

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
03/15/2017

ITEM NO. 1B PUD TO RM24-PD; .558 ACRE; 2021 CROSSGATE/1575 BIRDIE WAY (SLD)

Z-17-00011: Consider a request to rezone approximately .558 acre from PUD (Planned Unit Development) District to RM24-PD (Multi-Dwelling Residential-Planned Development) District, located at 2021 Crossgate Dr. (1575 Birdie Way, Lot 2 Alvamar Inc one Addition) Submitted by Paul Werner Architects for Eagle 1968 LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .558 acres, from from PUD (Planned Unit Development) District to RM24-PD (Multi-Dwelling Residential-Planned Development) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval and subject to the following use restrictions:

1. Retail uses, as accessory to the golf course.
2. Office uses, accessory to the direct operation of the golf course and banquet/reception facility (Event Center) or management of accessory uses directly associated with the golf course.
3. Eating and Drinking Establishments, including a night club (to be operated as a banquet/reception facility only), Fast Order Food, Quality Restaurant, and Accessory Bar uses.
4. Transient Accommodations, including a Hotel with not more than twenty-four (24) guest rooms.

Reason for Request: *The office/fitness building was previously shown to occur on Lot 2 between apartment buildings B and C. Once construction began it was recognized it would be a tight spot for such a small building and the site would be better served by moving the office/fitness use to the north end of the site to create a welcoming entrance.*

KEY POINTS

- This request adds area to the residential lot to accommodate a relocated office/fitness building. Use was approved as part of the project in another location on the site.
- The request does not alter the density of the phase.
- The request is intended to provide a uniform zoning district for the development.
- Area will be replatted to be incorporated into existing Alvamar Inc one, Lot 2.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- FDP-17-00029; revised Final Development Plan for Lot 2.
 - FDP-16-00343; Approved Final Development Plan for Lot 2.
- Previous related projects
- Z-14-00552; RM24-PD; Ordinance 9154.
 - SUP-15-00389; *Active Recreation Uses* in RM24-PD district.
 - PP-14-00554; Alvamar One Preliminary Plat; application replaced by PDP-15-00247.
 - PDP-15-00247; Approved by the City Commission on Oct. 27, 2015 subject to conditions.
 - PDP-16-00052; Revised Preliminary Development Plan.
 - PF-16-00051; Final Plat, administrative review concurrent with this application.
 - Revised final plat to be submitted.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning.
- *Drainage Study* – Not required for rezoning.

- *Retail Market Study* – Not applicable to residential request.

ATTACHMENTS

- Area map
- Ordinance 9154

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Area residents calling for clarification of request and development intent.
- Residents located along the north leg of Crossgate Drive have contacted staff regarding status of street construction and ultimate closure of access to Bob Billings Parkway.

Project Summary:

Proposed request is for the expansion of Lot 2 to relocate the office/fitness building to the north end of the site. The project does not change the residential uses of the site or modify the density of the approved development. The details of the building use are discussed in the related Final Development Plan application (FDP-17-00029).

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The office/fitness building was previously shown to occur on Lot 2 between apartment buildings B and C. Once construction began it was recognized it would be a tight spot for such a small building. In addition Birdie Way was constructed to connect to Bob Billings Parkway and it was recognized that this small piece of ground on the north end of the apartments would alleviate the tight placement previously shown for the office/fitness area and make a very welcoming hospitable location for this use.*

Mixed residential types, styles and economic levels currently occur in the existing Alvarado PUD. The relocation of the office/fitness building would continue to enhance the following strategies by placing a small one story building on the north edge of the apartments which blends well with the existing residences to the north and provides an attractive appearance from Bob Billings Parkway.

Horizon 2020 supports infill development and redevelopment, encourages the development of neighborhoods in a range of densities and economic levels, proposes the progression of land uses to help achieve a transition in land use and intensity levels to help avoid abrupt changes in density and building type (p.3-1, p.5-1)

A range of densities and housing types should be encouraged. The design and development of all new high-density residential development should be carefully controlled to ensure compatibility with surrounding uses, adequate screening and buffering, and attractive appearances from nearby roadways, and a high-quality living environment. (p.5-5)

The original project was found to be consistent with the comprehensive plan. This request seeks to expand the boundary of the project by ½ acre to allow for the relocation of a specific amenity associated with the residential development. The project does not seek to add additional units to the development. The approval of the request provides a uniform district boundary for the development and spreads the existing development density over a slightly larger area.

Staff Finding – This request has the effect of being neutral with regard to the comprehensive plan.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: PUD (Planned Unit Development – Alvamar) original development golf course area.	
Surrounding Zoning and Land Use:	
To the north: To the south: To the west:	PUD (Planned Unit Development – Alvamar) original development golf course area.
To the east:	RM24-PD (Multi-Dwelling Residential – Planned Development Overlay) District. Developing Lot 2, Alvamar Inc One Addition with three multi-story residential buildings.

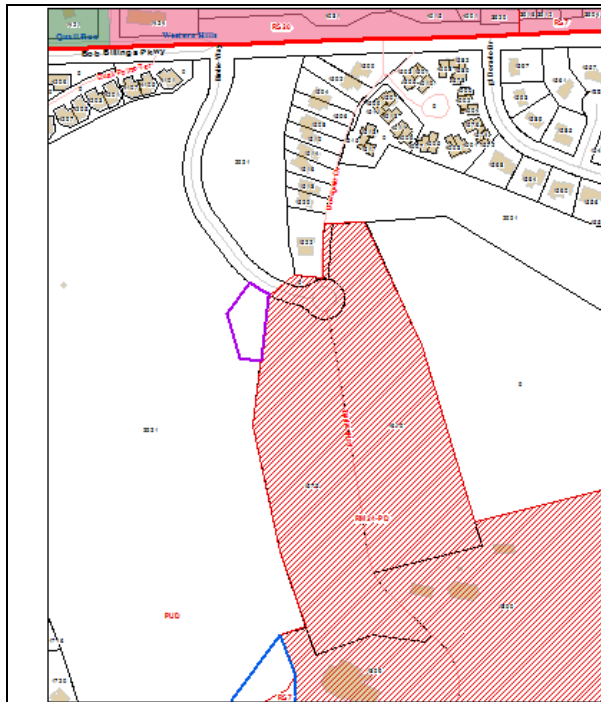


Figure 1: Existing Zoning

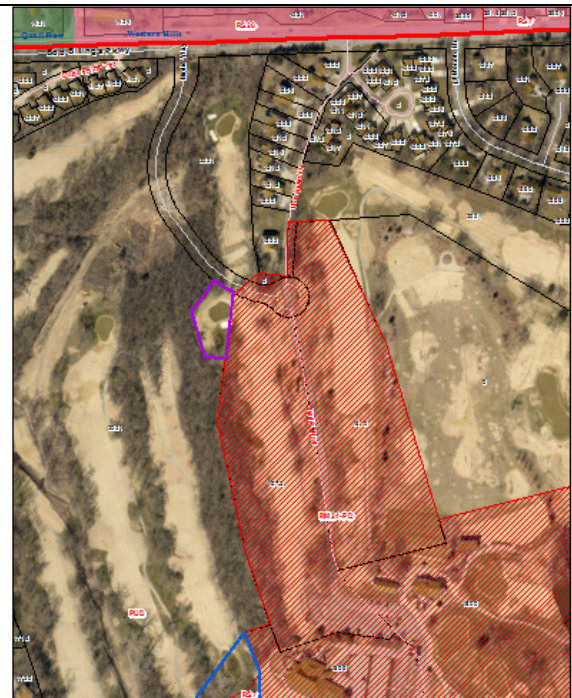


Figure 2: Existing Land Use

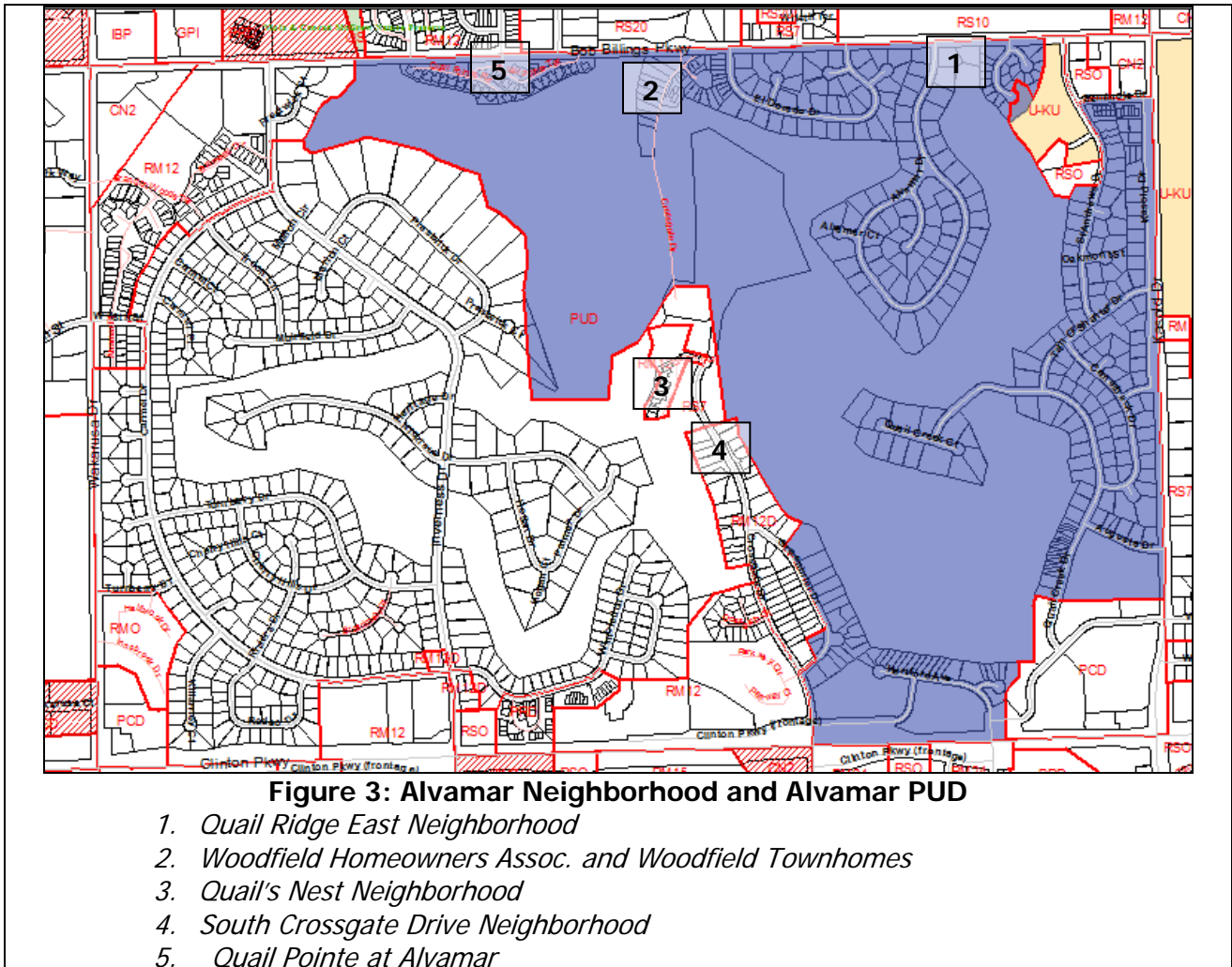
Staff Finding – The existing and surrounding zoning is typical of the golf course development. Residential subdivisions surround the golf course (open space).

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The surrounding neighborhoods currently consist of apartments, duplexes, townhomes, a mix of mid to high end single family residences and the golf course. All of these different housing types can be found backing up to the golf course.*

This neighborhood area is described as the Alvamar Neighborhood. The area highlighted in dark blue in the image below is the boundary of the original Alvamar Planned Unit Development. This neighborhood has developed around the Alvamar Golf Course and includes multiple platted subdivisions. It is bounded on the north by Bob Billings Parkway, Clinton Parkway on the south, Kasold Drive on the east and Wakarusa Drive on the west. Through the review and development of this project several neighborhoods have identified themselves to staff and in in communications to the Commissions. This request is located near the Woodfield Townhomes (2), along the north

leg of Crossgate Drive, and Quail Pointe at Alvamar (5), on the south side of Bob Billings Parkway west of Birdie Way.



The neighborhood includes golf course with residential uses to the interior with office, religious institutions, and retail uses are located along arterial streets and the periphery of the neighborhood. The proposed zoning and development plan expanded area to relocate the amenities associated with the residential uses on Lot 2 of the Alvamar PD.

This request is intended to accommodate a use related to the residential element of the development. The office/fitness use on Lot 2 provides separate open space and recreation uses for the residents.

Staff Finding – This request does not alter the character of the developing Alvamar PD neighborhood and does not alter the larger neighborhood character.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Only a very small and isolated area is located within a registered Neighborhood boundary described above. There are no adopted plans for this area. The eastern area was part of a Planned Unit Development originally approved in the late 1960's. Various revisions to the plan over time

have been made through Zoning, Subdivision Plats, Site Plans and Uses Permitted Upon Review (Special Use Permit). The original development plan confined nonresidential uses that were not *accessory to the golf course* to the perimeter of the Alvamar Development along the arterial streets.

Previously approved Development Plans and related subdivision plats along with their attendant revisions have served as a proxy for neighborhood planning in this area. Residential density is not increased with this application. The proposed request alters the base zoning district and removes a portion of the dedicated open space (golf course).

Staff Finding – There are no adopted area or neighborhood plans for the area included in the proposed zoning and immediately surrounding area. The Alvamar PUD includes only the eastern portion of the area.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *The property is suitable for the current uses to which it is restricted under the PUD, which is open space. However, removing ½ an acre from the PUD to enhance the entrance to the site and give it a sense of place is very worthwhile.*

The current zoning is PUD (Planned Unit Development) established under the 1966 Zoning Code as an overlay district. There is no development plan that details the golf course. The golf course use has operated as passive recreation use. There are not typically buildings included as part of the golf course, play area. It is a type of open open space defined in the current zoning regulations. Construction of a building requires the property to be platted. The golf course is located on unplatted land.

The applicant is seeking to establish a uniform zoning district to accommodate the relocated building. The existing zoning is not suitable for the proposed use. The property lacks a development plan that establishes development guidance for the golf course.

Staff Finding – The existing zoning has been in place since the early 1970's without a specific plan for the golf course. Development of the surrounding area has been through the subdivision plat, site plan and other processes for a majority of the land in the district.

The incorporation of this small area into another lot has no impact on the surrounding area. The current zoning is not reflective of the existing or future use of the property. The proposed zoning is more suitable for the intended development.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *The property has always been vacant and has most recently been used as part of the Alvamar Golf Course.*

The existing zoning is PUD Planned Unit Development. This district was established with the adoption of the Land Development code in 2006. Prior to 2006, the property was zoned RS-1 (Single-Family Residence) District. The PUD designation was an overlay district prior to code changes in the 1980's creating specific PD districts. The property was annexed into the City in 1973 and was included as part of the original Alvamar Golf Course Development. The area included in this request is part of the golf course – open space.

Staff Finding – The property is undeveloped and has been part of the golf course established in the early 1970's.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *Approving the ½ acre of land to be rezoned RM24-PD will not detrimentally affect nearby properties. This use was already approved on the site and is simply moving to provide a more welcoming entrance to the site.*

The proposed request is only a very small portion of the overall golf course open space and is not immediately adjacent to the developed residential neighborhoods to the west. The PD overlay element of the zoning allows a detailed review of the specific development impact.

Staff Finding – Approval of the request expands the development area to the north and west. The addition of the PD overlay requires a development plan review. This allows the development changes to be reviewed publicly and will mitigate impacts on the nearby residential uses.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *The gain to the public health, safety and welfare would be the benefit of allowing this office/fitness building to create a welcoming sense of place for the tenants and users of the site should the application be denied the hardship upon the owner would be the loss of being able to make the site more friendly and welcoming in appearance.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The current golf course includes 301 acres. This application removes a very small portion of the "open space" area. It will be combined with an existing platted lot as part of the residential amenities for the residents of the development. The proposed zoning change provides a uniform district that will be easier to administer.

The PD overlay element of the zoning allows a detailed review of the specific development impact.

The entire remaining golf course could be rezoned to more accurately reflect the use as open space. This request represents less than one percent of the golf course. There is an esthetic consideration that the relocated office/fitness building for the residential uses provides an entry point to the development. The location is not centrally located for the residents of the development.

Staff Finding – There is no clearly defined public gain to the public health, safety and welfare.

9. PROFESSIONAL STAFF RECOMMENDATION

The location of the proposed zoning is on the south side of Birdie Way immediately adjacent to Lot 2, the developing residential phase of the Alvamar PD. The area is buffered by the large detention pond to the west. The property included in the request is a logical extension of the development and will not affect the existing established residential subdivisions to the north and west.

Staff recommends the approval of the request with the condition that the use restrictions that were applied to the original development be applicable to this property as well.

Nonresidential uses were restricted to the following:

1. Retail uses, as accessory to the golf course.
2. Office uses, accessory to the direct operation of the golf course and banquet/reception facility (Event Center) or management of accessory uses directly associated with the golf course
3. Eating and Drinking Establishments, including a night club (to be operated as a banquet facility only), Fast Order Food, Quality Restaurant, and Accessory Bar uses.
4. Transient Accommodations, including a Hotel with not more than twenty-four (24) guest rooms.

CONCLUSION

The proposed request is a relatively minor change to the overall development and is intended to be zoned the same base district as the development it will be incorporated into.