

ZTA-21-05 (Ordinance 2021-22)  
Exhibit "A"  
Date: December 8, 2021

Revised: 12/15/2021  
02/07/2022



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### **Subject/Agenda Item:**

#### **Ordinance 2021-22: ZTA-21-05 – Mixed Use Development - Office Zoning District**

**Second Reading and Adoption:** A City-initiated text amendment to the Zoning Code in order to add community serving retail and food service uses to the mixed-use development – office district to expand the opportunities for development along the mixed use development – office district along South Jog Road.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

#### **Originating Department:**

**Planning & Engineering**

Project Manager

\_\_\_\_\_  
Kara Ferris

#### **Reviewed By:**

Director of Planning & Engineering

\_\_\_\_\_  
Kara L. Irwin-Ferris, AICP

#### **Approved By:**

**City Manager**

\_\_\_\_\_  
**Andrea McCue**

#### **Public Notice:**

☒ Required

☐ Not Required

PC Dates: 12/2/2021, 03/10/2022

Papers LWH

Mailing:

☐ Required

☒ Not Required

Notice Distance: \_\_\_\_\_

#### **Attachments:**

- Ordinance 2021-22

#### **City Council Action:**

☐ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: \_\_\_\_\_

## **I. Executive Summary**

The proposed zoning text amendment is a city-initiated request to amend the Mixed Use Development – Office (MXD-O) zoning district language. The existing district is located exclusively along South Jog Road from just south of the intersection with 10<sup>th</sup> Avenue North to the west side of South Jog Road and Dodd Road. The current district does not allow stand-alone residential use, only the mixture of residential with professional office and financial type uses. The City has had discussions with non-residential real estate marketing firms representing property owners within the district that have complained about the strict regulations for professional office, medical office, and financial institution uses combined with Residential. The complaint is that there is not a market for medical office along South Jog Road, as supported by the district. Medical Office uses have been developing along State Road 7, which is in close proximity to Wellington Regional Medical Center, which draws medical users to the area.

The community serving retail will allow for more uses to encourage the development of mixed-use by providing support uses for residential and office uses within the corridor. Due to recent changes in the market related to Covid, many employers are allowing employees to work from home and the demand for new office has declined.

There are currently three (3) vacant lots in the district and multiple opportunities for redevelopment.

## **II. Background**

### ***Background:***

All development under the MXD-O district must be exclusively nonresidential or must be a combination of residential and nonresidential components. For the residential component, a minimum of fifty (50) percent of any residential units proposed as apartments shall be integrated into the commercial structures. Exclusively residential projects are not allowed. A sliding scale is used to allow greater density and intensity as the size of the project site increases.

In 2014, the code was amended by application to remove specific non-residential uses from the zoning district, to not permit exclusively residential projects, and to amend the density requirements to address the existing small lot sizes in the existing zoning district.

The most recently approved project in the zoning district, Santa Catalina SP-15-04, was approved to build 14,450 square feet of office and 29 townhome units on 4.97 acres. To date, all residential units have been issued Certificates of Occupancy (CO), but the office use has not been built.

## **III. Proposed Zoning Code Amendments:**

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Text shown in ~~striketrough~~ is to be deleted. Text shown in underline is to be added:

**DIVISION 15. - MIXED USE DEVELOPMENT-OFFICE (MXD-O)**

**Sec. 16-558. - Purpose and intent.**

The mixed use development-office (MXD-O) district is intended to provide opportunities for a mixed use activity district that will accommodate a variety of residential housing types and densities, ~~and professional office uses, and community serving retail and restaurants~~ to be located within close proximity to each other. This district will be located only along major roadways, and will provide a transitional buffer between ~~commercial and~~ residential land uses. This district recognizes that all requested uses will be integrated both vertically and horizontally throughout the entire site.

**Sec. 16-559. - Permitted and conditional uses.**

The permitted principal uses and structures in the mixed development district MXD-O are as follows:

- (1) —~~[Reserved.]~~ Service establishments including barber shops, beauty shops, shoe repair, dry cleaning pickup stations and laundromats.
- (2) —~~[Reserved.]~~ Retail outlets, including bookstores, card and gift shops, hardware stores, arts and craft stores, television and radio, including repair incidental to sales, jewelry stores, including watch repair but not pawnshop, clothing stores, shoe stores and camera shops and supplies, including repair incidental to sales.
- (3) Townhouse development, subject to the provisions of section 16-856 et seq.
- (4) Cluster development, subject to the provisions of section 16-836 et seq.
- (5) Multi-family dwellings.
- (6) Apartment projects, subject to the provisions of section 16-871 et seq.
- (7) Publicly owned and operated parks and recreation areas.
- (8) Professional offices and services, which include travel agencies.
- (9) Medical and dental offices, subject to the requirements of section 16-764.
- (10) Business offices and services.
- (11) Financial, insurance and real estate offices.
- (12) ~~Travel agencies~~ Antique and florist shops.
- (13) Banks and financial institutions without drive-in facilities.
- (14) —~~[Reserved.]~~ Food services, including restaurants and carry-out restaurant, delicatessen, ice cream parlors and similar food establishments, but not drive-in restaurants.

**Sec. 16-560. - Accessory uses.**

The permitted accessory uses and structures in the MXD-O mixed use development district are as follows:

- (1) Uses, buildings and structures which:
  - a. Shall be customarily accessory and clearly incidental and subordinate to permitted or special exception uses and structures.
  - b. Shall be located on the same lot as the permitted or special exception principal use or structure.
  - c. Shall not involve operations or structures not in keeping with the purpose and intent of the zoning district that such use or structure is located in.
  - d. Shall not be rented or used as a separate dwelling unit.
- (2) Private gardens and nurseries, garages, swimming pools, tool houses and garden sheds, children's play areas and play equipment and the like subject to the provisions of (1) above.
- (3) Home occupations subject to the provisions of (1) above and section 16-740 et seq. regarding home occupations.
- (4) [Reserved.]

Sec. 16-561. - Special exceptions.

The special exceptions in the MXD-O mixed use development district which are subject to the provisions of section 16-171 et seq. are as follows:

- (1) Government services, including accessory buildings and structures. The public need for the particular facility in the proposed location must be clearly demonstrated by the applicant to the satisfaction of the city council.
- (2) ~~[Reserved.] Off-street parking lots in association with other permitted uses and special exceptions in this district:~~
  - a. ~~The applicant shall demonstrate that it is not feasible to physically locate all of the required off-street parking on the same parcel of land as the primary use.~~
  - b. ~~Required handicapped parking spaces shall not be located in an off-site parking facility. Off-site parking shall not account for more than thirty (30) percent of the required number of parking spaces when its location is not contiguous to the use it is intended to serve.~~
  - c. ~~Off-site parking shall not be located further than two hundred fifty (250) feet from the use it is intended to serve, as measured by the shortest distance between the two (2) closest property lines, and must be located on the same side of the street as the use it is intended to serve.~~
  - d. ~~There shall be no parking of recreational vehicles and/or boats for periods longer than twenty-four (24) hours.~~
  - e. ~~There shall be no sales, sales displays or other service activities of any kind.~~

Sec. 16-562. - Prohibited uses and structures.

The prohibited uses and structures in the MXD-O mixed use development district are as follows:

- (1) Any use, accessory use or component of use or structure not specifically or by reasonable implication permitted herein or permissible by special exception.
- (2) All outdoor storage and display of commercial goods and materials.
- (3) Mobile homes.
- (4) Adult entertainment establishments.

**Sec. 16-563. - Maximum residential density and commercial intensity.**

The intent of the MXD-O district is to provide an incremental scale of development options based on acreage. This district recognizes that it is in the best interest of the city and sound planning principles to provide incentives to encourage consolidation of smaller parcels. The maximum residential density and commercial intensity in the MXD-O mixed development district shall be based on the following minimum lot sizes:

Development Area	Residential Density	Nonresidential Lot Coverage/FAR
1—2.99 acres	4 dwelling units/acre	22% lot coverage/0.25 FAR
3—3.99 acres	5 dwelling units/acre	26% lot coverage/0.30 FAR
Greater than 4 acres	6 dwelling units/acre	30% lot coverage/0.35 FAR

All development under the MXD-O district must be exclusively nonresidential (i.e. "commercial only") or must be a combination of residential and nonresidential components (i.e. "mixed use"). For the residential component, a minimum of fifty (50) percent of any residential units proposed as apartments shall be integrated into the commercial structures. Exclusively residential projects are not allowed. Community serving commercial uses are permitted within the non-residential portion of the project, provided restaurant uses are limited to NMT 50% of gross floor area.

**Sec. 16-564. - Minimum lot requirements.**

The minimum lot requirements in the mixed use development office (MXD-O) district is as follows:

- a. *Width:* One hundred (100) feet.
- b. *Area:* One (1) acre (forty-three thousand five hundred sixty (43,560) square feet.

**Sec. 16-565. - Minimum yard and building separation requirements.**

- (1) The overall minimum yard requirements in the mixed use development MXD-O district are as follows:

	Residential Only	Commercial Only	Mixed Use
Front	25 feet minimum 95 feet maximum	25 feet minimum 95 feet maximum	25 feet minimum 95 feet maximum
Rear	25 feet	As set forth in section 16-572	25 feet
Side, Interior	10 feet	10 feet	10 feet
Side, Corner	15 feet	15 feet	15 feet

- (2) The distance between any two (2) multi-family buildings shall be twenty (20) feet for one-story buildings; twenty-five (25) feet for two-story buildings and thirty (30) feet for three-story buildings.

**Sec. 16-566.** - Maximum height of structures.

The maximum height of structures in the MXD-O mixed use development district is thirty-five (35) feet and limited to three (3) stories.

The maximum height of other permitted or permissible use[s] and structures shall be subject to staff review and determination on the basis of good planning and design. In no case shall any building or structure exceed thirty-five (35) feet in height.

**Sec. 16-567.** - Minimum living area.

The minimum required living area in the mixed use development MXD-O district is as follows:

- (1) One-bedroom (square feet) .....750
- (2) Two-bedroom (square feet) .....900
- (3) Three-bedroom (square feet) .....1,000

**Sec. 16-568.** - Building and site design.

The building and site design requirements in the mixed use development office district are as follows:

- (1) Building design shall be provided in accordance with section 16-51 et seq.
- (2) All buildings proposed as part of a development within an MXD-O development shall be constructed in a similar architectural style and using similar materials. Architectural

details shall be included addressing window and wall treatments, articulated roof lines, other architectural details as deemed appropriate by the department.

- (3) No entrance doors for any residential apartment units will face any public right-of-way.
- (4) Flat roofs are strictly prohibited.
- (5) Mechanical equipment or other utility features on roof, ground or buildings shall be screened from view with material harmonious with the building or shall be so located as not to be visible from any adjacent property.
- (6) So that the majority of the on-site parking ends up in the rear of the site, the building located closest to the major street frontage shall be oriented with its long dimension side parallel with the major street or otherwise oriented so that parking and vehicle circulation occupy no more than forty (40) percent of the frontage width of the site.
- (7) At least fifty (50) percent of the parking spaces shall be located further back on the site than the front wall of the building facing the major street.

**Sec. 16-569.** - Sign regulations.

The regulations regarding signs in the mixed use development-office district are in article VI, div. 4, sign standards.

**Sec. 16-570.** - Parking regulations.

The parking regulations in the mixed development districts is as follows:

- (1) Compact parking spaces:
  - a. Limited to a maximum of ten (10) percent of the aggregate parking spaces provided.
  - b. The dimensions of compact stalls are defined within subsection 16-1337(5).
  - c. Developer shall provide a plan showing how such spaces will be regulated and controlled.
- (2) Off-street parking shall be provided in accordance with subsection 16-1331.
- (3) Parking area lighting units shall be provided in accordance with subsection 16-1335(15).
- (4) Commercial service and delivery vehicle drop-off areas shall be screened from street view and adjacent residential uses so that no such operation is visible.
- (5) Shared parking may be utilized subject to the provisions of subsection 16-1335(20).

**Sec. 16-571.** - Landscaping and screening.

The landscaping and screening requirements set forth in section 16-1286 et seq. shall apply throughout the mixed development district with the following exceptions:

- (1) One (1) tree at a minimum of twelve (12) feet in height shall be provided for each twenty (20) lineal feet within any perimeter landscaping strip which abuts a residential zoning district or existing residential development.

- (2) All required perimeter landscaping strips shall be a minimum width of twenty (20) feet where adjacent to a major roadway, fifteen (15) feet where adjacent to a minor roadway and in the rear, and seven (7) feet on the sides and elsewhere.
- (3) Adjacent sites shall be designed with a similar compatible palette or landscape materials in the front landscape buffer.

**Sec. 16-572. - Supplemental standards for nonresidential projects.**

The following requirements must be met for projects featuring only nonresidential uses (i.e. projects without a residential component):

- (1) The minimum rear setback shall be one hundred (100) feet or twenty-five (25) percent of the site depth, whichever is less, when adjacent to a residential zoning district or existing residential development and twenty-five (25) feet in all other cases.
- (2) A six-foot high masonry wall shall be provided as part of the landscape buffer along all sides adjacent to residential zoning districts or existing residential development.

**IV. Staff Analysis:**

City staff initiated this code change after discussions with marketing and real estate professionals trying to develop projects with the existing zoning district. After reviewing the City's current standards, staff determined that there was a need to revise district regulations to include community serving commercial uses, including retail, personal services, and restaurants. Staff included more allowable uses to maintain the City's commitment to encouraging economic viability of the area.

***Land Development Staff Comments:***

The petition was reviewed by the Land Development Staff on November 18, 2021 and recommended for approval.

Planning and Engineering Department:	No objections
Building Department:	No objections
Fire Rescue Department:	No objections
Public Works Department:	No objections
PBSO District #16	No objections

**V. Zoning Text Amendment Criteria:**

**A. *The need and justification for these changes:***

The proposed change is needed to permit the development of vacant and entitled property within the existing zoning district. The previous regulations were too restrictive for parcels located along South Jog Road.



- B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City codes.

**VI. Staff Recommendation:**

*Approval* of ZTA-21-05.

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**PLANNING COMMISSION RECOMMENDATION – December 15, 2021**

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The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Robarts, by a vote of four (4) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-05** (*Mixed Use Development-Office*) as presented by staff.

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**CITY COUNCIL ACTION First Reading – February 7, 2022**

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The City Council on a motion made by Councilmember Bousquet and seconded by Deputy Mayor Tharp, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-05** (*Mixed Use Development-Office*) on first reading as presented by staff.

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**CITY COUNCIL ACTION Adoption Hearing –**

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