

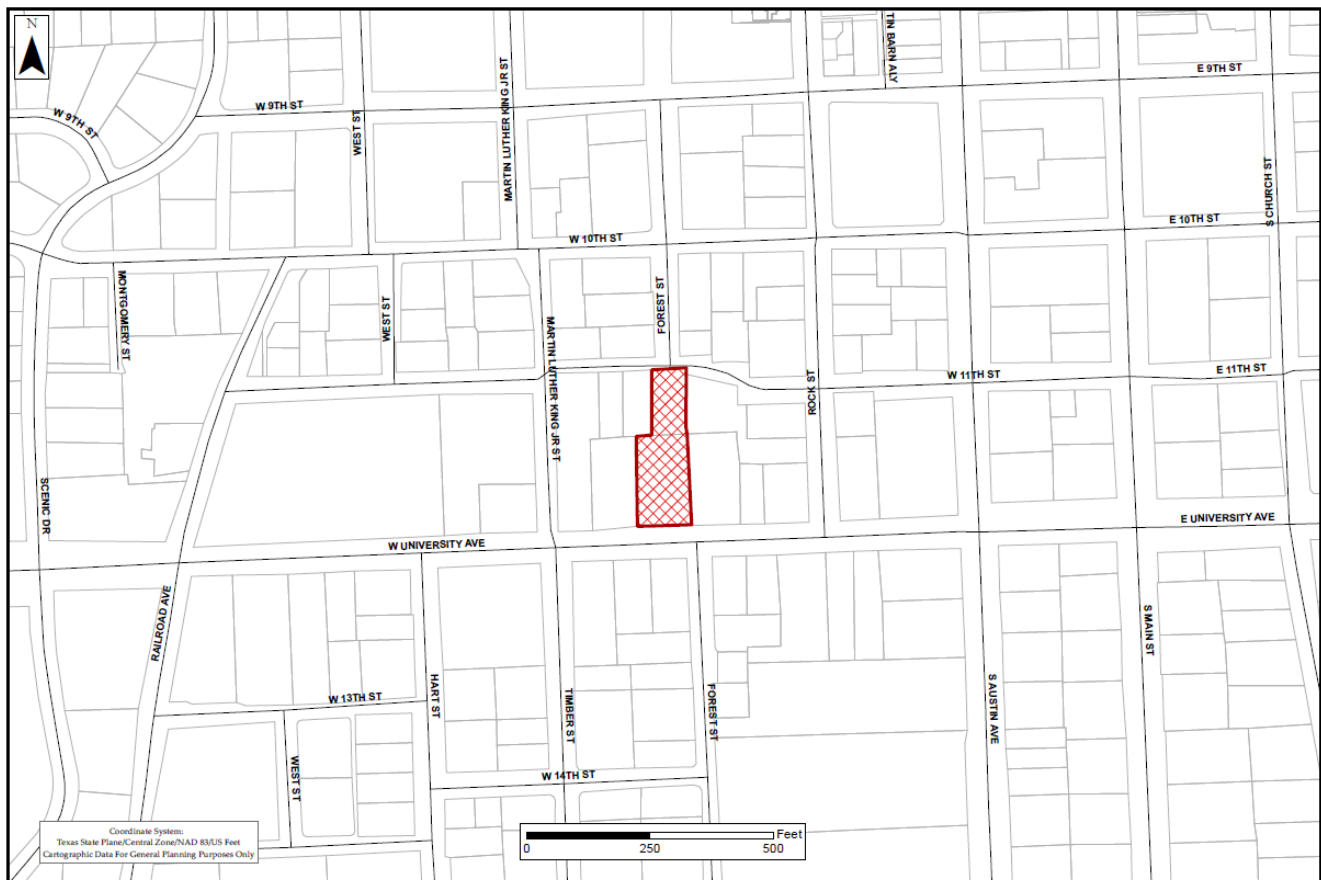


## Planning and Zoning Commission Planning Department Staff Report

**Report Date:** August 30, 2019  
**Case No:** 2019-11-REZ  
**Project Planner:** Chelsea Irby

### Item Details

**Project Name:** 400 W University and 400 W 11<sup>th</sup> Rezoning  
**Project Location:** 400 W University and 400 W 11<sup>th</sup>, within City Council district No. 6.  
**Total Acreage:** 0.65  
**Legal Description:** 0.65 acres out of Blocks 67 and 68 of the Lost Addition  
**Applicant:** Lee McIntosh  
**Property Owner:** Lee McIntosh  
**Request:** Zoning Map Amendment to rezone the subject property from **Residential Single-Family (RS) and Planned Unit Development (PUD) to Mixed Use Downtown (MU-DT)**.  
**Case History:** This is the first public hearing of this request.



*Location Map*

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### Overview of Applicant's Request

The applicant is requesting to rezone the properties at 401 W University and 400 W. 11<sup>th</sup> Street to the Mixed Use Downtown (MU-DT) district to expand the existing office and create a new parking area.

### Site Information

#### Location:

The subject property is located near the northeast corner of University Avenue and Martin Luther King Jr. Street. The southern portion is currently used as an office and the northern portion is undeveloped.

#### Physical and Natural Features:

The subject property has little natural features and no tree cover.

#### Future Land Use and Zoning Designations:

The subject property has an existing Future Land Use designation of Moderate Density Residential and Specialty Mixed Use Area and is currently zoned Residential Single-Family (RS) and Planned Unit Development (PUD). The subject property is also in the Downtown Overlay (Area 2).

#### Surrounding Properties:

The surrounding area is a mix of non-residential and residential. This area is a transitional area into the Downtown area and is in the Downtown Overlay District. There are many houses that have been converted to non-residential uses in this area along the University Avenue corridor. The area to the north is primarily residential.

The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

| DIRECTION                                            | ZONING DISTRICT                | FUTURE LAND USE                    | EXISTING USE       |
|------------------------------------------------------|--------------------------------|------------------------------------|--------------------|
| <b>North</b><br><i>(across W 11<sup>th</sup> St)</i> | Residential Single-Family (RS) | Moderate Density Residential (MDR) | Residential        |
| <b>South</b> <i>(across University Ave)</i>          | Mixed Use Downtown (MU-DT)     | Specialty Mixed Use Area (SMUA)    | Office             |
| <b>East</b>                                          | RS and Office (OF)             | MDR and SMUA                       | Office and Parking |
| <b>West</b>                                          | RS and MU-DT                   |                                    | Office             |



*Aerial Map*

### **Property History:**

In 1999, the southern portion of the property was rezoned from Residential Single-Family (RS) to Residential Planned, with a site plan. This is the equivalent of a Planned Unit Development (PUD) with a base district of RS.

### **Comprehensive Plan Guidance**

#### **Future Land Use Map:**

The Specialty Mixed-Use Area designation accommodates large-scale mixed-use developments that are mostly commercial and usually near intense regional commercial uses and the I-35 corridor. This category encourages the creation of well planned “centers” designed to integrate a variety of complementary uses, with an emphasis on retail, offices, and entertainment activities. These centers may also include civic facilities and parks or other green spaces. Housing, in the form of apartments, townhomes, condominiums, and live-work spaces, is also encouraged in these mixed-use areas, generally in higher densities. These areas should be designed in a pattern of pedestrian-oriented, storefront-style shopping streets, with shared parking and strong pedestrian linkages to the surrounding areas.

#### **Growth Tier:**

**Tier 1A** is that portion of the city where infrastructure systems are in place, or can be economically provided, and where the bulk of the city’s growth should be guided over the near term. Within Tier 1A, the city is called on to conduct assessments of public facility conditions and capacities, and to

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prioritize short and long term capital investments so as to ensure that infrastructure capacity is sufficient to serve development intensities as indicated on the Future Land Use Map and in the zoning districts.

### **Downtown Master Plan:**

The area south of the downtown core along Austin Avenue and University Avenue is an important “service” area for the primary retail and entertainment focus of the Downtown Core. Today, it contains many buildings that have a strip commercial character, but in the future it should be more urban in character, with buildings constructed to the street edge and continuous sidewalks accommodating pedestrian activity.

University Avenue is a major point of access into the downtown and the historic Old Town neighborhood from the interstate. It does not provide, however, a strong image for the downtown experience. It is not pedestrian-friendly. This southern portion of Austin Avenue has followed this auto-dominated pattern. Sidewalks are lacking with the exception of the new retail center on the northeast corner of University and Austin. New sidewalk upgrades have occurred along Main Street in this area, which has helped elevate the character and identity of this area. This area includes a mix of traditional commercial storefronts, transitional business uses and residential structures that have been converted to commercial uses. Other houses remain residential in use. A recent adaptive use project, the conversion of Wesleyan Retirement Center to office space, has demonstrated the potential for larger companies to locate in the downtown when adequate space is available. At the same time, more services are needed in this area to cater to this employment base.

### RECOMMENDED PROJECTS

- Mixed-use buildings with retail on the ground floor along Austin Avenue
- Restaurants
- Multifamily housing
- Professional offices, including startup incubator space
- Neighborhood-based services, including day care
- Neighborhood parks
- Improved sidewalks, streetscapes and landscaping

### **Utilities**

The subject property is located within the City’s service area for water, wastewater, and electric. It is anticipated that there is adequate capacity to serve the subject property at this time. A Utility Evaluation may be required at time of Site Development Plan to determine capacity and any necessary utility improvements.

### **Transportation**

The subject property is has frontage on University Avenue (Major Arterial) and W 11<sup>th</sup> Street (Residential Street).

*Arterial streets* provide traffic movement through and between different areas within the city and access to adjacent land uses. Access is more controllable because driveway spacing requirements are

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much greater and, if safety dictates, overall access can be limited to specific turning movements. Major Arterials connect major traffic generators and land use concentrations and serve much larger traffic volumes over greater distances.

*Residential streets* are intended to provide access to adjoining properties by collecting the traffic from surrounding areas and distributing it to adjoining collectors or arterial streets. Local streets can access both collector level streets and arterial level streets.

A Traffic Impact Analysis (TIA) will be required at time of Site Development Plan for any development that generates more than two thousand (2,000) average daily trips based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

### Proposed Zoning district

The Mixed Use Downtown District (MU-DT) is intended to provide a location for a mix of land uses including general commercial and retail activities, office as well as single-family and multi-family in the downtown area. Developments in the MU-DT District are typically smaller in size and scope although there may be occasionally heavy traffic. The Mixed Use Downtown District is only appropriate in the traditional downtown area of Georgetown. Properties in MU-DT shall meet the design requirements of the Downtown Overlay District, and Downtown and Old Town Design Guidelines.

Permitted uses in this district include, but are not limited to inn, restaurant, personal services, single-family detached, parking lot, and banking and financial services. Other uses such as bed and breakfast, general office, upper-story residential, and daycare are permitted subject to specific design limitations to ensure compatibility with the surrounding properties. Certain land uses including hotel, theatre, medical or dental clinic, assisted living, multi-family attached, and community center uses may be permitted subject to approval of a Special Use Permit (SUP). Exhibit 4 contains a comprehensive list of MU-DT district permitted uses and development standards.

### Intergovernmental and Interdepartmental Review

The proposed rezoning request was reviewed by all applicable City Departments to determine the appropriateness of the requested zoning on the subject property. No comments were issued regarding the zoning request.

### Approval Criteria

Staff has reviewed the request in accordance with the Unified Development Code (UDC) and other applicable codes. Staff has determined that the **proposed request complies with 4 of the 5 established in UDC 3.06.030 for a Rezoning**, as outlined in the attached Staff Report.

| REZONING APPROVAL CRITERIA                                                                            | FINDINGS        | STAFF COMMENTS                                                                                                          |
|-------------------------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------|
| 1. The application is complete and the information contained within the application is sufficient and | <b>Complies</b> | An application must provide the necessary information to review and make a knowledgeable decision in order for staff to |

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| REZONING APPROVAL CRITERIA                                                                                                                   | FINDINGS                  | STAFF COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| correct enough to allow adequate review and final action.                                                                                    |                           | schedule an application for consideration by the Planning and Zoning Commission and City Council. This application was reviewed by staff and deemed to be complete.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2. The zoning change is consistent with the Comprehensive Plan.                                                                              | <b>Partially Complies</b> | <p>The northern portion of the property has a Future Land Use Designation of Moderate Density Residential (MDR) and the southern portion has a Future Land Use Designation of Specialty Mixed Use Area (SMUA).</p> <p>The rezoning request of MU-DT for southern portion of the property (along University Ave.) complies with the Comprehensive Plan. MU-DT is the preferred zoning for the SMUA designation. This zoning category would allow for the uses and special projects that the Downtown Master Plan promotes in the Downtown South Character Area.</p> <p>The rezoning request of MU-DT for the northern portion of the property (along 11<sup>th</sup> Street) does not comply with the Comprehensive Plan. The MDR designation calls for primarily residential uses with non-residential uses located on major thoroughfares. 11<sup>th</sup> Street is classified as a residential street.</p> |
| 3. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City. | <b>Partially Complies</b> | The rezoning request of MU-DT for the southern portion of the property promotes orderly development. While there is residential to the east, non-residential uses are more appropriate along University and rezoning request complies with the Comprehensive Plan and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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| REZONING APPROVAL CRITERIA                                                                                                                           | FINDINGS                         | STAFF COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                      |                                  | <p>Downtown Master Plan.</p> <p>The rezoning request of MU-DT for the northern portion of the property does not create a smooth transition of uses. There is residential to the west and a residential area to the north. There are other zoning districts like Neighborhood Commercial (CN) and Office (OF) that would create a smooth transition between MU-DT along University Ave. and residential to the north.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>4. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.</p> | <p><b>Partially Complies</b></p> | <p>The adjacent area is a mix of Mixed Use Downtown (MU-DT), Office (OF), and Residential Single-Family (RS). The adjacent area is also within the Downtown Overlay District, as is the subject property.</p> <p>The rezoning of the southern portion of the property to MU-DT is compatible with surrounding zoning, because non-residential uses are appropriate along the University Avenue corridor.</p> <p>However, the rezoning of the northern portion of the property to MU-DT partially complies because of the adjacency to residential. The MU-DT category allows intense uses like inns, commercial parking lots, live music and entertainment, upper story residential, and general retail. Additionally the zoning designation allows for zero setbacks. The mix of uses and lack of setbacks would not protect the adjacent residential areas.</p> |

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| REZONING APPROVAL CRITERIA                                                                                                    | FINDINGS        | STAFF COMMENTS                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment. | <b>Complies</b> | Developed separately or together, the subject properties are able to accommodate the allowed uses and the development standards permitted in the MU-DT district. |

Overall, the request for Mixed Use Downtown (MU-DT) is appropriate because it removes residential zoning from a primarily non-residential corridor. It would also allow for the uses and special projects that the Downtown Master Plan promotes in the Downtown South Character Area. However, the MU-DT designation for the northern portion of the property would be compatible adjacent to residential because of allowed uses and zero setbacks.

### Meetings Schedule

9/3/2019 – Planning and Zoning Commission

9/24/2019 – City Council First Reading of the Ordinance

10/10/2019 – City Council Second Reading of the Ordinance

### Public Notification

As required by the Unified Development Code, all property owners within a 300-foot radius of the subject property and within the subdivision were notified of the Zoning Map Amendment request (40 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper (August 18, 2019) and signs were posted on-site. To date, staff has received zero (0) written comments in favor, and zero (0) in opposition to the request.

### Attachments

Exhibit 1 – Location Map

Exhibit 2 – Future Land Use Map

Exhibit 3 – Zoning Map

Exhibit 4 – Design and development standards of the MU-DT district

Exhibit 5 – Letter of Intent