

## **MAYOR AND COUNCIL COMMUNICATION**

**DATE:** January 17, 2023

**TO:** Mayor and Council

**FROM:** Melinda Moritz, Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Discussion and Possible Action to Consider Approval of an Ordinance Authorizing a Zone Change from B-1 Small Business District, with SO, Sustainability Overlay District Zoning to R-3 Multi-Family Dwelling District, with Sustainability Overlay District, on a 0.854-Acre Tract of Land Located in the 7500 Block of Huebner Road Between Hoofs and Evers (1st Read Held on 12/20/22)

### **PURPOSE**

A rezoning request has been received to rezone approximately 0.854 acres of land from B-1, with Sustainability Overlay District to R-3 Multiple Family Dwelling District. The parcel is located in the 7500 block of Huebner Road, between Hoofs and Evers Road and is a part of Lot 7, CB 4445L, Dirt V-Murchison-Huebner Subdivision.

### **History**

- 1985 – 6.8 acres rezoned from R-1 Single Family to B-1 Small Business
- 1991 – a request is denied to rezone 12.86 acres from B-1 Small Business to B-2 Retail
- 2013 - 1.709 acres of the lot is rezoned from B-1 Small Business with Sustainability Overlay to B-2 Retail with Sustainability Overlay
- 2017 – a request is denied to rezone this portion of the lot from B-1 with Sustainability Overlay to B-2 Retail with Sustainability Overlay

### **Surrounding Zoning**

- North - developed R-1 Single Family
- South – developed R-1 Single Family
- East – developed R-1 Single Family Dwelling
- West – developed R-6 Garden Home (Pavona Place) and developed and undeveloped B-2 Retail with Sustainability Overlay (vacant parcel, Silo Park, Church, DPS Office)

### **Master Plan**

Section 7N Canterfield Area addresses this area noting that any undeveloped land in this area should be considered for rezoning to R-1 Single Family, R-4 Townhouse, R-6

Garden House, R-7 Single Family Medium Density, and MX-1 Mixed Use zoning

The Pavona Place Section notes that this area includes several large vacant tracts with potential for increased residential development. It further states that the area also includes existing vacant areas currently zoned B-1 (Small Business) and B-2 (Retail) that are encouraged to be rezoned as R-1 (Single-Family), R-3A (Multiple-Family Retirement), or R-6 (Garden Home) and encourages any proposed commercial development to exceed open/green space requirements.

## **Zoning Regulations**

The R-3 district is composed of areas containing multiple-family dwellings. The district regulations are designed to protect the residential character of the area by prohibiting commercial and industrial activities and manufactured homes; encourage a suitable neighborhood environment; prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings; avoid excessive population density by requiring a certain minimum building site area for each building unit; and provide a buffer between retail and single-family dwelling areas.

The R-3 district implements the following policies of the master plan:

- Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.
- Encourage connectivity throughout the city.

Lot regulations:

- Area. Not less than 10,400 square feet for the first three (3) units and 1,200 square feet for each additional unit.
- Depth. Minimum of 120 feet.
- Floor space. Minimum of 600 square feet.
- Frontage. A minimum frontage of 95 feet is required along a public right-of-way.
- Height. A maximum of three stories is allowed in the R-3 district.
- Density. None.

Setback requirements:

- Front yard. There shall be a front yard having a minimum of 20 feet from the property line to the building structure.
- Rear yard. There shall be a rear yard having a minimum of 25 feet from the structure to the rear property line.
- Side yard. There shall be a side yard having a minimum of ten (10) feet from the structure to the side property line.
- Building distance. The required space between buildings is fifteen (15) feet. (d) Other.

#### Landscaping:

A total of 35% of the total overall area must be landscaped and not less than five percent (5%) of the R-3 area shall be covered by plantings and amenities other than sod, subject to the approval of the city. The use of drought tolerant turf grasses, such as zoysia or buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended.

#### Lighting:

All outdoor lighting shall be hooded and all light emissions shielded and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lights affixed to the buildings shall be mounted no higher than the eaves of said building. Lights affixed to a pole shall be mounted no higher than 40% of the distance from the front property line to the main structure.

#### Masonry required:

Multiple-family dwellings shall be constructed of masonry or similar noncombustible materials to the extent of not less than seventy-five (75) percent of overall exterior walls.

#### Parking:

A minimum of one (1) space for each one-bedroom unit, two (2) spaces for each two-bedroom unit and one (1) space for each additional unit shall be provided.

#### Storage:

Outside storage is not allowed in the R-3 district, with the exception of vehicles, trailers, recreational vehicles and boats in accordance with article 3.05 and article 12.03 of the Leon Valley City Code. Items to be stored must be completely contained in either the apartment units, garages or accessory buildings.

#### Notification

Sixteen (16) letters were sent to surrounding property owners. One letter was received in opposition, and no letters were received in favor of the change. None have been returned undeliverable.

#### **SEE LEON VALLEY**

*Social Equity* - Approval of this request would allow for the development of the property for multiple-family use, which would be consistent and compatible with existing surrounding uses.

*Economic Development* – The development of this property would increase the city's ad

valorum and sales tax revenues.

*Environmental Stewardship* – Any structures built on this parcel would be required to conform to the 2021 International Energy Code.

**ISCAL IMPACT:**

This zone change may produce additional ad-valorem revenue on this property

**STRATEGIC GOALS**

Goal # 1 - Economic Development · Objective F – Promote Leon Valley

**RECOMMENDATION**

At their 12-14-22 meeting, the Planning and Zoning Commission voted unanimously to recommend approval of this zone change, but adding the Sustainability Overlay District.

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