
ORDINANCE NO. O-1819-38

ITEM NO. 7

STAFF REPORT

GENERAL INFORMATION

APPLICANT	BP 36 th Avenue S.E., L.L.C.
REQUESTED ACTION	Rezoning to CCPUD, Center City Planned Unit Development
EXISTING ZONING	Center City Form-Based Code (CCFBC), Detached Frontage
SURROUNDING ZONING	North: CCFBC, Center City Form Based Code East: CCFBC, Center City Form Based Code South: CCFBC, Center City Form Based Code West: R-1, Single Family Dwelling
LOCATION	405 Park Drive
SIZE	0.18 acres more or less
PURPOSE	Addition to an existing single-family home
EXISTING LAND USE	Single-family home
SURROUNDING LAND USE	North: Single-Family Home East: Single-Family Home South: Single-Family Home West: Single-Family Home

SYNOPSIS: The applicant is requesting to rezone this property from Center City Form-Based Code (CCFBC) – Detached Frontage to Center City Planned Unit Development (CCPUD) to allow for expansion of the existing single-family home under the previously adopted zoning, that of R-1, Single-Family Dwelling District.

The subject property is Lot 1 of Block 1 in Parkview Addition, as shown on the location map. This lot is currently zoned Center City Form Based Code within which the parcel is regulated by the Detached Frontage Building Form Standard, designated by yellow color on the Regulating Plan. However, at the time the CCFBC was implemented, the structure that was built upon

the parcel according to the previous R-1 zoning attained a “grandfathered” status as a non-conforming structure within the CCFBC.

BACKGROUND: City Council adopted Resolution No. R-1819-75 on January 29, 2019, this Resolution created a six-month Temporary Administrative Delay for the acceptance of all applications for Certificate of Compliance (COC), demolitions, or Center City Planned Unit Developments (CCPUD) within the Center City Study Area. Further, R-1819-75 allowed for an appeal process, giving property owners, with Council approval, the opportunity to move forward with their project during this Administrative Delay.

The applicant submitted an appeal to City Council for approval to move forward with their application to rezone the property from Center City Form-Based Code (CCFBC) – Detached Frontage to Center City Planned Unit Development (CCPUD). On March 12th City Council granted their appeal of the Temporary Administrative Delay to allow the submittal of an application for 405 Park Drive.

DISCUSSION:

The CCPUD request for this application, the applicant seeks to amend the following section of the existing CCFBC, Section 208, as it applies to the structure, including repairs, remodeling and additions planned for that structure, as demonstrated in the Site Plan provided by the applicant:

*Section 208. Non-Conforming Structures and Uses (Page 10 of the CCFBC)
Non-conforming structures within the CC Form District may be altered or repaired according to the following schedule:*

A. Repairs, remodeling, and additions to the structures may be made in conformance with the previous base zoning district (immediately prior to CCFBC adoption) so long as the addition is not greater than 50% of the square footage of the non-conforming structure.

As proposed with amendments:

*Section 208. Non-Conforming Structures and Uses (Page 10 of the CCFBC)
Non-conforming structures within the CC Form District may be altered or repaired according to the following schedule:*

A. Single-family: Repairs, remodeling, and additions to the single-family structures may be made in conformance with the previous base zoning district (immediately prior to CCFBC adoption). ~~so long as the addition is not greater than 50% of the square footage of the non-conforming structure.~~

The existing structure is approximately 1,600 SF; the proposed addition is 2,056 SF, clearly over that of the above noted allowance in Section 208. Therefore, unless approved as a CCPUD, the grandfathered status would be destroyed, and the structure would be required to comply with the Detached Frontage Building Form Standard, which, among other things, would require the applicant to place the addition at the front of the lot, on the front of the existing home, in order to bring the structure to the required build line. The applicant stated that locating any addition to the front of the existing structure would obscure or destroy the historical character of the structure, hide the unique stone façade on the front of the structure

and would be detrimental to not only this parcel but the adjacent properties and character of the Detached Frontage District as a whole.

Park Drive is unique in that only the east side of Park Drive was chosen to serve as a portion of the western boundary for the CCFBC area. The west side of Park Drive is not included in the CCFBC; therefore, as currently adopted, all new development along the east side of Park Drive will be required to be located within the Required Build Line (RBL) established on the Regulating Plan, typically an area on the lot located within 10 to 15 feet from the right-of-way line. However, the physical location of the existing homes and the narrowness of Park Drive create a limited area for development along this one-way street. The existing single-family homes across Park Drive, to the west are older smaller homes and placed much closer to the street than the typical 25' setback required for R-1 District.

ANALYSIS: The particulars of this CCPUD include:

1. **USE** The site is currently used as a single-family home. The proposed expansion is to the rear of the home, east side of the lot, and the site will continue to be used as a single-family home. The applicants' proposed remodel will convert the existing kitchen area into a new storage area as well as convert the dining room into a downstairs bedroom. The request also seeks to add a 2,056 square foot addition. The addition will house the kitchen and laundry room downstairs and two bedrooms upstairs. A covered patio area will be created off the rear of the structure as well, on the east side.
2. **OPEN SPACE** There are no open space requirements for this single lot under CCFBC zoning. However, if approved by Planning Commission and adopted by City Council the applicant would proceed with these improvements and addition according to its grandfathered zoning, and would be required to meet the coverage requirements and setbacks of the R-1, Single Family Dwelling District.
3. **PARKING** The applicant is required to provide two parking spaces for the property. Currently there is a two- car garage at the rear of the lot, east side, with a concrete drive approach.
4. **PHASES** There are no separate phases planned for the project; construction for the addition will be done under one permit.

ALTERNATIVES/ISSUES:

- **IMPACTS** At the Council meeting, during the appeal application, City Council expressed concern with the fact that the addition of the house would require the owner to remove a tree located in the backyard, along the south side of the property line/fence line. The tree in question is a hackberry tree. Staff visited the site and reported back that the tree is substantial but not a tree that should be recommended for historic designation with regard to the recently adopted Tree Ordinance. The tree has substantial storm damage at the top of the tree – broken limbs.
- **ACCESS** The proposed site plan shows the existing driveway to remain with no changes.
- **SITE PLAN** The applicant submitted the attached site plan demonstrating how they will develop the rear area of the lot, expanding the existing home. The goal of the expansion is to keep the new construction on the east side of the lot.

OTHER AGENCY COMMENTS:

- **PARK BOARD** There are no park requirements for the existing property.
- **PUBLIC WORKS** The property is platted as Lot 1 of Block 1 in Parkview Addition. There are no additional public improvements required for this expansion.
- **FIRE** There are no additional fire requirements for the existing property. The application for expansion will be reviewed to meet all adopted building code requirements.

STAFF RECOMMENDATION: Staff supports this request and recommends approval of Ordinance No. O-1819-38, which would allow the planned renovation and addition to the existing structure; thus, expanding the grandfathered status of the existing structure to the proposed structure according to the applicant's submitted Site Plan.