



**PLANNING AND ZONING COMMISSION
REGULAR MEETING**
Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

April 2, 2019
6:30 p.m.

AGENDA

1. Call to Order

2. Invocation, Pledge of Allegiance and Texas Pledge

3. Citizens to be Heard

(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to be Heard section no council action may take place and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion)

4. Consent Agenda

(All consent agenda items are considered routine by Planning & Zoning and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner requests an item be removed and considered separately.)

- A. Approve the minutes from the February 26, 2019 Special Meeting
- B. Approve minutes from the March 21, 2019 Joint Workshop Meeting

5. Discussion & Action

- A. Discuss and consider action to direct staff on possible amendment to City Code of Ordinances Chapter 38 Section 404 – Exterior Construction and Architectural Standards.
- B. Discuss and consider action on possible amendment to Chapter 38 Article II Section 202 – Planned Development (PD) Districts.

6. Items Specific to Future Line Items on the Agenda

7. Adjourn

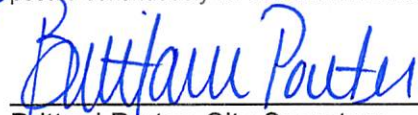
DECORUM REQUIRED

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

The Planning and Zoning Commission for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.086 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.

The City of La Vernia Planning and Zoning Commission meetings are available to all persons regardless of disability. This facility is wheelchair accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email bporter@lavernia-tx.gov.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia Planning and Zoning Commission is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards, of the City Hall of said City of La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **March 29, 2019 at 4:30 P.M.** and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.



Brittani Porter, City Secretary



City of La Vernia
PLANNING AND ZONING COMMISSION
SPECIAL MEETING

St. Ann's Catholic Church (Religious Education Bldg)
14151 US Hwy 87 W., La Vernia, Texas 78121

February 26, 2019
6:00 p.m.

Minutes

1. **Call to Order** – Chairman Gordon Bake called the meeting to order at 6:00 PM and declared a quorum. Members absent: Commissioner Robles
2. **Invocation, Pledge of Allegiance, and Texas Pledge** – Invocation was led by Chairman Bake, all in attendance recited the Pledge of Allegiance and the Texas Pledge.
3. **Public Hearing and Discussion/Action**
 - A. **Public Hearing to receive public comments regarding the re-zoning of the .541 acres located at 13562 US Hwy 87 W, La Vernia, TX 78121 from present classification of C-1 Commercial Retail to C-2 General Commercial.**

Public Hearing was opened up at 6:03 PM and was closed at 6:12 PM.
Eloy Hita, Attorney representing Mr. Sonny Sukwhinder, stated they are asking the board for a simple rezone. He stated they will do the slab as required by code to include paving it. The rental units are trucks and not 18 wheelers. He also stated they are trying to supplement income since Dollar General came and took away profits from their sales of food.
Mrs. Stickland, whom has a neighboring property, stated her property backs up to Sarup Retail, she is against the rezone because it is a small space, there is a trash issue, fence is falling in some areas and not one in others. She stated they currently have a laundry mat, gas station and car wash on site and adding the rental trucks will just clutter the area.
 - B. **Discuss and consider recommendation to City Council on the re-zoning of the .541 acres located at 13562 US Hwy 87 W, La Vernia, TX 78121 from present classification of C-1 Commercial Retail to C-2 General Commercial.**

Commissioners spoke in regards to the current business operations, neighboring business that are all classified as C-1, parking situation, and future allowable uses under C-2 if they business were to ever change.
Motion: A motion was made by Commissioner Moczygemba to deny rezone change from C-1 to C-2 and adopt findings from staff, seconded by Commissioner Oates.
Motion fails: 0-4.
4. **Items Specific to Future Line Items on the Agenda**
5. **Adjourn** – Commissioner Tanneberger made a motion to adjourn the meeting, seconded by Commissioner Oates. Meeting was adjourned at 6:20 PM.

Brittani Porter, City Secretary

Gordon Bake, Chairman



City of La Vernia

CITY COUNCIL & PLANNING AND ZONING JOINT WORKSHOP

City Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

March 21, 2019

5:40 PM

Or immediately following the La Vernia MDD Meeting

Minutes

1. **Call to Order** – Commissioner Tanneberger called the meeting to order at 5:40 PM and declared a quorum. Members Absent: Chairman Gordon Bake and Commissioner Robles.
2. **Pledge of Allegiance and Invocation** – Invocation was led by Mayor Gregory, all in attendance recited the Pledge of Allegiance and the Texas Pledge.
3. **Discussion/Action**
 - A. **Discuss and consider action on City Code of Ordinances Sec. 38-404 – Exterior construction and architectural standards.**

Jeanine Schoenert gave presentation to the City Council on a property that she is in the works of purchasing. She stated that she had met in a meeting prior to this Workshop with Chairman Gordon Bake, Mayor and staff providing feedback. She stated that her vision on this large amount of land is to make a Farmhouse Community of it and break it up into .5 - .7 acre lots, with proposed walking trail, possible pool, dependent upon liability, to include a strict HOA which would be managed by her. Mayor Gregory stated no action would be taken and that there would be a meeting and public hearing to follow Mrs. Schoenert's request however we would need to ensure we make deadlines for public hearing notices.
5. **Adjourn** – Commissioner made a motion to adjourn the meeting, seconded by Commissioner Oates. The meeting was adjourned at 6:19 PM.

Chairman, Gordon Bake

Brittani Porter, City Secretary

Sec. 38-202. - Planned Development (PD) Districts.

- (a) *General purpose and description.* The planned development district PD district prefix is intended to provide for the combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of the land and buildings in situations where modification of specific provisions of this chapter is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD district may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of increased flexibility.
- (b) *Minimum planned development district size.* No planned development district may be established on any area less than the following in size:
 - (1) Residential: two acres.
 - (2) Nonresidential: two acres.
 - (3) Mixed residential and nonresidential: ten acres.
- (c) *Development standards.*
 - (1) Development standards for each separate planned development district shall be set forth in the ordinance granting the planned development district and may include but shall not be limited to uses, density, lot area, lot width, lot depth, setback depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the city council may deem appropriate.
 - (2) In the planned development district, the particular district to which uses specified in the planned development district are most similar shall be stated in the granting ordinance.
 - (3) The ordinance granting a planned development district shall include a statement as to the purpose and intent of the planned development district granted therein.
 - (4) All planned development district applications shall include a specific list of all variances from the standard requirements set forth within the base zoning district and a general statement citing the reason for the planned development district request. An application without this list will be considered incomplete.
 - (5) The planned development district shall conform to all other chapters, sections and divisions of the ordinance unless specifically exempted in the granting ordinance.
- (d) *Conceptual and development plan.*
 - (1) *Establishing district.* In establishing a planned development district, the city council shall approve and file, as part of the amending ordinance, appropriate plans and standards for each planned development district. During the review and public hearing process a conceptual plan and a development plan (or detailed site plan) shall be submitted.
 - (2) *Conceptual plan.* The applicant shall submit a conceptual plan. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and shall be supported by written documentation of proposals and standards for development.
 - a. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.

- b. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the city council, may include, but is not limited to, the types of uses, topography, and boundary of the planned development area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is used in drafting the final development plan.
 - c. Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the administrative official. If an agreement cannot be reached regarding whether or not a change of detail conforms to the original concept plan, the city council shall determine the conformity.
- (3) *Development plan or detailed site plan.* This plan shall set forth the final plans for development of the planned development district and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted to the city council for the total area or any section of the planned development district. the development plan shall include:
- a. A site inventory analysis including a scale drawing of existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any floodprone areas.
 - b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet.
 - c. A site plan in accordance with article I of this chapter.
 - d. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
 - e. An architectural plan showing elevations and signage style to be used throughout the development may be required by the city council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the administrative official.
- (e) *Criteria for approval.* The planning and zoning commission, in making its recommendation, and the city council, in considering final action on a planned development district, should consider the following criteria:
- (1) Whether the proposed planned development district implements the policies of the adopted comprehensive land plan;
 - (2) Whether the proposed planned development district promotes the health, safety, or general welfare of the city and the safe, orderly, efficient and healthful development of the city;
 - (3) Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

- (4) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;
 - (5) The extent to which the proposed planned development district will result in a superior development than could be achieved through conventional zoning; or
 - (6) Other criteria which, at the discretion of the planning and zoning commission and city council are deemed relevant and important in the consideration of the amendment.
- (f) *Amendments.* The administrative official may permit the applicant to make minor amendments to the conceptual plan without the necessity of amending the ordinance that established the planned development district. If the proposed amendments change and/or impact the nature or purposes of the approved planned development district, whether individually or cumulatively, the administrative official may deny the request for approval of the modifications and provide the applicant with the opportunity to revise the proposed amendments to bring them into compliance with the planned development district. If an applicant wishes to make any amendments to an approved concept plan other than minor amendments approved by the administrative official, the administrative official will submit the amendments to the planning and zoning commission and city council for review and approval as a revised planned development district. Minor amendments shall only be as follows:
- (1) Corrections in spelling, distances and other labeling that do not affect the overall development concept;
 - (2) Changes in building position or layout that are less than ten feet or ten percent of the total building project or area;
 - (3) Changes in proposed property lines as long as the original total project acreage is not exceeded, and the area of any base zoning district is not changed by more than five percent; and
 - (4) Changes in parking layouts as long as the number of required spaces and general original design are maintained.

(Ord. No. 120910-01, § 1(ch. 3, § 2), 12-9-2010)

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Public Hearing, Discussion & Possible Action on Ordinance #2018-25 Amending Chapter 14 Zoning of the City of Gonzales Code of Ordinances adding section 14.308.2 Planned Development (PD) District and Section 14.804 Planned Development (PD) District Procedures

DATE: August 15, 2018

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

City staff is proposing the amendment to the current zoning ordinance to include a Planned Development District and the Planned Development District Procedures. The amendment would allow for an overlay district to provide for development of land that may vary from the provisions of other zoning districts.

Any changes to amend zoning regulations and zoning districts are not effective until after a public hearing on the matter to give parties of interest and citizens an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in a newspaper of general circulation in the municipality. On July 26th city staff published in the Gonzales Inquirer notice that the Planning & Zoning Commission would hold a public hearing on August 7, 2018 at 5:30 p.m. and make a recommendation to the City Council. Within the same publication it was advertised that City Council would hold a public hearing on August 15, 2018 at 4:30 p.m.

After the staff report and Public Hearing at the Planning & Zoning Commission Meeting on August 7th, the Planning & Zoning Commission made a recommendation to city council to add sections 14.308.2 Planned Development (PD) District and Section 14.804 Planned Development (PD) District Procedures to the code of ordinances.

POLICY CONSIDERATIONS:

This will amend the ordinance and add an additional section to allow Planned Development sections within the Zoning Ordinance.

FISCAL IMPACT:

N/A

ATTACHMENTS:

P&Z Report and Recommendation

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this ordinance.

* Example *

ORDINANCE NO. 2018-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES AMENDING CHAPTER 14 ZONING OF THE CITY OF GONZALES CODE OF ORDINANCES ADDING SECTION 14.308.2 PLANNED DEVELOPMENT (PD) DISTRICT AND SECTION 14.804 PLANNED DEVELOPMENT (PD) DISTRICT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gonzales, Texas (the "City"), previously adopted regulations regarding the zoning regulations for the City of Gonzales; and,

WHEREAS, Chapter 211 of the Local Government Code regulate the Zoning procedures in the State of Texas; and'

WHEREAS, any changes to amend zoning regulations and zoning districts are not effective until after a public hearing on the matter to give parties of interest and citizens an opportunity to be heard; and,

WHEREAS, on July 26th city staff published in the Gonzales Inquirer notice that the Planning & Zoning Commission would hold a public hearing on August 7, 2018 at 5:30 p.m. and the City Council would hold a public hearing on August 15, 2018; and,

WHEREAS, on August 7, 2018 the Planning & Zoning Commission held a Public Hearing to discuss the requested amendments to Chapter 14 of the Code of Ordinances; and.

WHEREAS, the Planning & Zoning Commission after the hearing and discussion recommended to City Council to add Section 14.308.2 Planned Development (PD) District and Section 14.804 Planned Development (PD) District Procedures to the Code of Ordinances; and

WHEREAS, the City Council of the City has held a public hearing and evaluated the recommendation of the Planning & Zoning Commission and deems it necessary to amend the City's Code of Ordinances by amending Chapter 14 Zoning of the City of Gonzales Code of Ordinances adding Section 14.308.2 Planned Development (PD) District and Section 14.804 Planned Development (PD) District Procedures; and,

WHEREAS, the City Council finds that amending the City's Code of Ordinances as described herein will further promote the public health, safety, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS THAT:

I. CODE AMENDMENT

The City of Gonzales Code of Ordinances Chapter 14, Zoning, Section 14.308.2 Planned Development (PD) District And Section 14.804 Planned Development (PD) District Procedures is hereby amended as set forth in the attached Exhibit A, which is fully incorporated herein by reference.

II. REPEALER

All ordinances, or part thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein for the period of time stated.

III. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

IV. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

V. EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage and any publication required by law.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 15th DAY of August, 2018.

CITY OF GONZALES, TEXAS

By: _____
Connie Kacir, Mayor

ATTEST:

Kristina Vega, City Secretary

EXHIBIT A

AMEND CHAPTER 14 ZONING OF THE CITY OF GONZALES CODE OF ORDINANCES ADDING SECTION 14.308.2 PLANNED DEVELOPMENT (PD) DISTRICT AND SECTION 14.804 PLANNED DEVELOPMENT (PD) DISTRICT PROCEDURES:

ADD PORTIONS:

Sec. 14.308.2 Planned Development (PD) District

(a) Purpose. The purpose of an overlay planned development zoning district (“PD District”) is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts.

(1) PD Districts are intended to implement generally the goals and objectives of the City’s Comprehensive Plan.

(2) PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, incorporate new planning concepts into a development, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

(b) Applicability. A PD district may only be established in one or more of the following circumstances:

(1) The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;

(2) The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;

(3) The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards;

(4) The land consists of older sections of Gonzales that are proposed for redevelopment or infill development, and special design considerations are deemed desirable;

(5) The land serves as transition between different and seemingly incompatible land uses;

(6) The land is proposed for development as a major office, retail, commercial or industrial employment center, and special design standards may be warranted;

(7) The land is of such a character that it is in the community's best interest to encourage high-quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan;

(8) The land consists of unusually configured parcels that cannot be developed efficiently under the base district standards.

(c) Approval Procedures. Approval procedures for a PD District are within Article 14.800.

(d) Nature of the District. Each PD District shall be established as an overlay zoning district that combines with one or more base zoning districts. Development in a PD district must be consistent with a Concept Plan that is incorporated as part of the district by the adopting ordinance for the PD.

(e) Base Zoning District Uses. Any use permitted by right or conditionally in the base district shall be permitted in the PD district, unless the use is prohibited or otherwise conditioned in the regulations adopted for the PD district. Uses requiring a Specific Use Permit for the base district may be authorized in the PD district only if designated on the Concept Plan adopted as part of the PD district, in which case the use does not require a separate Specific Use Permit under Article 14.700.

(f) Overlay Zoning District Uses.

(1) The PD district may provide for uses not allowed in the base zoning district, provided that the uses are compatible with the stated purposes of the district and do not conflict with policies in the Comprehensive Plan, considering the arrangement, combination and design features of the uses within the PD district, as depicted on the Concept Plan.

(2) Uses that are not allowed in the base zoning district but are permitted within any specific PD shall be reflected in the PD application, approved as part of the Concept Plan, and enumerated in the Ordinance establishing the district.

(g) Location and Arrangement of Uses. The location and arrangement of all authorized uses in the PD district shall be consistent with the Concept Plan approved with the district.

(h) Deviations from the Concept Plan. Refer to **Sec. 14.804.4** for regulations related to deviations from the Concept Plan.

(i) Base District and Supplemental Standards. In a PD district, uses shall conform to the standards in the base zoning district governing area, building and height requirements in this Code, and any applicable supplemental standards, unless specifically excepted in the ordinance establishing the PD district.

(j) Overlay Zoning District Standards.

(1) In a PD district, standards otherwise applicable to authorized uses in the base zoning district or pursuant to this Code may be varied, and thereafter shall be applied to the uses established in the PD district, only if approved in the ordinance establishing the PD district.

(2) Standards that may be varied include but not limited to the following:

a. Residential density,

- b. Lot area,
- c. Lot width,
- d. Lot depth,
- e. Yard depths and widths,
- f. Building height and size,
- g. Building exterior construction,
- h. Lot coverage,
- i. Floor area ratio,
- j. Parking,
- k. Access,
- l. Screening,
- m. Landscaping,
- n. Accessory buildings,
- o. Signage,
- p. Sidewalks,
- q. Hours of operation,
- r. Lighting, and
- s. Outdoor storage and display.

(3) Varied standards may increase or decrease the requirements otherwise applicable to particular uses.

(4) Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD district regulations, shall be considered standards that apply to subsequent development applications.

(k) Public Facilities.

(1) All facilities or improvements within public rights-of-way shall be provided in accordance with design standards set forth within City of Gonzales Subdivision Regulations.

(2) All facilities or improvements within private rights-of-way or easements must meet City material standards and construction specifications.

(3) Rights-of-way or easements for private streets shall comply with classification standards as set forth within the City of Gonzales Subdivision Regulations. Paving and curb and gutter shall be provided according to the standards as set forth within the Subdivision Regulations.

(4) In order to justify variations from public facilities standards pertaining to provision of roadway and drainage facilities and to demonstrate compliance with the adequate public facilities policies in this LDC, a traffic impact study, drainage study, or other type of applicable engineering study may be required as a prerequisite for approving a petition for a PD district.

Sec. 14.804 Planned Development (PD) District Procedures

Sec. 14.804.1 Development Standards

(a) Steps for Approval: The review process for a PD District application may include the following steps:

- (1) Pre-Application conference;
- (2) Concept Plan;
- (3) Site Development Plan;
- (4) Construction of project.

(b) Completeness of Application & Official Filing Date.

Sec. 14.804.2 Application Requirements

(a) Specific Items Required. No application for a PD shall be accepted by the City until the following items have been submitted to the City by the applicant.

- (1) A completed City application form, including all requirements as stated on the application form;
- (2) If the applicant is not the owner of record (by the appraisal district), a statement from the property owner giving authorization to the applicant to file the request for rezoning shall be required as part of the rezoning application;
- (3) A legal description of the property under consideration, which also shows that such property includes the minimum acreage required for a PD.
- (4) A Concept Plan.
- (5) A description of any development standards or requirements that are different from those in the base zoning district;
- (6) A description of how the proposed Planned Development fulfills the ideals, goals, objectives, and/or concepts of the City's adopted Comprehensive Plan or any other formally adopted City planning document.
- (7) A description that lists and fully explains the specific modifications of the provisions of the base zoning district which are desired, as well as the purposes of the modifications (i.e., why they are necessary).
- (8) A development schedule outlining a timetable for completion of the entire project.
- (9) A copy of all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PD and any of its common areas, if applicable.
- (10) The required application fee.

Sec. 14.804.3 Concept Plan

(a) Requirement for Concept Plan. No PD district may be established without approval of a Concept Plan. The Concept Plan shall be a fully dimensioned map(s) of the land within the proposed PD, and shall be incorporated as a component part of the PD district regulations, and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.

(b) Consistency Required. All development applications within the PD district shall be consistent with the incorporated Concept Plan. Failure of a subsequent development application to conform to the approved Concept Plan for the PD district shall result in denial of the application, unless the PD district regulations are first amended through incorporation of a Concept Plan with which the development application is consistent. The degree of conformity required between the Concept Plan and subsequent development applications shall be set forth in the adopting ordinance.

(c) A site plan, prepared in accordance with this Code may be submitted in lieu of a concept plan and shall qualify as a concept plan.

(d) The Planning Administrator may waive concept plan requirements in cases where the nature of the PD is such that a concept plan is not appropriate.

Sec. 14.804.4 Subsequent Development Applications

(a) Development Applications Authorized. The development standards for a PD district shall be applied to the authorized uses through a plat, Site Development Plan, general Site Plan, or other development applications as set forth in the adopting ordinance.

(b) Minor Deviations from Approved Concept Plan. In determining whether development applications are consistent with the Concept Plan, minor deviations from the Concept Plan may be approved by the Planning Administrator. Unless otherwise specified in the adopting ordinance, minor deviations are limited to the following:

(1) Corrections in spelling, distances, and other labeling that does not affect the overall development concept.

(2) Change in building layout, when shown, that is less than a ten percent (10%) increase in size.

(3) Changes in the proposed property lines internal to the PD as long as the originally approved district boundaries are not altered.

(4) Changes in parking layouts as long as the number of required spaces and general original design is maintained.

(c) Major Deviations from Approved Concept Plan. All major deviations from the Concept Plan shall be submitted to the Planning and Zoning Commission and City Council for approval as an amendment to the PD district.

Sec. 14.804.5 Approval Criteria for a Planned Development District

(a) Factors. The following criteria will be used by the City in deciding whether to approve, approve with modifications, or deny a petition for a PD district:

- (1) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances warranting a PD district classification.
 - (2) The extent to which the proposed PD district furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents.
 - (3) The extent to which the proposed PD district will result in a superior development than could be achieved through conventional zoning classifications.
 - (4) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.
 - (5) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;
 - (6) The extent to which the proposed development is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage and other public facilities; and
 - (7) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.
- (b) Conditions. The City Council may impose such conditions to the PD district regulations and Concept Plan as are necessary to assure that the purpose of the PD district is implemented.

Sec. 14.804.6 Adopting Ordinance

- (a) Items Specific to the Ordinance. The ordinance establishing a PD district shall incorporate the approved Concept Plan as part of the district regulations and shall set forth the following:
- (1) The base zoning district(s) to be overlaid, together with the boundaries of the district(s);
 - (2) A statement as to the purpose and intent of the PD district established therein;
 - (3) The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Concept Plan;
 - (4) The general standards applicable to development within the district, with or without reference to the base district, including:
 - a. Density,
 - b. Lot area,
 - c. Lot width,
 - d. Lot depth,
 - e. Yard depths and widths,
 - f. Building height,
 - g. Building elevations,
 - h. Coverage,

- i. Floor area ratio,
- j. Parking,
- k. Access,
- l. Accessory buildings,
- m. Signs,
- n. Lighting,
- o. Usable open space,
- p. Adjacency,
- q. Hours of operation,
- r. Project phasing or scheduling,
- s. Management associations,
- t. Such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PD District, and
- u. Sidewalks and bicycle facilities;

(5) Provisions stating that all zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this LDC that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district;

(6) Design standards applicable to the development;

(7) A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district;

(8) Required dedications of land or public improvements;

(9) A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable; and

(10) Identification of the levels of the deviation allowed between the Concept Plan and subsequent development applications that may be approved by the Planning Director;

(11) Specification of whether a Site Development Plan(s) is required to implement the district regulations;

(12) Such additional conditions as are established by the Council to assure that the PD District and Concept Plan are consistent with the stated purposes of the district.

Sec. 14.804.7 Documentation of PD Districts

(a) Planned Development Ordinances Approved After Adoption. All Planned Development zoning districts approved after adoption of this Code section, as may be amended, shall be prefixed

by a “PD” designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be shown on the Zoning Map

Sec. 14.804.8 Reapplication Following Denial

(a) Reapplication Time Period. Following denial of a zoning change request, another zoning change request for a Planned Development District may not be resubmitted within six (6) months of the date upon which the previous application was denied.