



STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

**PLN-ZOTA-22-00006: AMENDMENT TO ARTICLE 22, APPENDIX C TO CREATE THE
PLANNED UNIT DEVELOPMENT 3 (PUD-3) ZONE**

APPLICANT: TURNER PROPERTY 4, LLC

PROPOSED TEXT: See Attached
(Note: Text underlined indicates an addition to the existing Zoning Ordinance;
text ~~stricken through~~ indicates a deletion.)

STAFF REVIEW:

The petitioner, Turner Property 4, LLC, is requesting a text amendment to the Zoning Ordinance in order to create a new Planned Unit Development (PUD) zone within the Urban County. The addition of Appendix 22C is intended to create mixed use development that allows a blend of residential, commercial, entertainment, and industrial land uses that are not currently allowable in one zone by the Zoning Ordinance.

The regulations adopted in each PUD zone must be in keeping with the overall intent of Article 22 and are required to include several elements: an intent, permitted uses, site criteria, relationship to the Comprehensive Plan, design standards, application materials, review procedures, and the timing of development. The stated intent of the PUD-3 zone is to allow redevelopment that supplements neighborhood character, offers new entertainment and "live where you work" opportunities, and encourages innovation and unique mixed-use development.

While the applicant has provided some of this information, there are currently missing elements that must be clarified as part of the proposed change to the Ordinance. Currently, the applicant has indicated that the site location "must be entirely or substantially located within an area which is currently zoned, or which could be appropriately zoned pursuant to the adopted Comprehensive Plan, for light industrial, commercial, medium or high density residential, or mixed-use Place-types, Development-types, zones, or principal uses." The proposed location requirement is concerning in that it describes much of the Urban Service Area. Furthermore, it suggests that the PUD-3 would be considered appropriate, if an area "could be appropriate" for specific land use. The applicant should work to better define the location of the proposed PUD-3 zone, which will also impact the review procedures, the planning process, and permit timing.

Clarifying the definition of the area will also be important in the creation of the design standards for the proposed PUD-3 zone. Within the applicant's justification letter, they stress the connections and complimentary aspect of the adjacent residential neighborhood. However, without more clarity regarding the location, the adjacency is not an element of the proposed PUD-3 zone. Furthermore, the proposed design standards would have minimal impact on the future development. A PUD-3 zone, should include a vision for the future development that creates consistency over time in the development of the land uses. The applicant should work with staff and the neighborhood to create



standards of design that complement the neighborhood, while also meeting their future needs to create a coherent development.

The applicant should also provide greater definition of proposed planning process, specifically the inclusion for a development plan. The current language proposed by the applicant is reflective of the PUD-2 zone, which was proposed in an area that was mostly constructed and was focused on adding new land uses. The proposed area of interested, which was described to staff during the pre-application meeting, has little built environment that will be repurposed. The applicant should include connection to Article 21 and provide oversight to maintain the design standards.

Finally, the applicant has included a large amount of potential land uses that would be available onsite. Included are typical land uses found in the B-1, B-4, and I-1 zone, as well as many of the land uses that were created during the formation of the PUD-2 zone. In review of the proposed uses on the site, staff was concerned that it included redundancies, new land uses, and unnecessary form based design elements. The staff would like to work with the applicant to clarify the intent of each of the proposed land uses and how these uses support the intent of the proposed PUD-3 zone.

The Staff Recommends: **Postponement** of the proposed text amendment to the Zoning Ordinance, for the following reasons:

1. The proposed text amendment does not yet fully meet the intent and requirements established by Article 22 of the Zoning Ordinance regarding the creation of a Planned Unit Development (PUD). The site criteria, design standards, and proposed uses necessitate greater review.
2. The proposed text amendment does not provide a planning process that is conforming with Article 21 of the Zoning Ordinance.

HB/TLW

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