

**AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, SEPTEMBER 17, 2012, AT 6:00 P.M., COUNCIL CHAMBERS, CITY HALL 3519 LIBERTY DRIVE, PEARLAND, TEXAS.**

**I. CALL TO ORDER**

**II. PURPOSE OF THE WORKSHOP:**

- 1. COMMISSIONER INPUT AND DISCUSSION: REGARDING A PROPOSED PLANNED DEVELOPMENT KNOWN AS 18.1 ACRE BROADWAY AT KINGSLEY PD, *Mr. Harold Ellis, City Planner***
- 2. COMMISSIONER INPUT AND DISCUSSION: REGARDING THE UNIFIED DEVELOPMENT CODE (UDC) – AMENDMENTS T-14 *Mr. Harold Ellis, City Planner***

**III. ADJOURNMENT**

**This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.**

I, Judy Brown, Planning Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 14<sup>th</sup> day of September 2012, A.D., at 5:30 p.m.

\_\_\_\_\_ Judy Brown, Planning Office  
Coordinator

Agenda removed \_\_\_\_\_ day of September 2012.

# **WORKSHOP**

## **# 1**

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> September 17, 2012	<b>ITEM NO.:</b>
<b>DATE SUBMITTED:</b> September 10, 2012	<b>DEPT. OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Harold Ellis	<b>PRESENTOR:</b> Harold Ellis
<b>REVIEWED BY:</b> Mike Hodge	<b>REVIEW DATE:</b> September 10, 2012
<b>SUBJECT:</b> Request of Kerry Gilbert & Associates, applicant, for a Joint Workshop regarding a proposed Planned Development known as 18.1 Acre Broadway at Kingsley PD	
<b>EXHIBITS:</b> 1) Vicinity and Zoning Map; 2) Aerial Map; 3) Submitted Planned Development Document	
<b>EXPENDITURE REQUIRED:</b> N/A <b>AMOUNT AVAILABLE:</b> N/A <b>ACCOUNT NO.:</b> N/A	<b>AMOUNT BUDGETED:</b> N/A <b>PROJECT NO.:</b> N/A
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A <b>ACCOUNT NO.:</b> N/A <b>PROJECT NO.:</b> N/A	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

This workshop is to discuss a request for a Planned Development (PD) to be located at the southeast corner of Broadway and Kingsley. The property contains approximately 18 acres, and is currently undeveloped. The property was formally annexed into the City of Pearland corporate limits by City Council on July 23, 2012. At that time, the Suburban Development (SD) zoning was applied to the property, as is the City's procedure for zoning for land upon annexation into the City.

In August of this year, a Joint Public Hearing was held for the same property on a request for a zone change to the General Business (GB) zoning district. At that time, concern was raised by City Council, Planning and Zoning Commission, staff, and nearby residents regarding potentially incompatible uses allowed by the General Business zone, as well as buffering between this site and existing single-family residential homes. Following the joint public hearing, the applicant withdrew the General Business (GB) zone change request.

The current Planned Development request appears to address the concerns raised at the August Joint Public Hearing. Potentially incompatible uses have been removed, and the residential adjacency concern has been addressed by additional buffering and restrictions on building height, per the residential retail node building adjacency diagram included in the PD.

### **Staff Concerns:**

#### Engineering:

1. Add a note on the exhibits that the driveway locations are conceptual and will be finalized at the time of commercial site review.

#### Parks and Recreation:

1. The trail along Kingsley will need to continue from where it stopped in Southern Trails. It should be the same width as the current section.

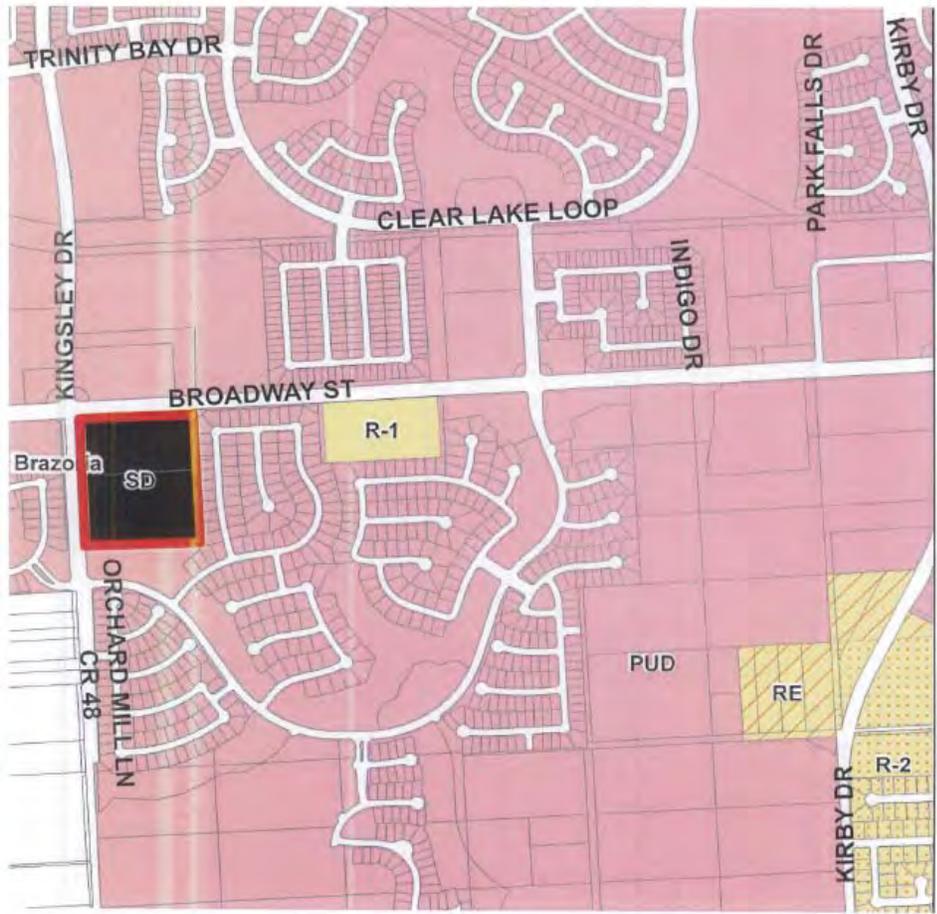
#### Planning:

1. Use classifications should be based on the UDC's Land Use Matrix
2. Allowable and prohibited uses are not necessary. With the base zoning district of GB, all allowable GB uses should be permitted, with a list of excluded uses.
3. Phasing schedule is not necessary.

### **Staff Recommendation**

Conduct the workshop and provide direction to staff.

**Exhibit 1 – Vicinity and Zoning Map:**



**Vicinity and Zoning Map**

**Southeast Corner  
Broadway/Kingsley**

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**Exhibit 2 – Aerial Map:**



**Aerial Map**

**Southeast Corner  
Broadway/Kingsley**

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 125 250 500 Feet



**Exhibit 3 – Planned Development Document Submitted:**

(attached)

## 18.1 Acre Broadway and Kingsley PD

Prepared for:

Beltway 23, Ltd.

Prepared by:

Kerry R. Gilbert & Assoc., Inc.

August 24, 2012

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## **I. Introduction**

### **A. Description of Property**

The subject site is located at the southeast corner of Broadway (CR 92) and Kingsley (CR 48) and encompasses 18.1 acres of land. Currently, the site is vacant. The site was originally 20 acres however; dedication of land for Broadway (CR 92) and Kingsley (CR 48) have reduced the size of the site.

### **B. Description of Proposed Development**

The location of this project at the intersection of two major thoroughfares and lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), an office building or small retail center. The detention for the site will be provided by the detention facility along the southern boundary. Approximately 1.5 acres of land will be combined with the adjacent existing detention to the south in the Southern Trails Development. Refer to Exhibit A – Site Location and Surrounding Uses.

### **C. Describe the area of land in acreage and legal description**

Refer to Exhibit B – Survey and metes & bounds description.

### **D. Statement as to the purpose and intent of the PD**

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

## **II. Zoning and Land Uses**

### **A. Describe existing zoning district surrounding the site**

The site is zoned SD. The surrounding uses are as follows:

- North: Shadow Creek Ranch PUD (commercial and multi-family uses)
- West: Southern Trails PUD (commercial and single-family uses)
- South: Southern Trails PUD (single-family residential use),
- East: Southern Trails PUD (single-family residential use)

### **B. Describe the acreage difference between the Base Zoning and proposed district**

The base zoning and proposed district is GB (General Business).

### **C. General standards applicable to project**

The standards applicable to the project are the GB (General Business) standards plus additional landscape buffer and building height standards stated in this document.

### **D. Permitted and conditional uses allowed**

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, retail and restaurants. Below is a list of Allowed Uses and Prohibited Uses. If a use is not listed below, please refer to the UDC Land Use Matrix.

#### Allowed Uses

- Single-family dwelling detached unit
- Social & recreational building

Church  
Civic Center  
Day Nursery or Kindergarten  
Hospital  
Institution of religious or philanthropic nature  
Library, Art Gallery or Museum  
Public Administration offices  
Residence Home for Aged  
Schools, Private College or University  
Schools, Public or Parochial  
Amusement, commercial outdoor or indoor  
Country Club  
Park/Playground  
Private Club  
Tennis or swim club  
Recreation Center  
Auto Car Wash (self serve with gas station)  
Gas Station with convenience store  
Auto Accessories and Parts, Sales  
Antique Shop  
Animal clinic or hospital (no outside pens)  
Financial Institution (with or without motor bank)  
Barber or Beauty Shop  
Bakery or Confectionary Shop (retail sales)  
Café and Cafeteria  
Laundry, Dry Cleaners  
Clinic, Medical or Dental  
Drug Store, Pharmacy  
Department Store  
Food Sales  
Convenience Store  
Furniture/ Appliance Store  
Garden/nursery shop  
Hardware Store  
Laboratory, Medical or Dental  
Medical Appliance Sales  
Office or Professional use (real estate, insurance, legal, etc.)  
Pet store, Small animals, birds or fish  
Retail Shops, Apparel, Accessories, Gifts  
Shoe repair  
Studio, Photographer, Artist, Music, Drama, Dance  
Laboratory, Scientific or Research  
Restaurants, Drive-thru or dine-in

Prohibited

Single-Family detached  
Multi-family dwelling  
Boarding or rooming House

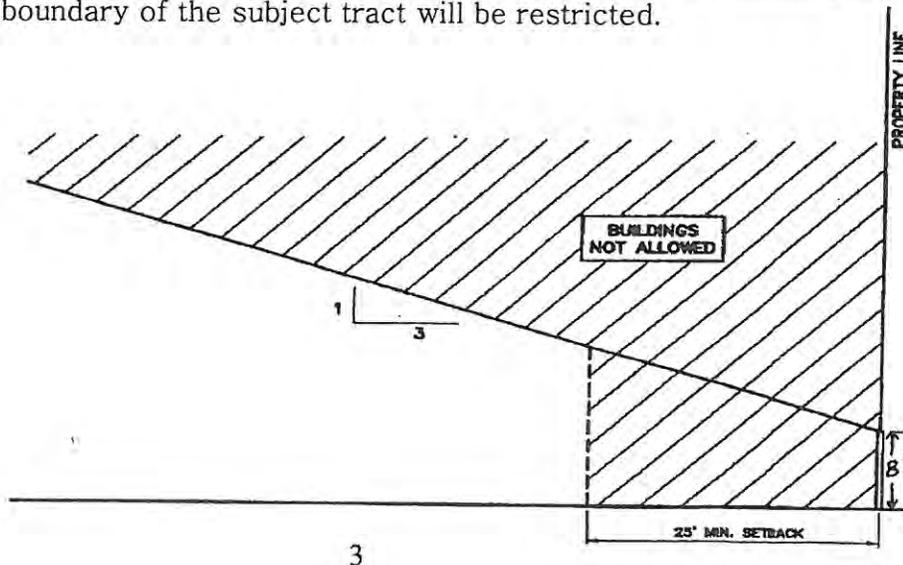
Agricultural Uses  
 Swimming Pool, Private  
 Rehabilitation Center (Alcoholic or narcotics)  
 Electrical Substation  
 Gas Transmission and metering station  
 Radio or television towers  
 Telephone business office  
 Telephone exchange switching relay and transmitting equipment  
 Auto Sales  
 Auto Repair (major or minor)  
 Auto sales (new or used car lot)  
 Auto paint and auto body shop  
 Cemetery  
 Sign Manufacturing  
 Bakery, Cannery wholesale  
 Building materials sales  
 Cabinet or upholstery shop  
 Dance hall or night club  
 Drive in theater  
 Railroad or bus passenger station  
 Trade or commercial schools

### III. Design Standards

#### A. Design Standards

1. Landscape Buffer: There shall be a 25' wide landscape buffer along the eastern boundary of the subject site, adjacent to the single-family residential. The buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use) and shall be planted with ground cover, shrubs and trees. The landscape buffer may be located within the required yard/setback area. Landscape elements permitted shall consist of shrubbery having year round foliage, that is at least seventy-five percent (75%) opaque and that is a minimum of six feet (6') in height at planting.

2. Building Height: Per the exhibit below, the height of any building adjacent to the eastern boundary of the subject tract will be restricted.



**B. Specific list of deviations.**

Prohibiting certain land uses that otherwise are allowed in GB. The list of prohibited land uses is shown above.

**C. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document**

**IV. Required dedications of land or public improvements**

This development is primarily commercial, retail and office and therefore no dedication to parkland required.

**V. Phasing Schedule**

The first phase of the development will consist of ±2.5 acres at the corner of Broadway and Kingsley. The remainder of the site is based on market conditions.

**VI. Exhibits**

- A – Site Location and Surrounding Uses Map
- B – Survey, metes & bounds description



**EXHIBIT "A"**  
 site location and surrounding uses for  
**± 18.1 AC. BROADWAY ST.  
 AND KINGSLEY RD.**  
 prepared for  
**BELTWAY 23, LTD.**

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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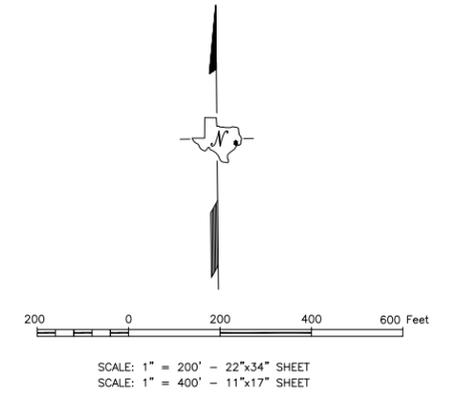
SCALE  
 0 100 200 400

AUGUST 24, 2011  
 KGA #I-256

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212



NOTE:  
 THIS EXHIBIT WAS PREPARED USING RECORDED SUBDIVISION MAPS, RECORDED DEEDS, AND CITY ORDINANCES, AND DOES NOT REPRESENT AN ON THE GROUND SURVEY.

NOTE:  
 THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

NOTE:  
 ALL IMPROVEMENTS (ROADS, FENCES, ETC.) DEPICTED HEREON ARE DERIVED FROM A DIGITAL ORTHOPHOTOGRAPH, AND ARE NOT THE RESULT OF AN ON THE GROUND SURVEY.

**C.D.** C.L. DAVIS & CO. 1500 WINDING WAY  
 LAND SURVEYING FRIENDSWOOD, TEXAS 77546  
 281-482-9490  
 281-482-1294

**EXHIBIT**  
 CITY OF PEARLAND, TEXAS

**PROPOSED ANNEXATION OF 20.3 ACRES  
 WITHIN BRAZORIA COUNTY**

**GENERAL LOCATION**  
 NORTH OF COUNTY ROAD 59  
 EAST OF COUNTY ROAD 48  
 SOUTH OF COUNTY ROAD 92  
 WEST OF CITY OF PEARLAND  
 ORDINANCE No. 924  
 BRAZORIA COUNTY, TEXAS

DATE: 02-08-2012 SCALE: 1" = 200' JOB NO.: 11-1005  
 DWG FILE: 11-1005-ANNEXATION

EXHIBIT "A"  
METES AND BOUNDS DESCRIPTION  
20.3 ACRES MORE OR LESS OUT OF  
J.S. TALMAGE SURVEY, ABSTRACT 564  
BRAZORIA COUNTY, TEXAS

The herein described 20.3 acres, more or less, being generally located in Section 80, J. S. Talmage Survey, Abstract 564, Brazoria County, Texas; the south line being along the south line of Lot 2, Section 80, J. S. Talmage Survey, Abstract 564 according to the plat thereof as filed in Volume 2, Page 98 Brazoria County Plat Records; the west line being the east line of City of Pearland Ordinance No. 1035; the north line being the south right-of-way line of County Road 92 and the extension of City of Pearland Ordinance No. 924 and the east line being the west line of City of Pearland Ordinance No 924;

All that certain 20.3 acres, more or less, to be annexed into the City of Pearland and being all of Lots 1 & 2, Section 80, J. S. Talmage Survey, Abstract 564 and being more particularly described by metes and bounds as follows;

Commencing at a point marking the common corner of Abstracts 305, 565, 564 and 538 and being the intersection of County Road 92 (Broadway) and County Road 48 (Kingsley Drive); Thence Southerly – 20’ with the common line of said Abstract 538 and Abstract 564 to a point marking the POINT OF BEGINNING of herein described tract;

1. Thence Easterly – 910’, more or less, with the south of City of Pearland Ordinance No. 880 to a point for corner marking the most northerly northwest corner of City of Pearland Ordinance No. 924;
2. Thence Southerly – 970’, more or less, with the east line of said Lots 1 and 2, Section 80, J. S. Talmage Survey, Abstract 564 and the west line of City of Pearland Ordinance No. 924 to a point for corner;
3. Thence Westerly – 910’, more or less, with the south line of said Lot 2, Section 80 and continuing with the most westerly north line of said City of Pearland Ordinance No. 924 to a point for corner;
4. Thence Northerly – 970’, more or less, with the east line of said City of Pearland Ordinance No. 1035 to the POINT OF BEGINNING and containing 20.3 acres of land more or less

“This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not be used to convey or establish interest in real property except those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.”

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor’s “General Rules of Procedures and Practices” Section 663.19(9).

Compiled by:  
C.L. Davis & Company  
Job Number: 11-421-141 Annexation-Beltway-23 M&B.doc  
02-09-2012



# **WORKSHOP**

## **# 2**

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> September 17, 2012	<b>ITEM NO.:</b>
<b>DATE SUBMITTED:</b> September 5, 2012	<b>DEPT. OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Ian Clowes	<b>PRESENTOR:</b> Harold Ellis
<b>REVIEWED BY:</b> Mike Hodge	<b>REVIEW DATE:</b> September 10, 2012
<b>SUBJECT:</b> UDC T-14 Amendments	
<b>EXHIBITS:</b> 1) Proposed UDC Language	
<b>EXPENDITURE REQUIRED:</b> N/A	<b>AMOUNT BUDGETED:</b> N/A
<b>AMOUNT AVAILABLE:</b> N/A	<b>PROJECT NO.:</b> N/A
<b>ACCOUNT NO.:</b> N/A	
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A	
<b>ACCOUNT NO.:</b> N/A	
<b>PROJECT NO.:</b> N/A	
<b>To be completed by Department:</b>	
<input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

Amendments to the Unified Development Code (UDC) are reviewed annually. Based on input from citizens, developers, city council, board members, and city staff, planning staff creates a list of changes to the UDC.

Since the UDC is our local zoning ordinance, state law and city charter requires a joint public hearing with the Planning & Zoning Commission (P & Z) and City Council, and two readings of the ordinance by the City Council to approve any changes to the local zoning ordinance.

In Pearland, the Council has directed that the Planning and Zoning Commission review these changes in detail and make a recommendation at the joint workshop. Therefore, the process started with a P & Z workshop.

Workshops were conducted with the P & Z on August 6 and 20, 2012, to discuss these proposed amendments. From these workshops, the Commission has advised staff to amend the UDC as follows.

## Exhibit 1).

### Proposed Areas of Amendments and Amended Language:

#### ***Terminology/Clarification Changes***

1. Planning Director terminology changed to account for City Planner, due to organizational changes.

Section proposed to be clarified: 1.1.2.2 (a) (Page 1-7) Need to account for City Planner. Proposed new language, should potentially now read **Responsible Official** The Director of Planning, or equivalent, as assigned by the City Manager, is the...

#### **Section 1.1.2.2 Director of Planning**

- (a) **Responsible Official.** The Director of Planning, *or equivalent, as assigned by the City Manager*, is the responsible official for the following types of development applications and relief petitions:
  2. Residential lots platted and recorded prior to February 27, 2006 are able to use the setbacks from the Urban Land Use and Development Ordinance, as the side setbacks are the only thing that changed when the Unified Development Code was adopted which pertained to residential setbacks. This will help to address non-conformity issues when existing residential homes are expanded.

Sections proposed to be clarified: 2.4.2.5 (2) (b), 2.4.2.6 (2) (b), 2.4.2.7 (2) (b), should add a new number 2 which states that the side setback for lots recorded prior to 2007 have a minimum of 5' side and a total side setback area of 15'.

#### (2) Size of Yards:

- a. Minimum Front Yard – Twenty-five feet (25'); twenty feet (20') feet for cul-de-sac lots and thumbnail lots.
  - b. Minimum Side Yard
    1. Seven feet and six inches (7'-6"); except as modified below:
    2. *For lots platted prior to February 27, 2006 side setbacks may be decreased to 5' with a minimum separation of 15' between homes.*
    3. Corner Lot:
      - a) Equal to the front yard when abutting a street right-of-way.
      - b) If the recorded plat indicates corner lots will be restricted to front entry only, there shall be a minimum yard of at least fifteen feet (15') adjacent to the side street of a corner lot when the corner lot backs up to an abutting side yard and ten feet (10') adjacent to the side street of a corner lot when the corner lot backs up to an abutting rear yard.
3. The description in the land use classification *Trucks (Heavy) and Bus Rental and Sales* should include sales as well as rentals – this was inadvertently left out of the existing description.

Section proposed to be clarified: 2.5.2.1 (a) (Page 2-134) to add *sales* to the language in the definition in addition to rental.

Description: The rental *or sale* of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

4. The description in the land use classification of *Accessory Structure (Residential)* refers to a nonresidential use, as opposed to residential, which is a typographical error.

Section proposed to be clarified: 2.5.2.1 (a) (Page 2-116) to correct the typographical error by changing the nonresidential reference to a residential reference.

Description: A subordinate building to a building used for ~~non~~residential purposes that does not exceed the height of the main building and does not exceed thirty percent (30%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main nonresidential use (also see Accessory Use).

5. For plat approvals that may not fully meet one or more of the Subdivision regulations in Chapter 3 of the UDC, to allow for a P&Z Variance under the Relief Procedures section of chapter 3. This is already current practice.

Section to be changed: 3.1.1.6 (f) (Page 3-11). Add an additional section stating that an applicant may file for a variance to subdivision regulations. Such variance will be acted on by the Planning and Zoning Commission.

*(f) **Relief from Development Requirements.** An applicant may file for a Variance from the Planning and Zoning Commission for relief of certain development requirements such as lot width, lot depth. Or lot area requirements.*

6. Currently, certain uses such as bus barns or warehouses which require significant truck parking for the operations for the business have to also provide the required passenger car parking for employees. This may result in excessive parking spaces in certain situations.

Section proposed to be changed: 4.2.1.3 (b) (Page 4-21) potentially adding language to the effect of "Minimum number of spaces for the use is required, unless otherwise approved by the Planning Director", based on the particular location or situation.

*(b) **Truck or Bus Parking Areas.** Parking spaces used for the parking of trucks or buses shall not be counted toward meeting the requirements ~~of this section~~ unless otherwise approved by the Planning Director.*

7. Clarify the difference between Yard and Required Yard.

Section to be changed: 5.1.1.1 (456) (Page 5-41) Add a definition for **YARD, REQUIRED** which is defined as being equal to the required setback areas (front, side, and rear) for a given zoning district.

**(457) YARD, REQUIRED** an area being equal to the required setback areas (front, side, and rear) for a given zoning district.

### **Discussion Items**

8. Request from Meg Belmontes, of the Brick Industry Association, to reduce or eliminate EIFS as an allowed façade material where masonry is required. This could also involve deleting EIFS as a masonry material.

Section proposed to be changed: 2.6.2.1 (c) (1) (Page 2-218) removing or limiting EIFS as a masonry material, AND 5.1.1.1 (Page 5-25) removing or limiting EIFS as masonry.

#### **(c) Materials Permitted.**

- (1) Allowed by Right: For the purpose of this section masonry materials allowed by right are brick, stone brick veneer, custom treated tilt wall, decorative or textured concrete block, *and* split face block, *and* stucco. ~~*and EIFS (exterior insulation and finish systems).*~~
  - (2) May Be Allowed by CUP: New technologies not addressed or contemplated by these regulations may also be allowed by CUP, if such materials are consistent with the visual nature and quality of the masonry materials permitted herein.
  - (3) Trim Materials: Architectural metal *and EIFS (exterior insulation and finish systems)*—may be utilized for window and door trim, fascia, or soffit.
9. Currently, a non-conforming site may increase parking up to 20% of their total existing parking without triggering site improvements. This could be done repeatedly without triggering the property being brought up to code.

Section proposed to be changed: 4.1.3.2 (b) (3) (Page 4-15) setting a time frame between editions. Possibly 5 years.

- (3) Parking Spaces Increase: An increase in the number of parking spaces equal to or more than twenty percent (20%). *Parking may only be increased by less than 20% once in a two year span without having to come into full compliance.* In this case, façade material requirements shall not be required
10. The current UDC regulation for structures over 50,000 square feet may result in a large amount of articulation for structures over 50,000 square feet, such as a warehouse. This may be excessive in industrial zoning districts.

Section proposed to be changed: 2.4.5.1 (d) (1) (Page 2-97) potentially change regulations for buildings over 50,000 sq ft in M1 and M2, 1'/20'.

#### **b. Building articulation shall be provided as specified in the following:**

1. All nonresidential structures fifty thousand (50,000) square feet in size or greater, except Public Educational Facilities, shall incorporate architectural variation of at least three feet (3') in depth for every twenty-five feet (25') (not cumulatively) in vertical or horizontal length. *Properties zoned M-1 or M-2 shall incorporate*

*architectural variation of at least one foot (1') in depth for every twenty-five feet (25').*

2. All nonresidential structures less than fifty thousand (50,000) square feet shall incorporate architectural variation of at least one foot (1') in depth for every ten feet (10') (not cumulatively) in vertical or horizontal length.

11. To broaden the scope of our current definition of Commercial Transit Station, to be used as a metro transit station, for example, cars and buses should be added to the definition.

Section proposed to be changed: 2.5.2.1 (a) (Page 2-132), Commercial Transit Terminal Description, add language to include passenger cars.

Description: Any premises for the storage and/or parking of motor-driven buses *or passenger cars* and the loading and unloading of passengers.

12. To allow for more than one temporary outdoor sales event per year in the General Business (GB) zoning district.

Section proposed to be changed: 2.4.4.5 (e) (2) to consider increasing to more than one calendar event per year. Possibly 4 events per calendar year.

- (e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed the incidental display of merchandise out of doors subject to the following limitations:

- (1) Except as provided below, all display areas out of doors shall be confined to a pedestrian walkway immediately adjacent to the building housing the primary use, shall not extend from such building a distance of more than ten feet (10'), and shall be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
- (2) The temporary sale of Christmas trees and products associated with celebration of holidays or national events events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of the holiday celebration. The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to one ~~(7)~~ (4) event per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:
  - a. That there is an adequate off-street parking area, approved by the City; and
  - b. That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.

13. To allow plat approval to remain in effect (prior to recordation) for a two year period from the approval date rather than the submission date. Preliminary plats, Development plats, Final plats, Minor plats.

Section(s) proposed to be changed: 3.1.3.5 (a), 3.1.5.6 (a), 3.1.6.6 (a), to change approval wording from date of plat submission to date of plat approval.

### **Section 3.1.3.5 Expiration and Extension**

- (a) The approval of a Preliminary Subdivision Plat application shall remain in effect for a period of two (2) years from the date ~~a complete application was officially submitted to the City, during which period the applicant shall submit and receive approval for a Final Subdivision Plat for the land subject to the Preliminary Subdivision Plat of final approval.~~ If a Final Subdivision Plat application has not been approved within the two (2)-year period, the Preliminary Subdivision Plat application, unless extended in accordance with Article 2, Division 5 of Chapter 1, shall expire and the plat shall be null and void.

### **Section 3.1.5.6 Expiration and Extension**

- (b) The approval of a Final Subdivision Plat application shall remain in effect for a period of two (2) years from the date ~~a complete application was officially submitted to the City, during which period the applicant shall submit any required revisions for approval and record the plat of final approval.~~ If the Final Subdivision Plat has not been recorded within the two-year (2-year) period, the Final Subdivision Plat approval, unless extended in accordance with Article 2, Division 5 of Chapter 1, shall expire and the applicable plat shall be deemed null and void.

### **Section 3.1.6.6 Expiration**

- (c) (a) The approval of a Minor Subdivision Plat application shall remain in effect for a period of two (2) years from the date ~~that a complete application was officially submitted to the City, during which period the applicant shall submit any required revisions for approval and record the plat of final approval.~~ If the Minor Subdivision Plat has not been recorded within the two (2)-year period, the Minor Subdivision Plat approval shall expire and the plat shall be deemed null and void.

14. The intent of the Old Townsite is to encourage outdoor activities. Therefore, the CUP was intended to only be required if outdoor seating was to be in the City right-of-way. If located on private property, this was intended to be allowed by-right.

Section proposed to be changed: 2.4.3.4 (c) (10) (a), to add wording stating a CUP is only required for outdoor seating if the proposed seating is to be located in City right-of-way.

10. **Outdoor Activities or Uses.** No outdoor commercial activities or uses shall be permitted in any OTS District without a temporary permit issued by the City's Building Official pursuant to the City Building Code, unless expressly authorized herein.

- a. Outdoor display and outdoor seating *within public right-of-way* in all districts within the Old Townsite may be permitted by a CUP. *Outdoor seating located fully on private property is permitted by right.*



17. To clarify where motor homes, trailers, and recreational vehicles may be parked.

Section proposed to be added: 2.5.3.1 (j) **Motor Homes, Trailers, and Recreational Vehicles.** May be parked in an operable conditional in a primary residential driveway. May be stored in a side or rear yard if completed screened in accordance with sections 4.2.4.1 and 4.2.4.3. This change is to illustrate the distinction between parking and storage of these types of vehicles.

*(j) **Motor Homes, Trailers, and Recreational Vehicles.** Such vehicles may be parked, in an operable conditional, on the primary, paved, residential driveway. Such vehicles may also be stored in a side or rear yard if completed screened from the view of the roadway or neighboring properties and in accordance with sections 4.2.4.1 and 4.2.4.3 of the Unified Development Code.*

18. Change the maximum street light separation from 250' down to 200'. This was a request by Engineering to ensure adequate light coverage within subdivisions.

Section to be changed: 3.2.6.4 (v) (Page 3-58). Change the maximum separation from 250' to 200'.

(v) **Streetlights.** Streetlights shall be installed by the developer at all intersections and at the ends of cul-de-sacs, and shall have no greater distance than two hundred ~~and fifty~~ feet ~~(250')~~ (200') between them within or abutting the subdivision.

~~19. Allow for missing pet signs to be placed around town without being subject to the off-premise sign clause.~~

~~Section to be changed: 4.2.5.9 (b) (Page 4-73) Under General Exemptions add Missing Pet signs and limit to no more than 10 signs for a 7 day period. Additional restrictions such as size, quantity, etc. may be added.~~  
~~Planning & Zoning Commission decided not to move forward with this amendment.~~

20. Remove all mention of Parkland Dedication fees from the UDC. Parkland fees are dealt with in the Parks and Trails Ordinance and does not need to be addressed as part of the UDC.

Section to be changed: 3.2.10.1 Remove from the UDC all together.

Recommended action:

Conduct the workshop and provide staff with direction.