



Legislation Text

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*Department of Community Development*

Reference: Village at Southgate PUD, 3<sup>rd</sup> Amendment

**To: Mayor Kenneth J. Kreutzer and Members of City Council**

**Through: Philip A. Rodriguez, City Manager**

**Marv Falconburg, AICP, Assistant City Manager**

**Holly Prather, AICP, Community Development Director**

**Prepared By: Lauren Simmons, AICP, Senior Planner**

**Date Prepared: January 26, 2019**

**PURPOSE**

Request to approve a Major PUD (Planned Unit Development) Amendment for the Southgate Brighton PUD a 15.445 acre portion of the project, changing the land use of Planning Areas B and D from multi-family to single family attached. This request requires a public hearing and approval from City Council by Ordinance.

**STRATEGIC FOCUS AREA**

Recognizable and Well-Planned Community

**BACKGROUND**

The Southgate Brighton PUD was originally approved in June 2015, and amended soon after (1<sup>st</sup> Amendment) to address City Council's concerns. The 2<sup>nd</sup> Amendment is contained within the single-family blocks and addresses reduced setbacks for patios over walkout basement lots and increased the landscaping on the west side of the project.

**ANALYSIS**

The original PUD contained a total of 79 acres with 150 single-family detached units, which are currently under construction, and 15.45 acres of multi-family and 3.88 acres of commercial. The requested PUD Amendment changes the use and setbacks of the multi-family planning areas (Planning Areas B and D) to allow for the development of a paired home product (two homes on two fee-simple lots that share a wall). The PUD Amendment is proposing rear-loaded paired homes with architectural standards promoting design diversity and compatibility with the homes under construction in the southern portion of the site.

**Surrounding Zoning:** **North:** Village at Southgate PUD and Public Land (PL)  
**East:** Fuller Estates PUD  
**South:** Village at Southgate PUD  
**West:** Village at Southgate PUD and Fuller Estates PUD

**CRITERIA BY WHICH COUNCIL MUST CONSIDER THE ITEM**

**Comprehensive Plan:**

The property is designated as being appropriate for "Mixed Use Residential" according to the Future Land Use Map of the Comprehensive Plan. The "Mixed Use Residential" designation is primarily intended for multi-family buildings, single family attached homes, live/work unit, senior housing facilities and mixed-use buildings.

The proposed rezoning is compatible with the goals and policies of the *Comprehensive Plan*. The property is directly adjacent to the *120<sup>th</sup> Avenue Opportunity Area*, which states that the “corridor will provide substantial revenue to the City over time. Encourage quality development that is distinctive and economically viable for the long term...Set high landscaping standards and encourage substantial rather than low-cost building designs.” The paired home concept will not only encourage long term investment in the corridor, but provide a unique home ownership opportunity close to major transportation corridors and schools.

*Managing Growth Principle 1: Policy 1.1, New Growth Should Favor Existing Areas of Infrastructure Investment and Planning.* This policy anticipates that new development will be located in areas with existing development and planned infrastructure. The property is adjacent to other residential development, adjacent and near existing transportation networks (120<sup>th</sup> Avenue, I-76, E-470) and Prairie View Middle School and Prairie View High School.

*Distinctive Neighborhoods Principle 6:* The Southgate Brighton PUD Amendment also integrates citywide development policies and principles in accordance with *Policy 6.2: Ensure Residential Lot and Architecture Enhance the Street* with distinctive architecture. Under *Policy 6.5, Encourage Projects that Enhance the Diversity of Housing Types and Costs, and Manage Affordability through Supply and Subsidy*, the proposed PUD Amendment provides for a housing type, (paired homes) currently not present within this area of the City. Paired homes generally start at a lower price point than traditional single family detached homes, thereby providing more homeownership opportunities. Finally, the PUD Amendment directly addresses two key strategies identified for Distinctive Neighborhoods, “Proactively attract developers who will deliver housing products lacking in Brighton’s supply, and be open to applicant interest in renegotiating approved developments to broaden the housing mix” and “PUD Regulations...to aid in attaining high-quality residential development complementary to, and supportive of, the character of the community.”

**Zone Change Criteria:**

A PUD plan and classification to a PUD District may be recommended for approval only if the City Council finds that all of the following criteria have been met:

- a. The PUD addresses a unique situation, confers a substantial benefit to the City or incorporates creative site design such that it achieves the purposes set out in Paragraph (a)(1) above, and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. This may include, but is not limited to, improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads and other utilities and services; or increased choice of living and housing environments.

*The PUD Amendment allows for the development of a paired home product which is currently not accommodated with setbacks or lot sizes in the Land Use and Development Code.*

- b. The PUD complies with the Comprehensive Plan and all applicable use, development and design standards set forth in this Article, including applicable zoning district standards, in the Subdivision Regulations and in the Residential Design Standards that are not otherwise modified or waived according to the approved terms of the PUD plan.

*The proposed PUD Amendment complies with the Comprehensive Plan as attached single family is allowed under the mixed-use residential category and it addresses the residential design standards for the paired homes.*

- c. The PUD District and PUD Final Development Plan shall comply with all applicable PUD use and development standards set forth in this Section.

*The proposed PUD Amendment will comply with the proposed use of paired homes with setback and design standards.*

- d. The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails and similar features.

*The proposed PUD Amendment will maintain the planned and constructed street connections, sidewalks, and trails within the Village at Southgate development.*

- e. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community.

*The proposed PUD Amendment will decrease the planned density adjacent to single family proposed by the original PUD.*

- f. Sufficient public safety, transportation, educational and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.

*The proposed PUD Amendment will not modify or increase the required level of service for public safety, transportation, educational and utility facilities.*

- g. As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure capacity, marketing and financing.

*The proposed PUD Amendment is not proposing any phasing in the PUD Plan.*

- h. The same development could not be accomplished through the use of other techniques, such as height exceptions, variances or minor modifications.

*The proposed PUD Amendment would change the product type allowed in Planning Areas B and D, which requires revised architectural requirements, lot size changes and setback modifications. This development would not have been possible under the Southgate Brighton PUD as it did not provide for paired homes or phase control.*

**Development Review Committee (DRC) Review:**

The PUD Amendment was reviewed by the Development Review Committee. The Development Review Committee recommends approval.

**PUBLIC COMMENT AND NOTICE**

Although not required by the Code, a neighborhood meeting was held on October 25, 2018 and one neighbor was in attendance. Pursuant to Section 17-16-100(d)(5) of the Code, notification of the City Council public hearing was advertised in the *Brighton Standard Blade* for no less than fifteen (15) days prior to the City Council hearing. In addition, public notice letters were mailed to property owners within 300 feet of the Property, and the Property was posted with public notice signs, for no less than fifteen (15) days prior to the City Council hearing. To date, staff has received no formal comments opposing or supporting this application.

**PLANNING COMMISSION RECOMMENDATION**

At its regular meeting on January 24, 2019, the Planning Commission made a recommendation of approval. The Planning Commission resolution is attached.

**STAFF RECOMMENDATION**

Staff finds that PUD Amendment complies with the approval criteria as set forth in the Land Use and Development Code. Staff also finds that the proposed rezoning conforms to the Comprehensive Plan's designation of the Property as being appropriate for "Mixed Use Residential" and the policies of the Comprehensive Plan. Staff recommends approval of the Southgate Brighton PUD, 3rd Amendment.

**OPTIONS FOR COUNCIL CONSIDERATION**

**Zone Change:**

The Council has four (4) choices it can make after reviewing this application. The Council may: (1) approve the Southgate Brighton PUD, 3rd Amendment, (2) deny the Southgate Brighton PUD, 3rd Amendment, (3) approve the Southgate Brighton PUD, 3rd Amendment with modifications, or (4) the Council can continue the item to be heard at a later date if the Council feels it needs more information to make an informed decision.

**ATTACHMENTS**

- City Council Draft Ordinance-Southgate Brighton PUD, 3<sup>rd</sup> Amendment
- Proposed Project Area Map
- 1 Planning Commission Resolution (signed)
- 2 Neighborhood Notice

3 Southgate Brighton PUD, 3<sup>rd</sup> Amendment