

Meeting Date (?)	07/12/2016
Subject Matter * (?)	Appeal of P&Z's denial of CU16-01 (JC Wall): apartments in SC-Business This must match rolling agenda entry
Department of Origin *	DEVELOPMENT SERVICES
Submitted By *	Matthew Hilgemeier
Type of Meeting *	<input type="radio"/> BCD <input type="radio"/> Special <input checked="" type="radio"/> Regular
Classification *	<input type="radio"/> Public Hearing <input type="radio"/> Consent <input type="radio"/> Statutory <input checked="" type="radio"/> Regular
Ordinance *	<input checked="" type="radio"/> None <input type="radio"/> First Read <input type="radio"/> Second Read <input type="radio"/> First & Only Read
Strategic Initiative *	<input type="checkbox"/> Public Safety <input type="checkbox"/> Service <input checked="" type="checkbox"/> Economic Development <input checked="" type="checkbox"/> Infrastructure <input type="checkbox"/> Quality of Life
Agenda Item Description *	An appeal of the Planning and Zoning Commission's denial of case no. CU16-01, a Conditional Use Permit request to allow a 16 unit multi-family development on property in a South College – Business (SC-B) zoning district, specifically on property at 3411 S. College Avenue, 1.078 acres of vacant land adjoining the east side of South College Avenue approximately 215 feet to 350 feet south of its intersection with Sulphur Springs Road, being Lots 5 through 10 in Block 7 of Martin's Addition.

Summary Statement *

The 1.078-acre subject property adjoins the east side of S. College Avenue, south of its intersection with Sulphur Springs Road. The property is owned by HKH Group, LLP who are represented by Mr. JC Wall, III.

The owners wish to develop a 16-unit, 32 bedroom multi-family residential project with four (4) new buildings on the subject property. The proposed arrangement of buildings, driveways, and off-street parking areas is shown on the site plan that is attached to this Council Action Form. The subject property is zoned South College - Business District (SC-B), which potentially allows apartment developments, but only with prior approval of a Conditional Use Permit from the Planning and Zoning Commission.

The subject property is currently vacant and was most-recently developed with a self-serve ice vending machine (2011 – 2013). Prior to the vending machine use, the site was once developed as a nightclub (Blarney Stone) and is still mostly covered in impervious paving from that business.

Existing land uses in the immediate area include a vacant acreage directly to the southeast of the subject property with a self-storage warehouse and commercial produce seller (Farm Patch) further to the southeast. To the west of the subject property there are 3 single-family residences and a restaurant (Martin's BBQ). An air conditioning repair/service business (R.M. Mullinix Air) is located to the northwest, directly adjacent to the subject property.

During its regular meeting on May 5, 2016, the Planning and Zoning Commission, by a vote of 5 to 2, denied a Conditional Use Permit request (case no. CU16-01) for the proposed apartment development at this location. HKH Group LLP have appealed the Commission's denial to the City Council, as provided for by Zoning Ordinance Section 130-33(f).

As part of this project, HKH Group LLP at one point requested the formal abandonment of a 26-foot wide unnamed street right-of-way that adjoins the southeastern portion of the subject property. That request (case no. RA16-01) was scheduled for consideration by the Planning and Zoning Commission during its meeting on June 2, 2016, but was withdrawn at the request of the applicant prior to the June 2 meeting. Since the appeal of this Conditional Use Permit was already pending City Council consideration, the applicants submitted a new site plan for review by the City's Site Development Review Committee (SDRC) on June 8, 2016, which no longer showed the unnamed street to be abandoned. Instead the unnamed street is proposed to be improved with concrete pavement in conjunction with the development of the apartment project. That site plan is attached to this Council Action Form.

On June 17, 2017, Mr. Wall submitted a copy of an off-site drainage easement signed by the two owners of property to the northeast of the subject property. The easement is necessary as part of the proposed apartment development and associated replat of the subject property. A previous replat proposal, which showed the unnamed street to be abandoned, was approved with conditions by the Planning and Zoning Commission on April 7, 2016 (case no. RP16-07), but will need to be revised for the development to proceed.

Staff Analysis & Recommendation *

Three (3) letters of opposition (attached) were received, and three (3) individuals spoke in opposition to the request at the May 5 P&Z meeting. Following the public hearing, the Commission voted to deny the request by a vote of 5 to 2. Commissioners questioned the property's suitability for a residential development and suggested that retail development may be more appropriate here since the corridor is supposed to bring traffic to downtown. Commissioners in favor of the development discussed that there are other spots available for retail uses and in general liked the proposed development.

Options *

(In Suggested Order of Staff Preference)

1. uphold the P&Z's decision and deny the Conditional Use Permit; or
2. reverse the P&Z's denial of the request and approve the Conditional Use Permit, subject to the conditions recommended by staff and any additional conditions that the City Council deems necessary to mitigate any potentially negative impacts on adjacent properties or the surrounding area; (this option may require consideration at a future City Council meeting); or
3. reverse the P&Z's denial of the request and approve the Conditional Use Permit, subject to the conditions recommended by staff;
4. reverse the P&Z denial of the request and approve the Conditional Use Permit without conditions.

Funding Source *

N/A

Attachments

CU16-01 Combined documents.pdf

4.86MB

Please detail attachments and note attachments available for viewing in City Secretary's Office:

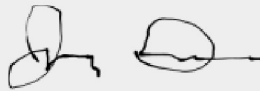
1. location map and aerial photo;
2. proposed development layout;
3. proposed building elevations;
4. excerpt from May 5, 2016 P&Z meeting minutes;
5. staff report to the Planning & Zoning Commission;
6. letters of opposition from nearby property owners; and
7. recorded off-site drainage easement.

Dept. Head Signature



MARTIN ZIMMERMANN

**Deputy City Manager
Signature**



City Manager Signature



City Attorney Signature



Thomas A. Leper