

**Notice of Meeting for the  
Zoning Board of Adjustment  
of the City of Georgetown  
April 16, 2019 at 5:00 PM  
at City Council Chambers - 510 West 9th Street, Georgetown, TX 78626**

The City of Georgetown is committed to compliance with the Americans with Disabilities Act (ADA). If you require assistance in participating at a public meeting due to a disability, as defined under the ADA, reasonable assistance, adaptations, or accommodations will be provided upon request. Please contact the City Secretary's Office, at least three (3) days prior to the scheduled meeting date, at (512) 930-3652 or City Hall at 808 Martin Luther King Jr. Street, Georgetown, TX 78626 for additional information; TTY users route through Relay Texas at 711.

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**Legislative Regular Agenda**

- A The consideration and possible action of the of the minutes from the February 19, 2019 Zoning Board of Adjustment meeting- Stephanie McNickle
- B The consideration and possible action of the of the minutes from the March 19, 2019 Zoning Board of Adjustment meeting- Stephanie McNickle
- C Public Hearing and possible action on a request for a variance from Unified Development Code (UDC) Section 6.02.090, which sets the maximum number of living units to 24 units per structure in the High Density Multifamily (MF-2) District to allow a structure with 42 units on the property located at 2211 Westinghouse Rd, bearing the legal description of 11.094 acres out of the J Robertson Survey, Abstract No. 545, and the William Addison Survey, Abstract No. 21 (2019-2-VAR). Michael Patroski, Planner

**Adjournment**

**CERTIFICATE OF POSTING**

I, Robyn Densmore, City Secretary for the City of Georgetown, Texas, do hereby certify that this Notice of Meeting was posted at City Hall, 808 Martin Luther King Jr. Street, Georgetown, TX 78626, a place readily accessible to the general public at all times, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_, and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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Robyn Densmore, City Secretary

City of Georgetown, Texas  
Zoning Board of Adjustment  
April 16, 2019

**SUBJECT:**

The consideration and possible action of the of the minutes from the February 19, 2019 Zoning Board of Adjustment meeting- Stephanie McNickle

**ITEM SUMMARY:**

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Stephanie McNickle, Recording Secretary

**ATTACHMENTS:**

Description	Type
 Minutes	Cover Memo

City of Georgetown, Texas  
**Zoning Board of Adjustment**  
Tuesday, February 19, 2019, 2019 at 5:00 p.m.  
Council and Courts Building located at 101 E. 7<sup>th</sup> Street Georgetown, TX 78626

Commissioners present: Josh Schroeder, Chair; Alex Fuller; Travis Perthuis; John Marler; and Kaylah McCord, Ed Whitmore - Alternate.

Commissioner(s) Absent:

Staff Present: Sofia Nelson, Planning Director; Andreina Davila, Current Planning Manager; Chelsea Irby, Senior Planner and Stephanie McNickle, Recording Secretary.

**Regular Session**

A. (This Regular Session may, at any time, be recessed to convene an Executive Session for any purpose authorized by the Open Meetings Act, Texas Government Code 551.)

Chair Schroeder opened the meeting at 5:00.

- Call to Order
- Pledge of Allegiance – Pitts led the Pledge.
- Comments from the Chair
- Welcome and Meeting Procedures
- Action from Executive Session

B. Consideration and possible approval of the minutes of the December 4, 2018 meeting. Stephanie McNickle, Recording Secretary

**Motion** by Marler to approve the minutes from the December 4, 2018 meeting. **Second** by McCord. **Approved.** (5-0)

C. Public Hearing and possible action on a request for a 10-foot variance from the 25-foot minimum rear setback when adjacent to a residential district requirement of Unified Development Code (UDC) Section 7.02.020, to allow a 15-foot rear setback on the property located at 601 River Bend, bearing the legal description of Lot 4, Block 11, Quail Meadow Unit 3. (VAR-2018-004) Chelsea Irby, Senior Planner

Chelsea Irby presented the staff report and reviewed over the Zoning Variance request in accordance with the Unified Development Code (UDC) and other applicable codes. Staff has determined that the proposed request meets 6 of the 6 required findings established in UDC Section 3.15.030.A for a Zoning Variance.

Chair Schroeder invited the applicant to speak. The applicant declined but stated he will be glad to answer questions.

Chair Schroeder opened the Public Hearing. No one came forward. The Public Hearing was closed.

**Motion** by McCord to approve the request for a 10-foot variance from the 25-foot minimum rear setback when adjacent to a residential district requirement of Unified Development Code (UDC)

Section 7.02.020, to allow a 15-foot rear setback on the property located at 601 River Bend, bearing the legal description of Lot 4, Block 11, Quail Meadow Unit 3. **Second** by Fuller. **Approved.** (5-0)

**Adjournment**

**Motion** to adjourn at 5:47p.m.

\_\_\_\_\_  
Alex Fuller, Chair

\_\_\_\_\_  
Attest, Kaylah McCord, Secretary

City of Georgetown, Texas  
Zoning Board of Adjustment  
April 16, 2019

**SUBJECT:**

The consideration and possible action of the of the minutes from the March 19, 2019 Zoning Board of Adjustment meeting- Stephanie McNickle


**ITEM SUMMARY:**

**FINANCIAL IMPACT:**

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**SUBMITTED BY:**

**ATTACHMENTS:**

Description	Type
 Minutes from the March 19, 2019 meeting.	Cover Memo

City of Georgetown, Texas  
**Zoning Board of Adjustment**  
Tuesday, March 19, 2019 at 5:00 p.m.  
Council and Courts Building located at 101 E. 7<sup>th</sup> Street Georgetown, TX 78626

Commissioners present: Alex Fuller, Chair; Travis Perthuis, Vice-chair; Kaylah McCord, Secretary; John Marler and Ed Whitmore

Commissioner(s) Absent:

Staff Present: Sofia Nelson, Planning Director; Andreina Davila, Current Planning Manager; Ethan Harwell and Stephanie McNickle, Recording Secretary.

### Regular Session

(This Regular Session may, at any time, be recessed to convene an Executive Session for any purpose authorized by the Open Meetings Act, Texas Government Code 551.)

Chair Fuller opened the meeting at 5:00.

- Call to Order
- Pledge of Allegiance – Pitts led the Pledge.
- Comments from the Chair
- Welcome and Meeting Procedures
- Action from Executive Session

### Legislative Regular Agenda

- A Nomination and selection of Vice-chair and Secretary for the 2019/20 Zoning Board of Adjustment. Stephanie McNickle, Recording Secretary.  
**Motion** by Marler to nominate Perthuis as 2019-2020 Vice-chair of the Zoning Board of Adjustment.  
**Second** by Whitmore. **Approved.** (5-0)  
**Motion** by Marler to nominate McCord as 2019-2020 Secretary of the Zoning Board of Adjustment.  
**Second** by Perthuis. **Approved.** (5-0)
- B Discussion and possible action establishing the regular meeting date, time and place of the Zoning Board of Adjustment for 2019/20. Stephanie McNickle, Recording Secretary. **Motion** by Whitmore to meet the third Tuesday of the month **if** there is an item on the agenda. **Second** by McCord.  
**Approved.** (5-0)
- C Public Hearing and possible action on a request for 1) a variance from Unified Development Code (UDC) Section 6.05.010, which sets the maximum size of an accessory structure at 25% of the size of the principal structure, to allow an increase in the size of an accessory structure to 70% of the size of the principal structure (*request withdrawn by the applicant*), and 2) a variance from UDC Section 6.02.050, for a 1.5 foot variance from the required 10 foot rear setback, to create a 8.5 foot rear setback, for the property located at 1500 Timber Street, bearing the legal description of 0.18 acres in Outlot Division A, Block 2, City of Georgetown (2019-1-VAR). Ethan Harwell, Planner  
Ethan Harwell presented his staff report to the Zoning Board of Adjustment.

Staff has reviewed the zoning variance request for a 1.5-foot variance from the required 10-foot setback in accordance with the UDC and other applicable codes. Staff has determined that the proposed request meets 1 of the 7 required findings established in UDC Section 3.15.030.A for a Zoning Variance as outlined in the attached Staff Report.

Chair Fuller invited the applicant to address the Board. The applicant declined.  
Chair fuller opened the Public Hearing. No one came forward. The Public Hearing was closed.

Motion by Marler to deny a variance from UDC Section 6.02.050, for a 1.5 foot variance from the required 10 foot rear setback, to create a 8.5 foot rear setback, for the property located at 1500 Timber Street, bearing the legal description of 0.18 acres in Outlot Division A, Block 2, City of Georgetown. Second by Whitmore. Denied. (5-0)

*Item was pulled from the agenda as the request of the applicant.*

- D Public Hearing and possible action on a request to appeal an administrative decision regarding the determination of an alternative design to protect a heritage tree pursuant to Unified Development Code (UDC) Section 8.02.050.B.1 (2019-1-APL). Sofia Nelson, CNU-A, Planning Director

## **Adjournment**

**Motion to adjourn at 5:14 p.m.**

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Alex Fuller, Chair

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Attest, Kaylah McCord, Secretary

City of Georgetown, Texas  
Zoning Board of Adjustment  
April 16, 2019

**SUBJECT:**

Public Hearing and possible action on a request for a variance from Unified Development Code (UDC) Section 6.02.090, which sets the maximum number of living units to 24 units per structure in the High Density Multifamily (MF-2) District to allow a structure with 42 units on the property located at 2211 Westinghouse Rd, bearing the legal description of 11.094 acres out of the J Robertson Survey, Abstract No. 545, and the William Addison Survey, Abstract No. 21 (2019-2-VAR). Michael Patroski, Planner

**ITEM SUMMARY:**

**Overview of Applicant's Request:**

The applicant is requesting a variance to the maximum number of living units permitted in a structure in the High Density Multi-family (MF-2) District. The current maximum number of living units permitted is 24 units. The applicant is requesting that the structure be permitted to have up to 42 units in a structure.

**Staff's Analysis:**

Staff has reviewed the Zoning Variance request in accordance with the Unified Development Code (UDC) and other applicable codes. Staff has determined that the proposed request meets 7 of the 7 required findings established in UDC Section 3.15.030.A for a Zoning Variance as outlined below and in the attached Staff Report. Per the UDC, no Zoning Variance shall be granted unless the ZBA finds all of the approval criteria has been met.

**Public Comments:**

As required by the Unified Development Code (UDC), all property owners within 200 feet of the subject property were notified of the request (11 notices mailed), a legal notice advertising the public hearing was placed in the Sun Newspaper March 31, 2019, and signs were posted on-site. As of the publication date of this report, staff has received 0 written comments in favor and 0 in opposition of the request.

**FINANCIAL IMPACT:**

None. The applicant has paid the required application fees.

**SUBMITTED BY:**

Michael Patroski, Planner

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Staff Report	Cover Memo
<input type="checkbox"/> Exhibit 1 - Location Map	Exhibit
<input type="checkbox"/> Exhibit 2 - Zoning Map	Exhibit
<input type="checkbox"/> Exhibit 3 - Applicants Letter of Intent	Exhibit
<input type="checkbox"/> VAR Presentation	Cover Memo

## Zoning Board of Adjustment Planning Department Staff Report

**Report Date:** April 5, 2019  
**Case No:** 2019-2-VAR  
**Project Planner:** Michael Patroski, Planner

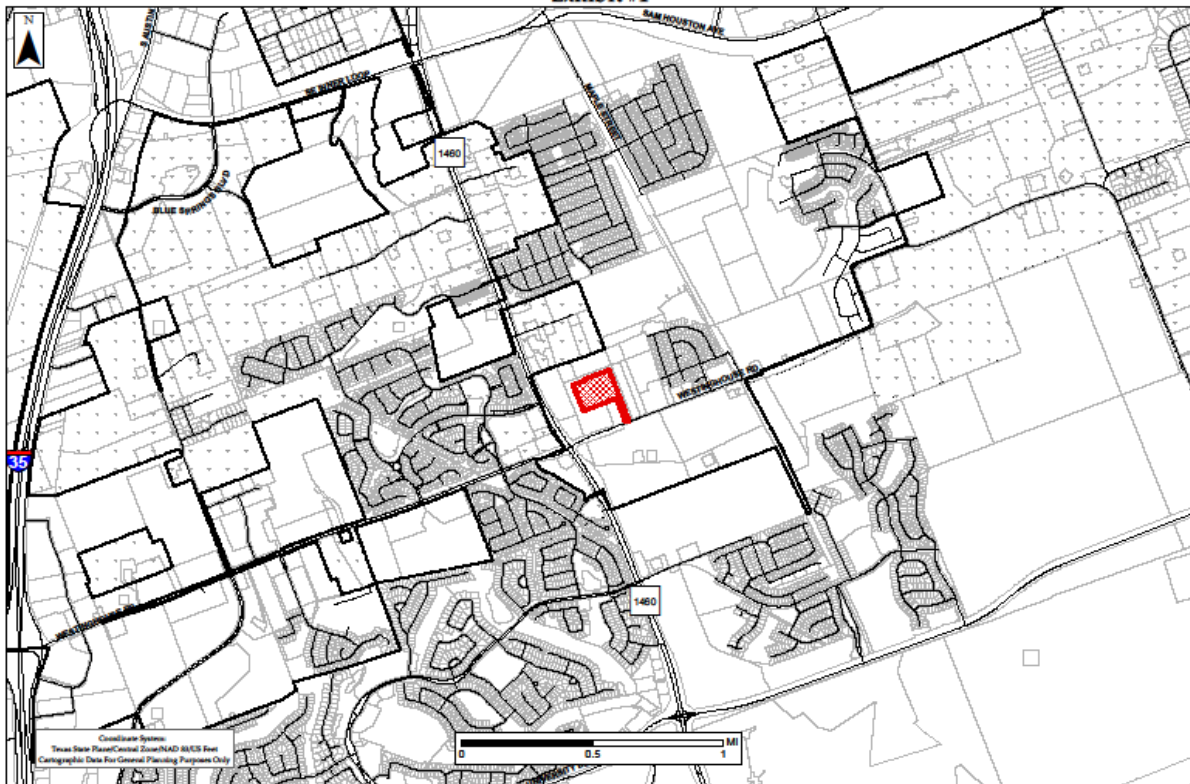
### Item Details

**Project Name:** North Star Senior Multifamily  
**Project Address:** 2211 Westinghouse Road  
**Legal Description:** 11.094 acres of J. Robertson Survey and WM Addition Survey.

**Applicant:** Pape-Dawson Engineers, Inc., c/o Daniel Hart, P.E.  
**Property Owner:** APITX 10 LLC

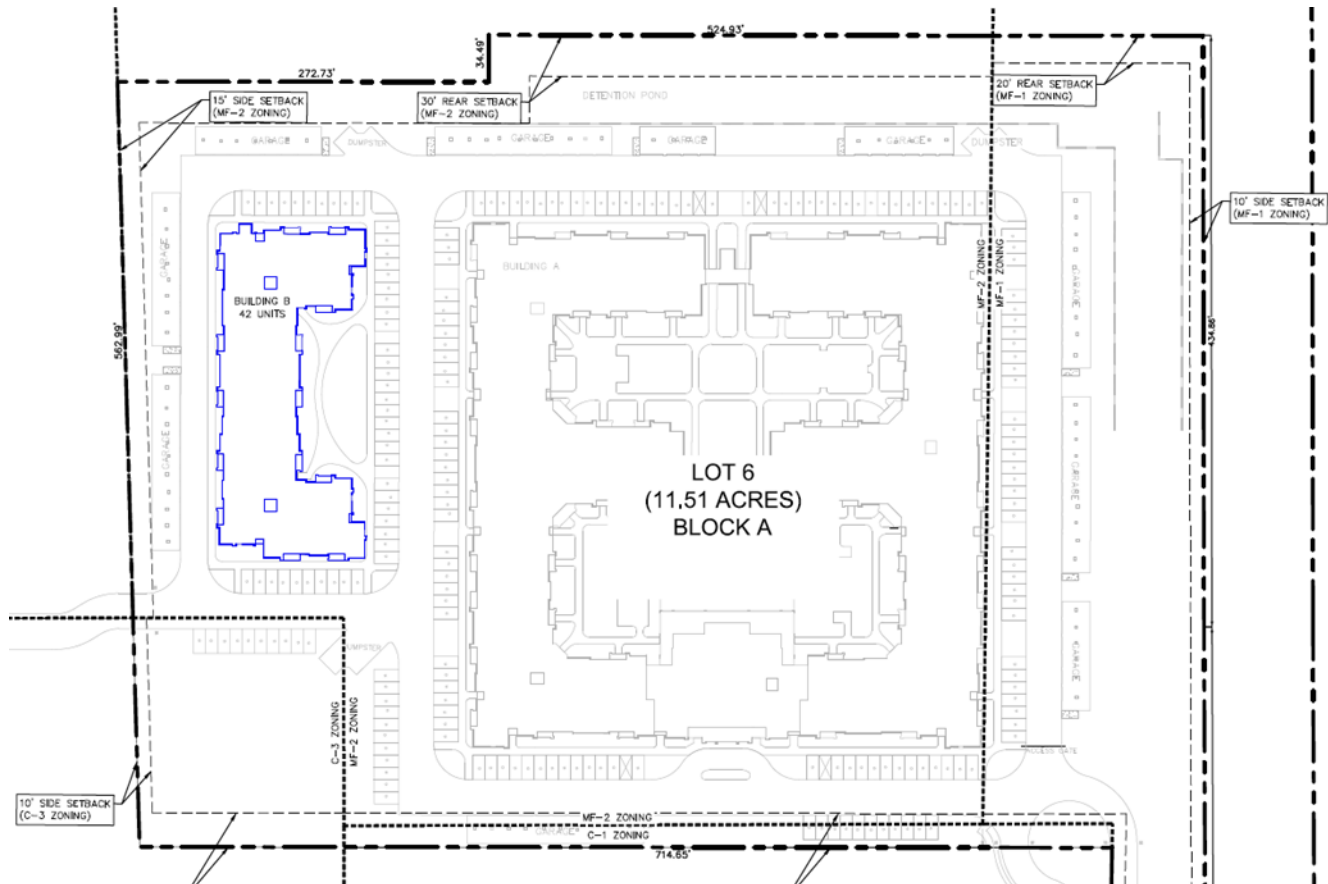
**Request:** The applicant is requesting a variance to allow more than 24 units per structure in the High Density Multi-Family (MF-2) zoning district for a new structure proposed on the western portion of the subject property.

**Case History:** This is the first public hearing for the request. In August 2017, the Zoning Board of Adjustment approved a variance to allow a structure located in the center of the site to exceed the maximum twenty-four (24) units per structure requirement. (VAR-2017-008)



### Overview of Applicant's Request

The applicant is requesting approval for a Variance from the Zoning Board of Adjustment (ZBA) to exceed the maximum number of twenty-four (24) dwelling units per structure as required in Unified Development Code (UDC) Section 6.02.090, High Density Multifamily District (MF-2) Lot and Dimensional Standards. This request is for a new structure (highlighted in blue below) proposed to be located on the western portion of the subject property.



The subject property is located at 2211 Westinghouse Road on an 11.51-acre site. The applicant is proposing to construct a senior multifamily development with a total of 229 units (187 units in Building A and 42 units in Building B). The subject structure will have approximately 46 parking spaces. The UDC allows up to a maximum 45 feet (or approximately 4 stories) building height. The applicant is proposing three stories.

#### Location:

The subject property is located at 2211 Westinghouse Road, approximately 650 feet east of its intersection with FM 1460.

#### Future Land Use and Zoning Designations:

The Future Land Use designation is Moderate Density Residential. It has a High Density Multi-Family (MF-2) and Low Density Multi-Family (MF-1) zoning district.

## Planning Department Staff Report

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### Site Information:

The subject property is approximately 600 feet north from Westinghouse Road, due to its flagged shaped layout. The subject property is primarily flat and has minimal trees or shrubs on site. It is surrounded by primarily large tracts of undeveloped land that are anticipated to be developed with commercial uses due to its current zoning districts and location along two major thoroughfares.

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:

### Surrounding Properties:

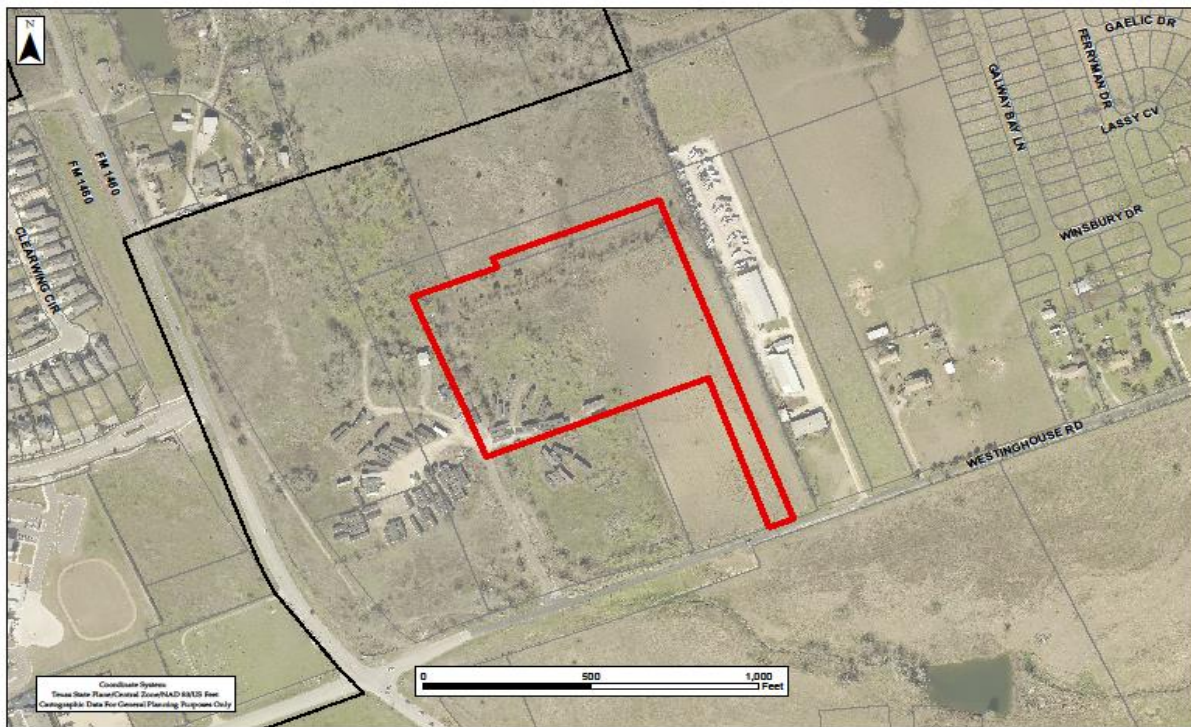
The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

LOCATION	ZONING DISTRICTS	FUTURE LAND USE	EXISTING USE
North	Low Density Multifamily (MF-1) and High Density Multifamily (MF-2)	Moderate Density Residential	Undeveloped land
South	Agriculture (AG)	Moderate Density Residential & Community Commercial	Single-Family Residences
East	Agriculture (AG)	Moderate Density Residential	RV & Boat Storage Facility
West	Local Commercial (C-1) and General Commercial (C-3)	Moderate Density Residential & Community Commercial	Undeveloped commercial land



### 2019-2-VAR Aerial

Legend  
Site  
City Limits



### Approval Criteria

The following are the pertinent sections of the UDC related to this request:

1. Section 3.15 – Variance; see section below for review and approval criteria.
2. Section 6.02.090.A. Lot & Dimensional Standards for High Density Multifamily District, Apartment Units per structure,

Staff has reviewed the variance request and the applicant's stated findings, and has evaluated the request based on the UDC required findings for a variance in accordance with UDC Section 3.15.030, which stated:

### Required Findings

The Zoning Board of Adjustment may authorize a variance from the requirements of the zoning provisions of the UDC if the variance from the terms of the zoning provisions is not contrary to the public interest and, due to special conditions, a literal enforcement of the requirements would result in unnecessary hardship, so the spirit of this Code is preserved, and substantial justice done. No variance shall be granted unless the ZBA finds all of the required findings established in UDC Section 3.15.030.A.

## Planning Department Staff Report

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Staff has determined that the proposed request meets 7 of the 7 required findings established in UDC Section 3.15.030.A for a Zoning Variance as outlined below. Per the UDC, no Zoning Variance shall be granted unless the ZBA finds all of the approval criteria has been met.

ZONING VARIANCE CRITERIA	FINDING	COMMENT
<i>Extraordinary Conditions -</i> That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of their land. For example, a Zoning Variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.	<i>Complies</i>	The flag shape of the lot prohibits buildings being located on the narrow portion of the lot, which comprises approximately 3 acres of the subject property. Once the conditions of building setbacks, different zoning districts, and flag shape of the lot are considered, the available envelope to locate buildings is substantially restricted. Staff finds that these conditions affect the property for which the variance is being requested.
<i>No Substantial Detriment-</i> That the granting of the Zoning Variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area or to the City in administering this Code.	<i>Complies</i>	The requested variance will not be injurious or detrimental to the public health, safety or welfare. The requested variance will not substantially injure the appropriate use of the adjacent properties or alter the essential character of the district.
<i>Other Property -</i> That the conditions that create the need for the Zoning Variance do not generally apply to other property in the vicinity.	<i>Complies</i>	There are no other properties located within the surrounding neighborhood that have a flagged shaped lot. However, if there were other flagged shaped properties, each property is reviewed on a case-by case basis as the circumstances and existing conditions of each lot may differ greatly. The approval of this Variance to exceed the number of apartment units per structure on the subject property will not set a precedent for other developments in

## Planning Department Staff Report

ZONING VARIANCE CRITERIA	FINDING	COMMENT
		the area, except for situations with the same exceptional and extraordinary circumstances.
<p><i>Applicant's Actions -</i> That the conditions that create the need for the Zoning Variance are not the result of the applicant's own actions.</p>	<p><i>Complies</i></p>	<p>The applicant did not create the flagged shaped lot that results in the need for the Variance request. The subject property was created through a legal deed prior to the City's Subdivision Ordinance becoming effective on May 10, 1977. Additionally, the subject property has a mixed of low and high-density multifamily zoning districts which was in place prior to the applicant's affiliation with the subject property.</p>
<p><i>Comprehensive Plan -</i> That the granting of the Zoning Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.</p>	<p><i>Complies</i></p>	<p>In this case, granting a Variance in order to build the proposed senior multifamily development would be consistent with Goal #1 of the Comprehensive Plan and the purposes of this Code in that it would promote sound, sustainable and compact development patterns with balanced land uses. A multifamily development at this location would provide a balanced mix of land uses as the subject property is already zoned for multifamily development, it is and will continue to be surrounded by commercially zoned properties with single-family uses the vicinity. It should also be noted that the abutting undeveloped lots will eventually develop with other compatible uses further contributing to the balance of uses in this area.</p> <p>A rezone application is not being requested as the subject property is already zoned for multifamily development, which is consistent</p>

## Planning Department Staff Report

ZONING VARIANCE CRITERIA	FINDING	COMMENT
		<p>with the 2030 Comprehensive Plan. Although the proposal increases the number of apartment units per structure, the applicant is proposing the layout of the new buildings to match sections of the larger building that was designed with an interior courtyard to break up the massing and meets the intent of the required cap of apartment units per structure. The new building is a “C” shaped building surrounding an open space, which would still provide for a break in the massing of the building. Therefore, this project does not conflict with the Comprehensive Plan and the purposes of this Code.</p>
<p><i>Utilization -</i> That because of the conditions that create the need for the Zoning Variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.</p>	<p><i>Complies</i></p>	<p>The conditions of the subject property, specifically the flagged shaped configuration, limit the site design of a typical multifamily development. A strict enforcement of the maximum 24 apartment units per structure would restrict the full utilization of the subject property.</p> <p>In this case, the applicant is proposing to build a “C” shaped building surrounding an open space, where the buildings are sited in a flagged shape that serves to break up the buildings massing.</p> <p>Additionally, due to the shape of the lot, the proposed location of the buildings would be approximately 600 feet away from the right-of-way along Westinghouse Road and is 650 feet from FM 1460 reducing the visual impact that large mass buildings may have on the public right-of-way. Development of the</p>

## Planning Department Staff Report

ZONING VARIANCE CRITERIA	FINDING	COMMENT
		surrounding properties would further buffer the proposed buildings since commercial uses require landscape bufferyards between commercial uses and multifamily uses. Therefore, the Variance would provide the applicant reasonable use of the property and enjoy the same rights as other property owners within the same zoning districts.
<i>Insufficient Findings -</i> The following types of possible findings do not constitute sufficient grounds for granting a Zoning Variance:  a. That the property cannot be used for its highest and best use. b. That there is a financial or economic hardship. c. That there is a self-created hardship by the property owner or their agent. d. That the development objectives of the property owner are or will be frustrated.	<i>Complies</i>	Staff determined that this section does not apply to this Variance application as none of these standards are being applied to this request.

Based on the subject properties unique “flag” shaped lot and the criteria found within the UDC, Section 3.15.030.A, staff finds that the submitted variance request meets 7 of the 7 required findings.

### Public Comments

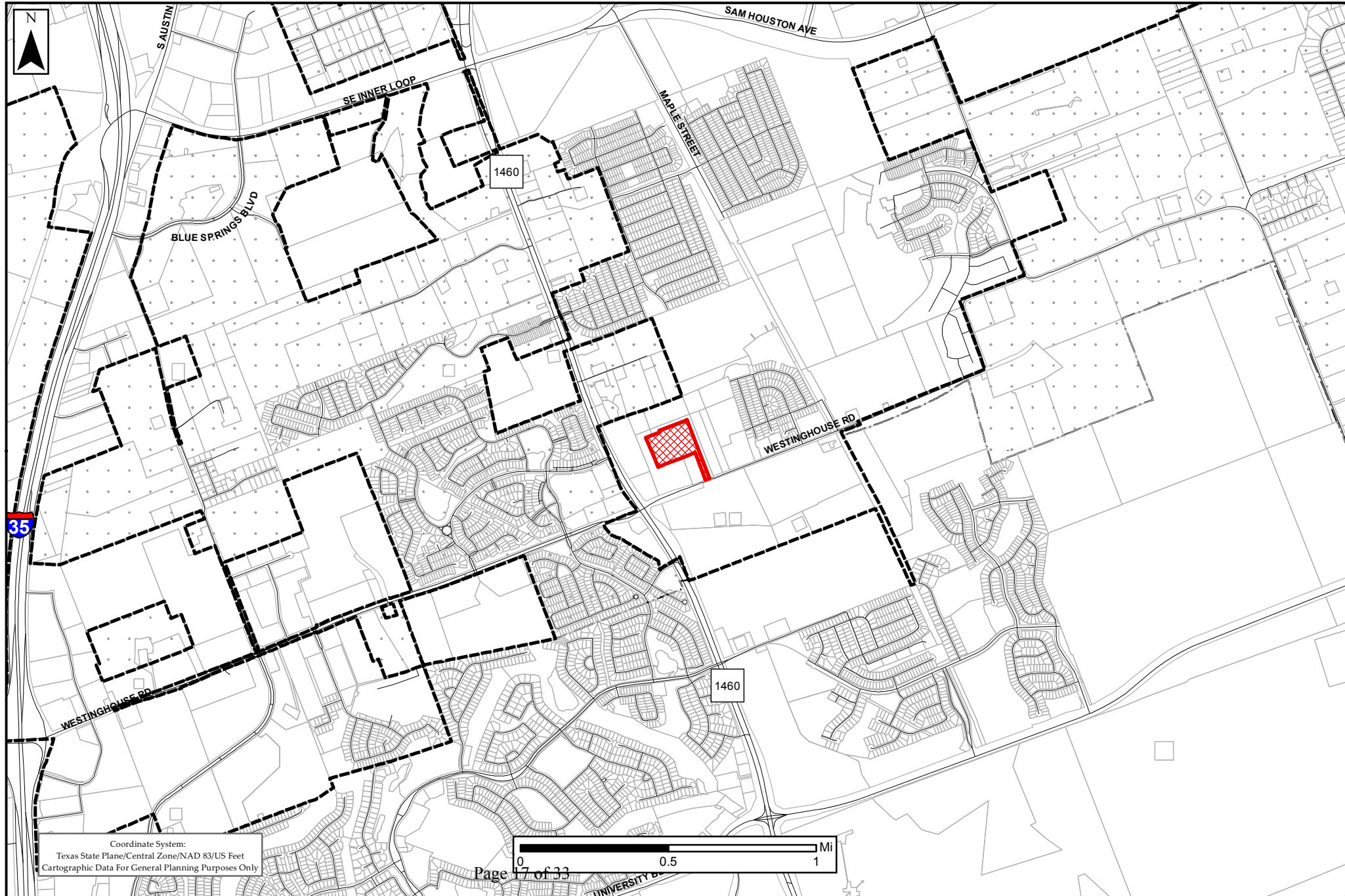
As required by the Unified Development Code (UDC), all property owners within 200 feet of the subject property were notified of the request (11 notices mailed), a legal notice advertising the public hearing was placed in the Sun Newspaper March 31, 2019 and signs were posted on-site. As of the publication date of this report, staff has received 0 written comments in favor and 0 in opposition of the request.

### Attachment(s)

Attachment 1 – Location Map  
Attachment 2 – Conceptual Plan  
Attachment 3 – Applicant’s Letter of Intent  
Attachment 4 – Public Comments

# Location Map 2019-2-VAR Exhibit #1

- Legend
-  Site
  -  Parcels
  -  City Limits
  -  Georgetown ETJ



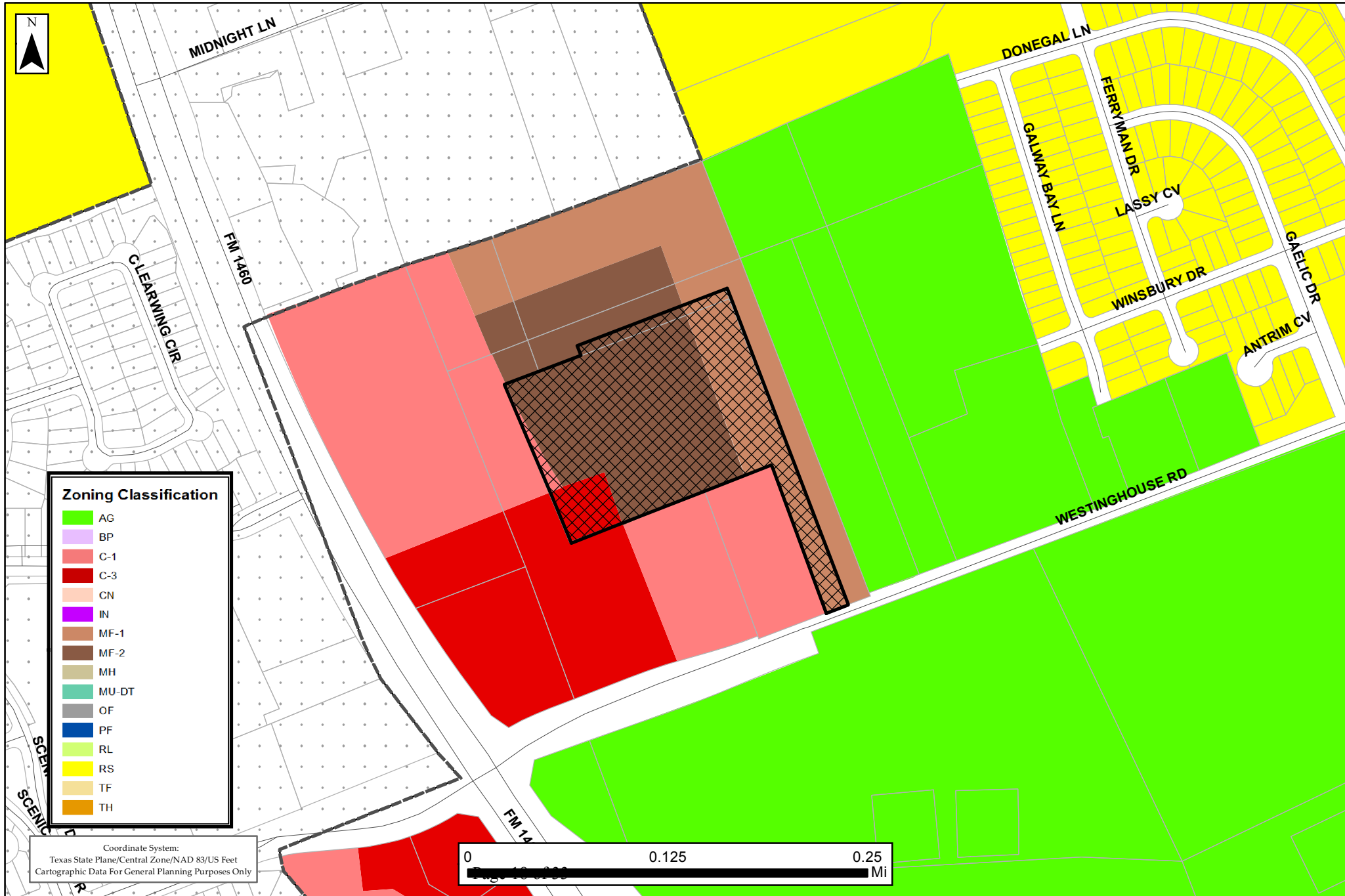
# Zoning Information

## 2019-2-VAR

### Exhibit #3

Legend

- Site
- Parcels
- City Limits
- Georgetown ETJ



February 14, 2019

Board of Adjustments  
City of Georgetown  
Planning Department  
406 West 8<sup>th</sup> Street  
Georgetown, Texas 78626

Re: Letter seeking a variance for the proposed Solana Park Senior Multifamily, Building B located at the northeast corner of Westinghouse Road and FM 1460

To Whom It May Concern:

The purpose of this letter is to respectfully request a variance to allow for the development of the Solana Park Senior Multifamily, Building B project containing 42 units and located at the northeast corner of Westinghouse Road and FM 1460, wholly within the City of Georgetown. We are seeking a variance from Section 6.02.090 of the City of Georgetown Unified Development Code (UDC) regarding a maximum living unit per structure limitation of 24 per structure.

As background to our request, we have attached a site plan (noted as “Exhibit A”) showing the configuration of our parcel and the zoning districts applicable to that tract, the surrounding parcels, their respective zoning classifications, and the adjacent roadways serving the area immediately surrounding the parcel. Additionally, we have attached architectural elevations (noted as “Exhibit B”) showing what the building will look like upon construction completion and shows the emphasis on the architectural articulation in order to break up any undesired building massing.

In support of our request for a variance from the 24 units per structure limitation, we offer the following explanations and justifications:

- 1. The special conditions which deprives us of the reasonable use of our property is the existence of two different zoning classifications that dissect the parcel, as well as the flag shape of the lot:**

The property is comprised of two different zoning districts. Approximately 1/3 is zoned Low Density Multi-family (MF-1) and approximately 2/3 is zoned High Density Multi-Family (MF-2). This significantly restricts our ability to locate the buildings within the site, as the higher unit per structure buildings allowed in the MF-2 zoned area cannot be located within the lower density MF-1 zoning district. Additionally, the flag shape of the lot prohibits buildings being located on the “flag” portion of the lot. Once the special conditions of building setbacks, different zoning districts, and flag shape of the lot are considered, the available envelope to locate buildings is substantially restricted thus necessitating the variance request.

**2. Granting of the variance and allowing for the increase in units per structure above 24 will not be detrimental to the public health, safety, or welfare or injurious to other property in the area.**

All other applicable portions of the UDC will still be met. The structures will still be designed in accordance with the International Fire Code as well as the International Building Code. In fact, the International Building Code allows for structures to contain more than 24 units per structure. This variance request is in no way contradictory to either the International Building Code or International Fire Code. As opposed to creating a detriment, the proposed project and associated variance request is a benefit to public health, safety and welfare. Allowing more units per structure with one building promotes safety as residents are not forced to walk outside between buildings (especially at night). Likewise, residents are less exposed to extreme summer and winter weather. Residents will also support the retail and commercial businesses that will eventually surround the project. For the safety of all residents and other property in the area, the building will be sprinkled in accordance with the International Fire Code.

**3. The conditions that create the need for the variance do not generally apply to other property in the vicinity.**

The property is a “flag” lot with minimal frontage on Westinghouse Road, essentially creating an extended driveway entrance to access the actual development. This results in the buildings being located a substantial distance from Westinghouse Road and FM 1460, as opposed to the more typical project where the buildings are located immediately adjacent to the ROW offering high visibility from the roadway. In this case, the proposed buildings would be located approximately 600 feet from Westinghouse road and approximately 650 feet from FM 1460. Also, the divided zoning is within the area of the parcel where the building would be located, making it difficult to lay out a site which meets today’s rental community demands.

**4. The conditions that create the need for the variance are not the result of the applicant’s own actions.**

The mix of zoning districts within the parcel was not created by the applicant. Neither was the unique configuration of the parcel with a “panhandle” entry, causing the flag lot shape. Both the mixed zoning and the flag shape of the lot were in place prior to the applicant’s affiliation with the project and therefore, the conditions creating the need for the variance were not the result of the applicant’s own actions.

**5. Granting the variance would not substantially conflict with the Comprehensive Plan and the purposes of the UDC.**

To the contrary, the variance would be consistent with the Comprehensive Plan in that the project would enable the applicant to provide desirable and much needed senior housing on the


parcel. It would not substantially conflict with the UDC in that the purpose of the 24 unit per structure limit is to prevent building massing. A proposed rectangular superstructure is not the intent – and would not be allowed – by this variance. Further, the building will be designed with both architectural and landscaping elements, including architectural articulation, a large courtyard area, an adjacent onsite private park, and breezeways and open spaces, all of which will break up the building massing. The “C” shape of the building, as well as limiting the building to 3 stories as opposed to the 4 stories allowed by the MF-2 zoning, will further prevent the undesired feel of a rectangular superstructure and will prevent building massing. Additionally, in meeting with city staff, it is our understanding that there is a proposed UDC amendment in the works that will increase the allowable units per structure above the current 24 unit per structure limitation. This further supports our claim that the proposed variance will not conflict with the purpose of the UDC.

**6. The application of the current code provision which limits the number of living units to 24 per structure to this particular project would effectively prohibit or unreasonably restrict the utilization of the property.**

This parcel is located adjacent to commercial and retail zoning. When fully developed, the entire area will be full of activity throughout the day and into the evening. This brings positives like a sense of community and neighborhood, but can also bring transient and criminals through the property. All apartment residents demand safety and security, especially senior residents. A community with many separate buildings requires residents to walk between buildings to get to the clubhouse, amenities or a neighbor’s apartment. Prospective residents are unlikely to risk the possibility, however remote, of being confronted by a stranger standing between buildings or one of the many staircases and/or lobbies of separate buildings. The net effect of imposing the 24 unit per structure requirement in conjunction with a unique flag shape lot and the mix of zoning districts will effectively prevent development of a much-needed senior multi-family project.

For each and all of the reasons set forth above, we feel a variance is justified and, in fact, required, to allow the reasonable development of a first class (55+) Active Adult Community on the property in question.

Sincerely,  
Pape-Dawson Engineers, Inc.

  
Daniel W. Hart, P.E.  
Sr. Project Manager

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# North Star Senior Multifamily 2019-2-VAR

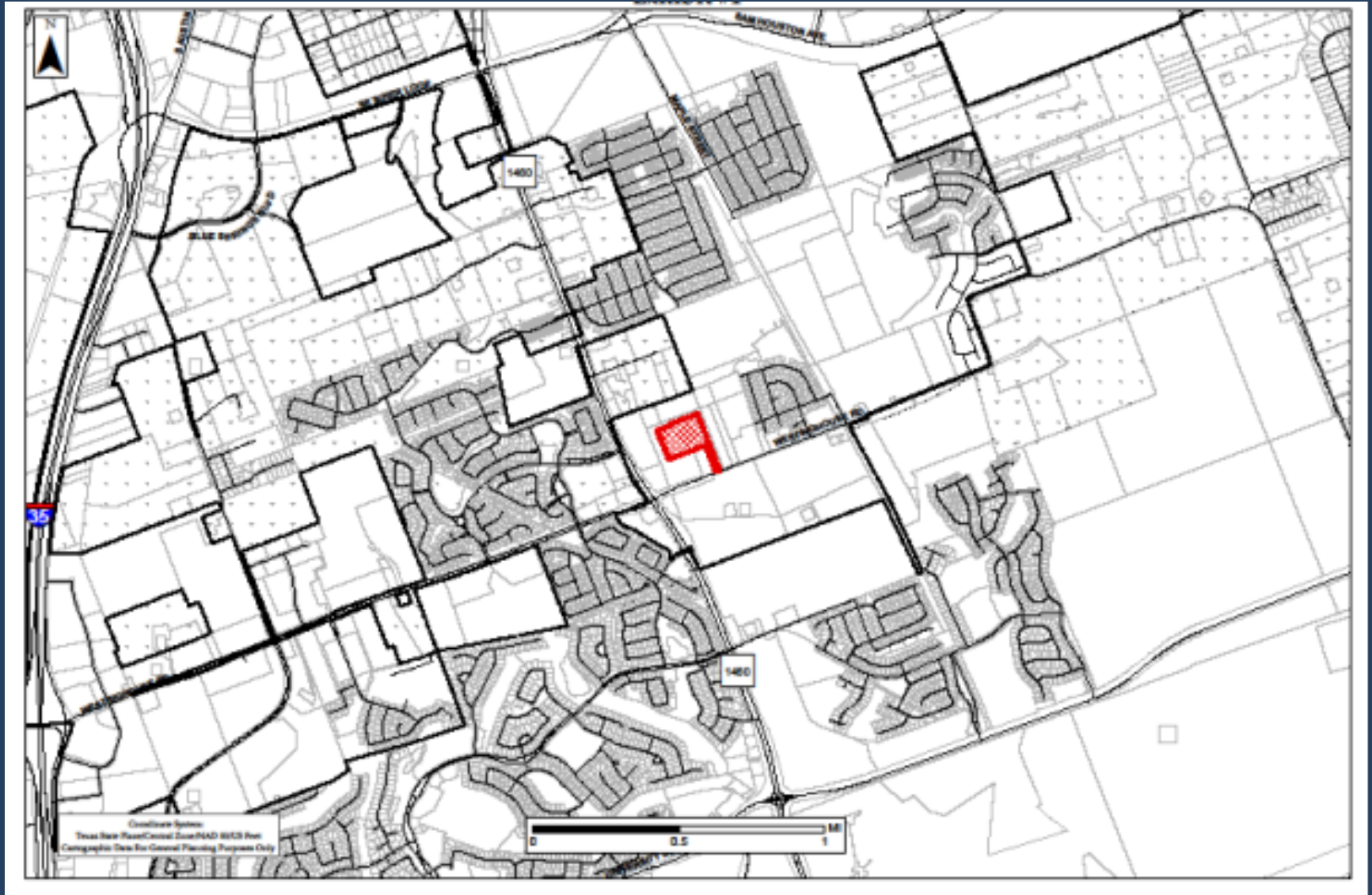
Zoning Board of Adjustment  
April 16, 2019

# Items under consideration

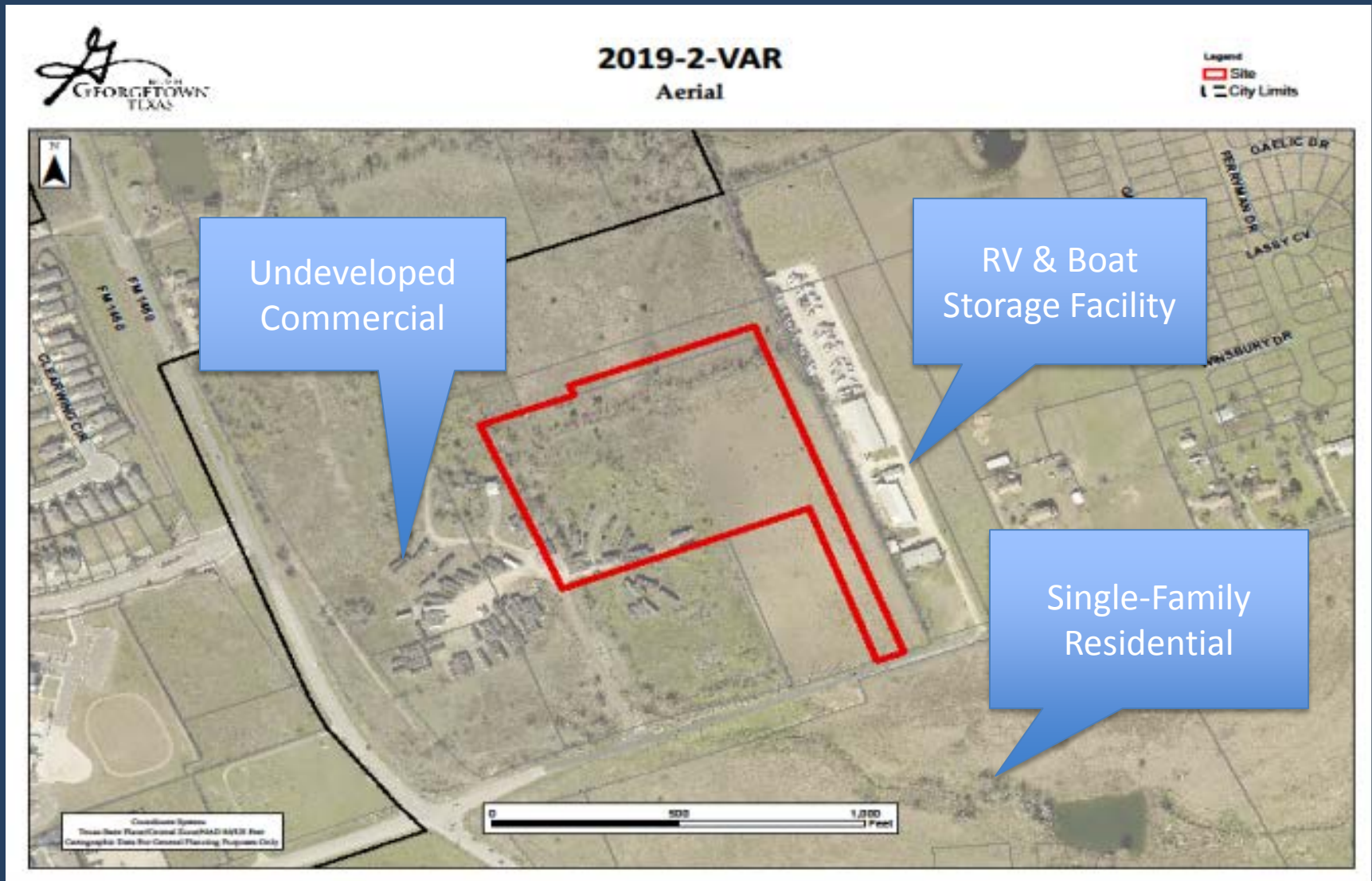
## 2019-2-VAR

- Public Hearing and possible action on a request for a variance from Unified Development Code (UDC) Section 6.02.090, which sets the maximum number of living units to 24 units per structure in the High Density Multifamily District (MF-2) to allow a structure with 42 units on the property located at 2211 Westinghouse Rd, bearing the legal description of 11.094 acres out of the J Robertson Survey, Abstract No. 545, and the William Addison Survey, Abstract No. 21 (2019-2-VAR).
- The applicant is requesting a variance to allow more than 24 units per structure in the High Density Multi-Family (MF-2) zoning district for a new structure proposed on the western portion of the subject property.

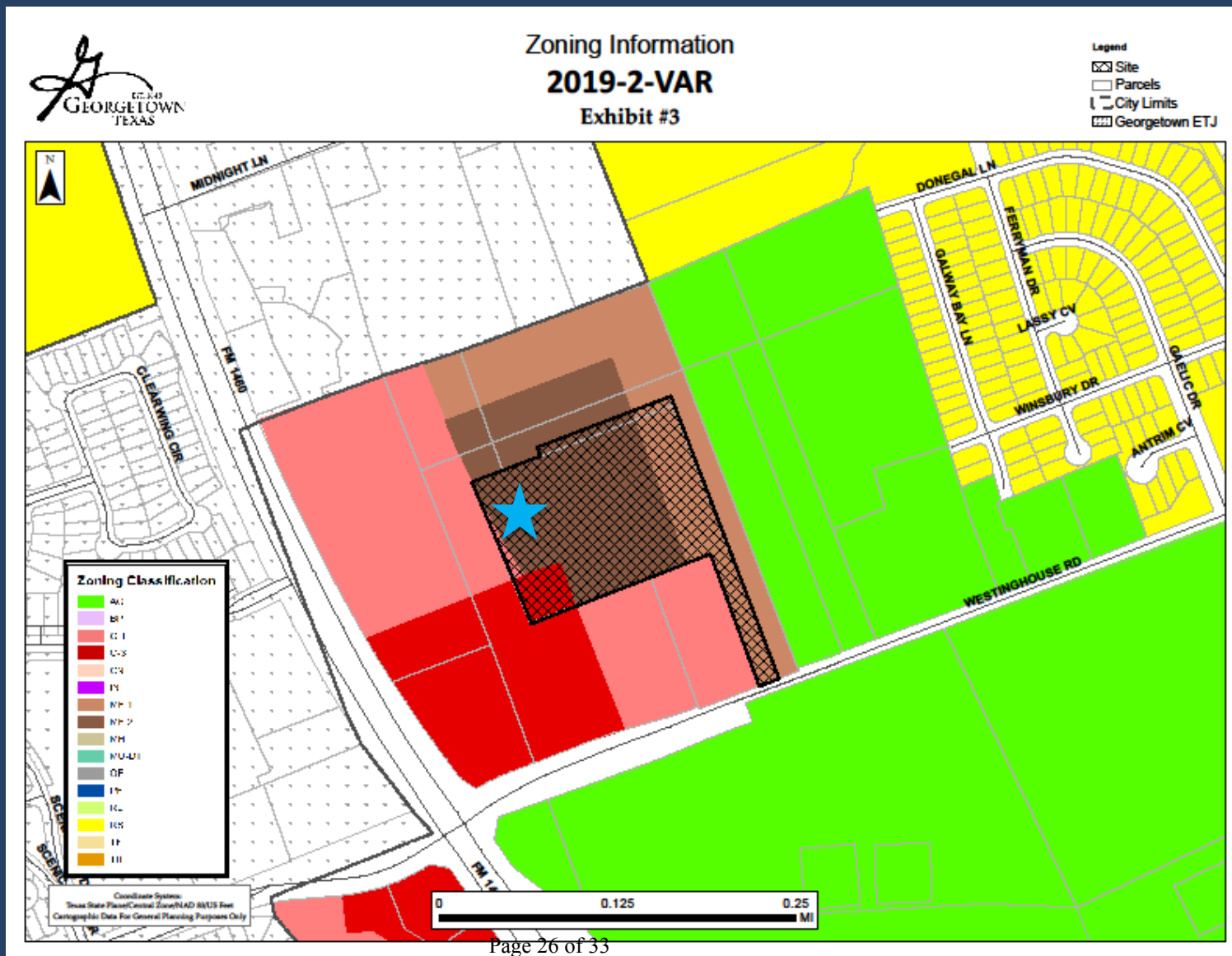
# Location Map



# Aerial Map

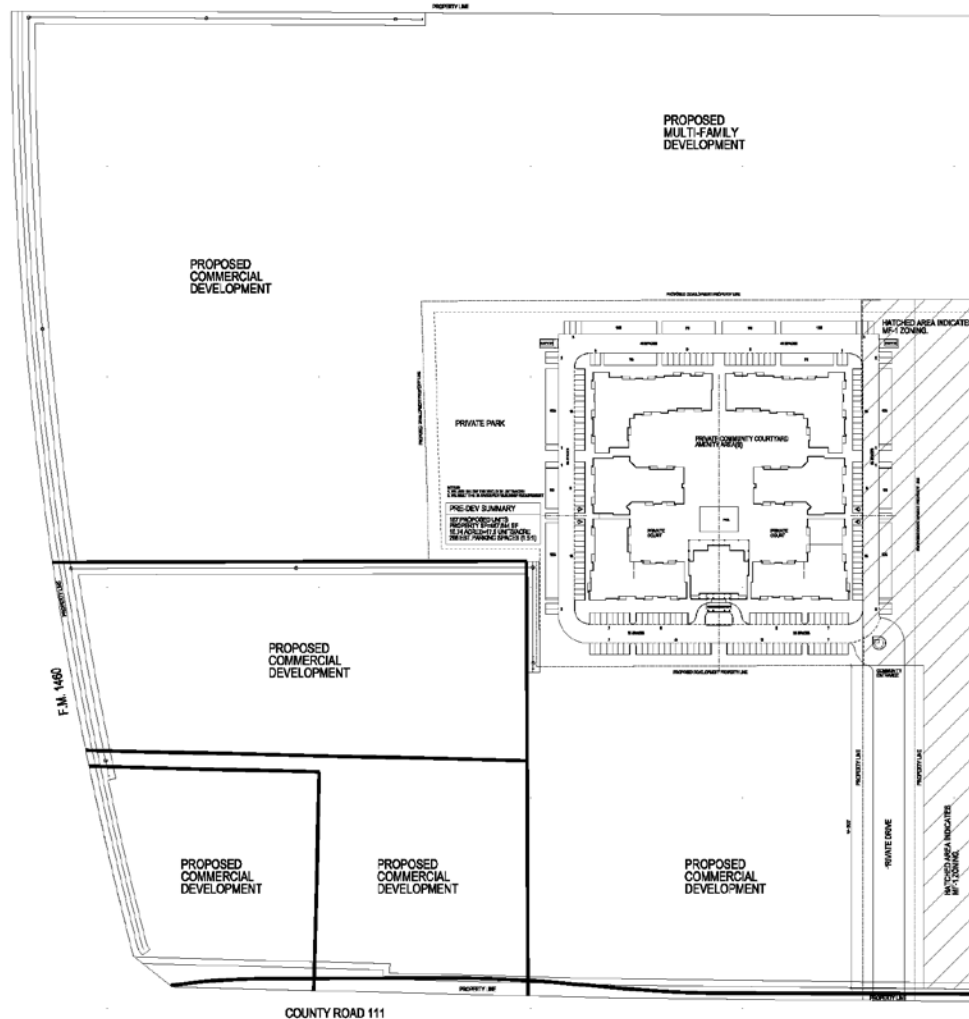


# Zoning Map



# Case History- VAR-2017-008

Attachment 2 - Conceptual Plan



**WALKER  
REAL  
ESTATE**

0 ISSUES  
1 REVISIONS  
2 REVISIONS  
3 REVISIONS

#### REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		

**PAPE  
DAWSON  
ENGINEERS**

**the VINTAGE at WHEELER**  
SENIOR LIVING COMMUNITY  
WHEATFIELD DRIVE ROAD AND FM 1460 GEORGETOWN, TEXAS

#### PROPERTY PLAN

Job 17-016  
Date 2017

Sheet:  
A0.01



# High Density Residential (MF-2)

- The High Density Multifamily District (MF-2) is intended for attached multifamily residential development, such as apartments and condominiums, at a density not to exceed 24 dwelling units per acre. The MF-2 District is appropriate in areas designated on the Future Land Use Plan as high density residential or mixed-use. Properties zoned MF-2 should have direct access to major thoroughfares and arterial streets and should not route traffic through lower density residential areas. The MF District is appropriate adjacent to both residential and non-residential districts and may serve as a transition between single-family districts and more intense commercial districts.

## MF-2 - High Density Multifamily

Lot Size, minimum square feet	2 acres
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<b><u>Dwelling Units per structure, maximum</u></b>	<b><u>24</u></b>
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Lot Width, minimum feet	50
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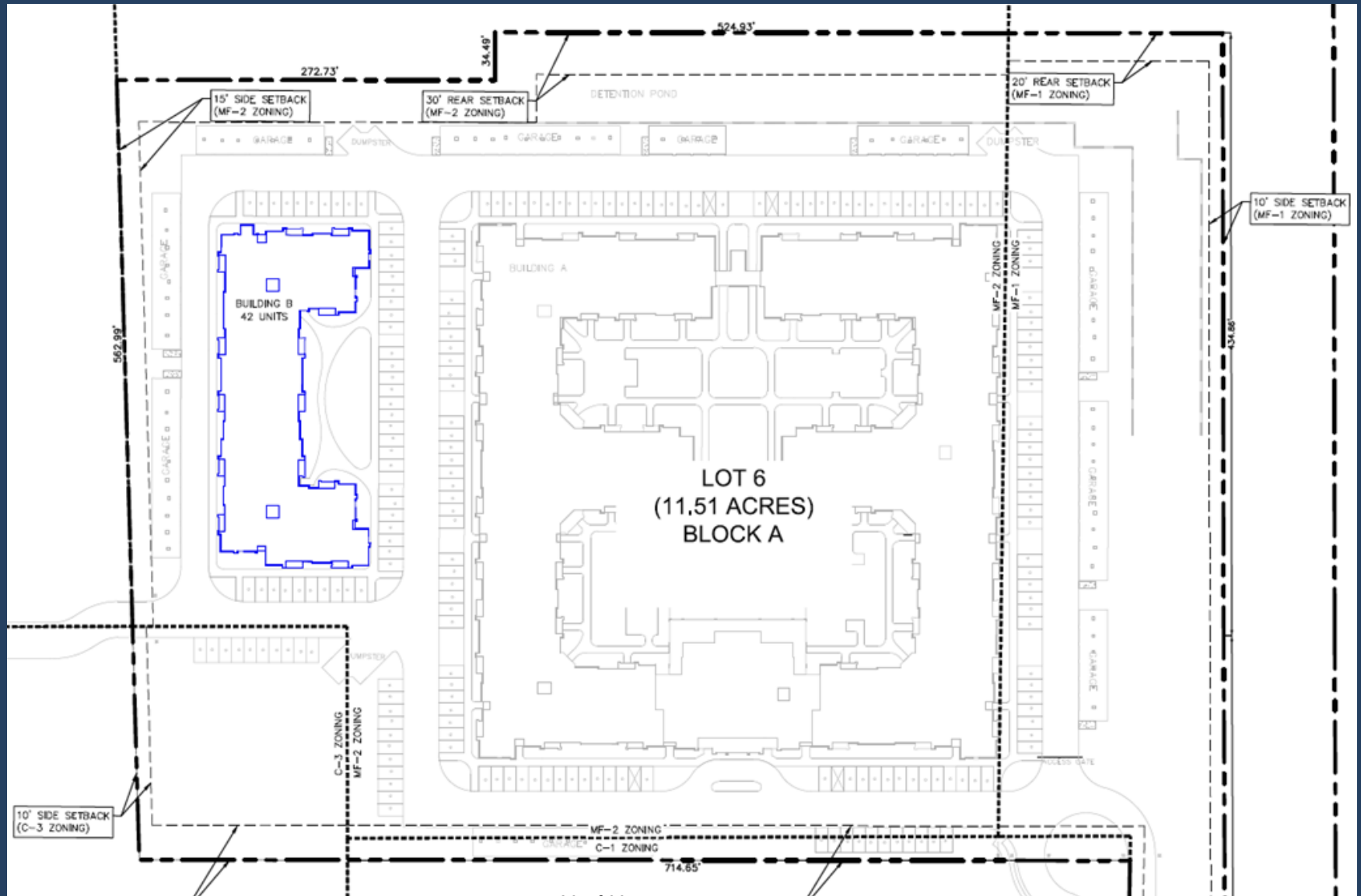
Front Setback, minimum feet	25
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Side Setback, minimum feet	15
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Rear Setback, minimum feet	15
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Building Height, maximum feet	45
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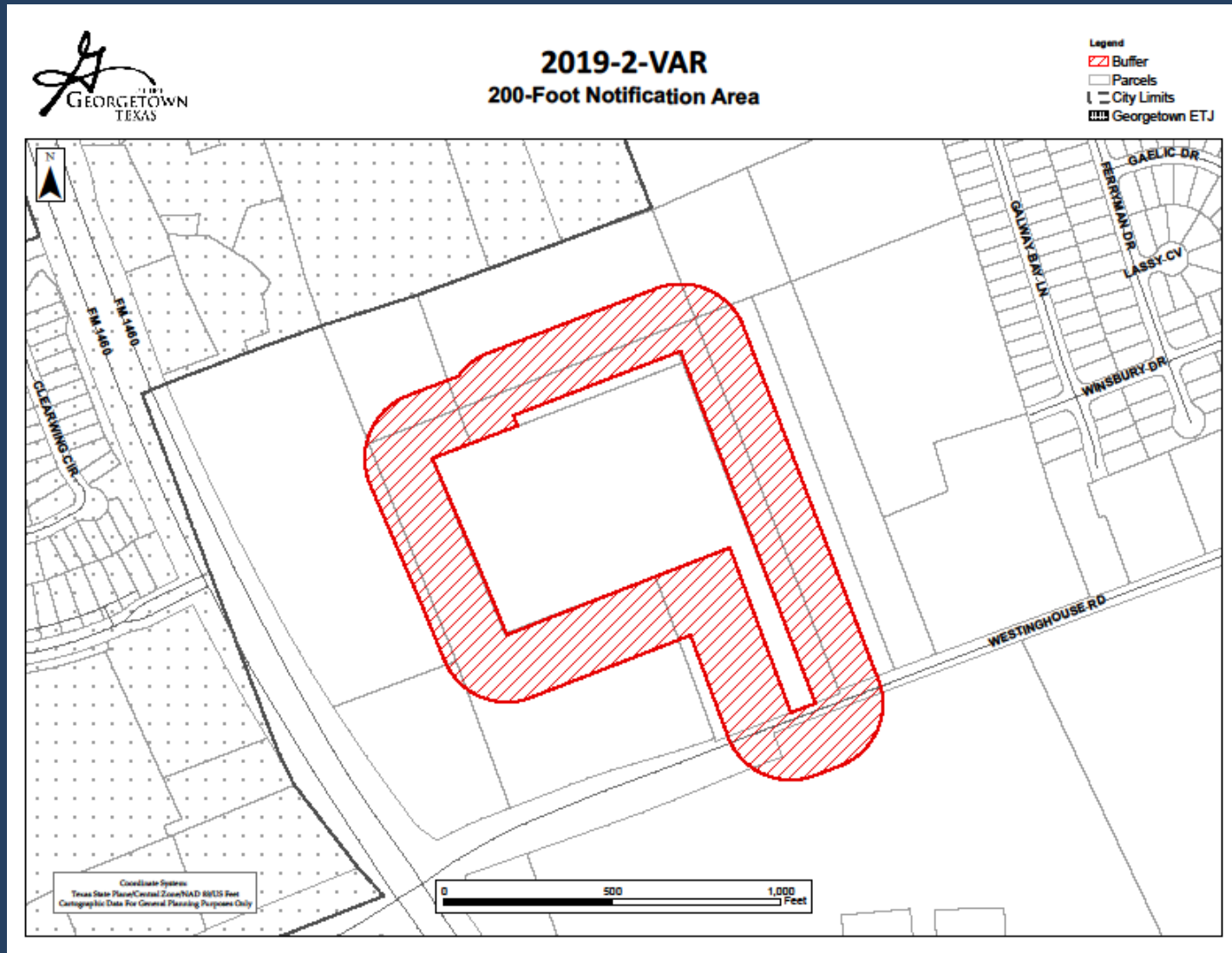
# Site Plan



# Staff Findings – UDC

Criteria For Variance	Complies	Does not Comply	Partially Complies
1. Extraordinary Conditions	X		
2. No Substantial Detriment	X		
3. Other Property	X		
4. Applicant's Actions	X		
5. Comprehensive Plan	X		
6. Utilization	X		
7. Insufficient Findings	X		

# Public Notifications



# Public Notifications

- 11 property owners, who are within 200' of the subject property to be rezoned, were notified about the public hearing;
- Notice of the public hearing was published in the Sun News on March 31, 2019; and
- Signs were posted on the property in accordance with the UDC.
- To date, staff has received 0 comments in regards to the request.

# Summary:

- Public Hearing and possible action on a request for a variance from Unified Development Code (UDC) Section 6.02.090, which sets the maximum number of living units to 24 units per structure in the High Density Multifamily District (MF-2) to allow a structure with 42 units on the property located at 2211 Westinghouse Rd, bearing the legal description of 11.094 acres out of the J Robertson Survey, Abstract No. 545, and the William Addison Survey, Abstract No. 21 (2019-2-VAR)
- Per UDC Section 3.15.020 E, the Zoning Board of Adjustment shall hold a Public Hearing... and make a decision.
- The Board must make a finding for all 7 of the approval criteria.