

Late Backup

Item # 31

Planning and
Zoning Department



TO: Mayor and City Council

FROM: Gregory I. Guernsey, Director
Planning and Zoning Department

DATE: February 10, 2016

RE: One Two East
C14-2014-0198
District 1
Planning Commission Action

The above referenced rezoning request was reviewed by Planning Commission on February 9, 2016. Planning Commission voted to support Staff's recommendation, with conditions, on a vote of 7-3-1. Details of the motions and vote are provided below, with the Commissioners' modifications and conditions summarized at the end.

After the public hearing was closed, a motion was made by Commissioner Nuria Zaragoza, seconded by Commissioner Patricia Seeger to deny the Applicant's request for rezoning for the property located at 1105, 1107, and 1109 N. IH 35 Service Road Northbound.

A substitute motion was made by Commissioner Tom Nuchols, seconded by Commissioner James Schissler to grant staff recommendation of CS-NCCD-NP combining district zoning for Tract 1 and CS-1-NCCD-NP for Tract 2 for the property located at 1105, 1107, and 1109 N. IH 35 Service Road Northbound, with additional conditions. Conditions will be incorporated by conditional overlay, public restrictive covenant, and/or private restrictive covenant, as deemed appropriate by City law department. A friendly amendment was made by Commissioner James Shieh for the development to consist of a maximum of two vehicular access points on to Branch St. and the retail vehicular access point shall be on East 12th Street. The friendly amendment was accepted by the maker of the motion and seconded by Commissioner James Schissler. Amended substitute motion was made by Commissioner Tom Nuchols, seconded by James Schissler to include conditions in a private restrictive covenant.

The amended substitute motion along with the friendly amendment by Commissioners James Shieh was approved on Commissioner Tom Nuchol's motion, seconded by Commissioner James Schissler on a vote of 7-3-1. Those voting aye were: Chair Stephen Oliver, Vice-Chair Faye Kazi, Commissioner Tom Nuchols, Commissioner James Shieh, Commissioner James Schissler, Commissioner Jose Vela, and Commissioner Michael Wilson. Those voting nay were: Commissioner Patricia Seeger, Commissioner Trinity White, and Commissioner Nuria Zaragoza.

Commissioner Angela Pineyro De Hoyos abstained. Commissioner Jeffrey Thompson was absent. There is currently one vacancy on the Commission.

Conditions recommended by Planning Commission:

- Approval of the site plan is conditional on a legally binding commitment of the applicant to develop a full service grocery store with a pharmacy (Size determined by the Traffic Impact Analysis)
- The portion of Tract 1 that is currently limited to 150 feet in height shall not exceed a height of 185 feet
- The portion of Tract 2 that is currently limited to 150 feet in height shall remain unchanged
- The portion of Tract 2 that is currently limited to 100 feet in Tract 2 shall not exceed a height of 150 feet
- Building along Branch Street is limited to Townhomes
- 50% of residential units on site shall be contained in a single tower and restricted to senior residential
- Private Restrictive Covenant conditions as agreed upon by the Applicant.
 - The Applicant shall enter into the abovementioned private restrictive covenant with a land trust that is approved by the City
 - Second Tower on site shall consist of market rate residential units and 17 affordable units
 - Applicant shall make a contribution of \$250, 000 towards affordable housing

If you have any questions about this item, please contact Jerry Rusthoven at (512) 974-3207.

**Gregory I. Guernsey, Director
Planning and Zoning Department**

x: Marc Ott, City Manager
 Sue Edwards Assistant City Manager