



PLANNING

To: Mayor and Town Council
From: Alex Glushko, AICP, Planning Manager
Through: Harlan Jefferson, Town Manager
Re: Town Council Meeting – September 24, 2019

Agenda Item:

Conduct a Public Hearing, and consider and act upon a request to rezone 0.2± acres from Downtown Office (DTO) to Planned Development-Downtown Office (PD-DTO), located on the northeast corner of Church Street and Second Street, to allow for the development of an Assisted Living Facility. (Z19-0013).

Description of Agenda Item:

The zoning and land use of the surrounding properties are as follows:

	Zoning	Current Land Use	Future Land Use Plan
Subject Property	Downtown Office	Single Family Residence	Old Town-Office
North	Downtown Office and Specific Use Permit-3	Prosper United Methodist Church	Old Town-Office
East	Single Family-15	Single Family Residence	Old Town-Office
South	Downtown Office	Town Park and Recreation Center	Old Town-Office
West	Single Family-15	Single Family Residence	Old Town-Single Family

Requested Zoning – The purpose of this request is to rezone 0.2± acres to allow for development of an assisted living facility. The project consists of a proposed one-story, 5,467

square-foot building, containing fourteen (14) beds. There will be a maximum of three (3) employees. The applicant is proposing to construct a total of ten (10) parking spaces; four (4) which will be located on-site and six (6) which will be located on-street and available to the public, as well as assisted living clientele. The parking has been designed to meet the Town standards, and will allow for a shared driveway off of Second Street when the property adjacent to the east redevelops as Downtown Office in the future.

As outlined in Exhibit C, the applicant is proposing modifications to the base Downtown Office (DTO) district, as outlined below:

- *Setbacks* – The Zoning Ordinance requires a twenty-five-foot (25') front yard building setback along Church Street and a fifteen-foot (15') side yard at corner along Second Street. As shown on Exhibit D, the applicant is proposing a five-foot (5') front yard setback along Church Street and a ten-foot (10') side yard at corner along Second Street. The Zoning Ordinance also requires a fifteen-foot (15') landscape setback along Church Street and Second Street. The applicant is proposing a five-foot (5') landscape setback along Church Street and a ten-foot (10') landscape setback along Second Street. The applicant has requested the reduction to building and landscape setbacks in order to accommodate the size of the facility, in addition to providing off-street parking. The reduction to the setbacks along Church Street allows for the parking to be located in the rear (east side) of the property, and creates a more appropriate downtown streetscape along Church Street.
- *Landscaping* – The Zoning Ordinance requires perimeter landscaping in the Downtown Office (DTO) District, which consists of a combination of small and large trees. As shown on Exhibit G, the applicant is proposing a modification to the landscape requirements by allowing for a relocation of the trees and a reallocation of tree types. Specifically, the applicant is proposing to relocate the majority of the required trees along the adjacent streets, as opposed to along the rear and side yards. The applicant is also proposing to modify the requirement for small and large trees by providing four (4) additional small trees and allowing for two (2) fewer large trees than required by ordinance. It should be noted that the Fire Department requires a clearance zone of ten feet (10') surrounding buildings for emergency access. In this instance, given the size and configuration of the building, the clearance zone prohibits landscaping on the north side of the building.

As shown on Exhibit F, the proposed building will be constructed primarily of cementitious fiber board and stone, as is permitted in the Zoning Ordinance in the Downtown Office (DTO) District. In response to House Bill 2439, which went into effect on September 1, 2019, and does not allow municipalities to regulate permitted masonry materials with zoning, and in conjunction with a Development Agreement related to right-of-way and easement dedication, the applicant is proposing to construct the proposed building in accordance with Exhibit F.

Future Land Use Plan – The Future Land Use Plan recommends Old Town – Office. The proposed zoning request conforms to the Future Land Use Plan.

Thoroughfare Plan – The property does not have direct access to any roads identified on the Thoroughfare Plan.

Parks Master Plan – The Parks Master Plan does not indicate a park or hike and bike trail is needed on the subject property.

Legal Obligations and Review:

Notification was provided to neighboring property owners, as required by state law. Town staff has received one (1) Public Hearing Notice Reply Form; not in opposition to the request.

Attached Documents:

1. Location and Zoning Maps
2. Proposed Exhibits A, B, C, D, E, F, and G
3. Public Hearing Notice Reply Form

Planning & Zoning Commission Recommendation:

At their September 3, 2019 meeting, the Planning & Zoning Commission recommended the Town Council approve the request, by a vote of 6-0.

Town Staff Recommendation:

Staff recommends the Town Council approve the request, subject to:

1. Approval of a Development Agreement by Town Council, including building elevations consistent with proposed Exhibit F.

Proposed Motion:

I move to approve the request to rezone 0.2± acres from Downtown Office (DTO) to Planned Development-Downtown Office (PD-DTO), located on the northeast corner of Church Street and Second Street, subject to:

1. Approval of a Development Agreement by Town Council, including building elevations consistent with proposed Exhibit F.