds on July 26, 2023.

3. Planning Commission Meeting: January 11, 2024

PUD-23-04 (Formally PUD-23-02) Proposed document changes within the current PUD to allow single family, duplex, and multi-family. R-5 and R-6 zoning districts Tierra Verde South Addition PUD; doesn't have re-platting changes at this time. The case was advertised.

The case had been approved by the Planning Commission and nothing about the design, site plan or anything regarding those facts has changed. The only change was that the original application only had one owner's signature and in this case there are two owners requiring both signatures. In addition, it was agreed that apartments would not be placed on Reserve A, Block 2 which is excluded from R-6 uses.

Planning Commission approved the case.

Amended Planned Unit Development Agreement, dated December 13, 2023, was part of the agenda packet.

The PUD agreement was updated and dated January 12, 2024.

4. City Council Meeting- February 20, 2024

PUD-23-04- Ordinance 716 was approved by the City Council at their February 20, 2024, meeting. The Council approved additional zoning classifications and excluded R-6 zoning uses from Lot 3, Block 1 and Reserve A, Block 2.

5. City Council Meeting- April 2, 2024

The Amended PUD document dated January 12, 2024, was brought before the City Council for approval. Agreement was approved and signed on April 3, 2024. The document was filed with the Register of Deeds April 16, 2024.

6. Planning Commission Meeting- November 14, 2024

Sketch Plan- Tierra Verde South, Lot 1, Block 2 was submitted for discussion and general feedback.

Developer shared that they were going to reduce some of the current setbacks with the submission of a PUD application. The Commission suggested reducing an easement and keeping setbacks with minimum sizes listed in the zoning code.

No recommendations or action was taken by the Commission.

7. Planning Commission Meeting- April 10, 2025

Commission reviewed application that amends the allowed density of units, minimum setbacks, height and area regulations, parking, and landscape requirements. Zoning code requirements were provided for each application request.

After agenda document review and discussion of the review considerations in the staff report, the Planning Commission motioned to recommend that the City Council approve the application.

Current Discussion:

PUD-25-01- Amended PUD Agreement sets out the following requests for Lot 1, Block 2 referenced in the PUD Agreement as Parcel 4. Lot 1, Block 2 follows R-6 zoning district requirements:

1. Minimum Setbacks:

- a. Zoning Code Requirements:
 - i. Front Building Setback- 30'
 - ii. Side-Yard Setback- 15'
 - iii. Rear Building Setback- 35'
- b. PUD-25-01:
 - i. Front Building Setback- 25'
 - ii. Side-Yard Setback- 20'
 - iii. Rear Building Setback- 20'

2. Minimum Building Separation Distance:

- a. Zoning Code Requirement: 45'
- b. PUD-25-01:
 - i. Requesting 12'
 - ii. Site Plan provides 15'

3. Minimum Parking Setback

- a. Zoning Code Requirements:
 - i. Front Building Setback- 30'
 - ii. Side-Yard Setback- 15'
 - iii. Rear Building Setback- 35'
- b. PUD-25-01:
 - i. Front Building Setback- 25'
 - ii. Side-Yard Setback- 20'

iii. Rear Building Setback- 20'

4. Minimum Paving Setback:

- a. Zoning Code Requirement: 20'
- b. PUD-25-01- 10'

5. Minimum Lot Area Per Dwelling unit:

a. General Notes:

- i. **74,302 s.f. on lot 1**
- ii. **Development calls for 24 dwelling units. 12 two-story buildings each story with a dwelling unit (could be described as a vertical two-family dwelling)**

b. Zoning Code Requirement:

- i. 3,630 feet
- ii. 20.5 dwelling units

c. PUD-25-01:

- i. 2,094 feet (calculations would require 3,096 s.f.)
- ii. 15 dwelling units per acre (Have 24 dwelling units/12 Buildings per acre)

6. Minimum Number of Required Parking Spaces Per Dwelling Unit:

a. Zoning Code Requirement:

- i. Total number of parking spaces per dwelling unit- 4
- ii. Total number of required parking spaces for site – 48 (4 spaces x 12 dwelling units)
- iii. 2 of the 4 required to be enclosed

b. PUD-25-01:

- i. 1.75 spaces per dwelling unit
- ii. Total number of parking spaces for site – 42 (1.75 x 12 dwelling units)
- iii. No parking spaces enclosed
- iv. Site shows 42 total parking spaces

7. Minimum Number of Large Deciduous Shade or Evergreen Trees:

- a. Zoning Code Requirement: 4 trees for every two-family dwelling unit
- b. PUD-25-01: 1 tree for every two-family dwelling unit

Review Considerations:

1. Character of the neighborhood

The character of the neighborhood is in line with the surrounding properties and the current neighborhood.

Neighborhood is largely undeveloped. Non-residential use (Bel Aire Recovery Center) exists across Tierra Lakes Parkway to the southwest.

North of subject property is Skyview at Block 49 Addition which is a two-family residential district.

2. Zoning and uses of nearby properties

North: Allowed Zoning Districts: R-5; C-1; C-2. Platted as a Reserve, currently undeveloped.

East: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped.

South: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped.

West: Allowed Zoning Districts: R-5; R-6' C-1; C-2. currently undeveloped except for lot 2, Block 1- Bel Aire Recovery Center

3. Suitability of the subject property for the uses to which it has been restricted

The property is adequately suited for the permitted uses currently allowed.

4. Extent to which removal of the restrictions will detrimentally affect nearby property

No detrimental impact to nearby properties is expected.

5. Length of time the property has been vacant as zoned

The property was originally platted in 2009. The property has been undeveloped for 16 years under its current zoning.

6. Relative gain to the public health, safety, and welfare as compared to the loss in value or the hardship imposed upon the applicant

Denial of the application is not expected to provide relative gain to the public health, safety and welfare. Approval of the application would result in no loss in value or hardship upon the applicant.

7. Conformance of the requested change to the adopted or recognized master plan being utilized by the city

The 2018 Master Growth Plan sets forth the property as General Commercial. Further, the Plan encourages PUDs to promote alternatives to traditional development models in these designated areas.

Tierra Verde South Addition plat and Planned Unit Development Agreements allow for R-5, R-6, C-1 and C-2 development.

8. Impact of the proposed development on community facilities

There is no impact on community facilities. Potable water and sanitary sewer services are already extended to the site and are adequately sized. The property has access to Tierra Lakes Parkway which is an improved road.

9. Opposition or support of neighborhood residents (one factor to be considered and by itself is not sufficient reason to approve or deny a request)

Property Owners as of March 20, 2025, have been notified. City staff have received no inquiries or feedback from notified residents for the May 6, 2025, hearing.

10. Recommendations of permanent staff

Key review criteria elements:

- 1) Length of time vacant. Lot 1, Block 2 has been undeveloped and vacant for 16 years and will be developed as an R-5 or R-6 district.
- 2) Character of the neighborhood based on uses of surrounding properties. Lot 1, Block 2 development will be developed in character of the surrounding properties.
- 3) Infrastructure public utilities and streets. Lot 1, Block 2 currently has public utilities and is supported by a local street- Tierra Lakes Parkway.

Although staff recognize that it is within the City's power to make replatting a condition of any zoning action, it recognizes the potential hardship this might place on the owner(s).

Staff recommend approval of the application pending the outcome of City Council review and public hearing.