

Legislation Text

File #: 2098, Version: 1

CC MEETING: July 7, 2015

DATE: June 29, 2015

TO: Leonard Martin, City Manager

FROM: Christopher Barton, Chief Planner

Consider An Appeal Of The Denial Of A **Major Alternate Standard Plan For Development Standards Different From Those Of Article XX (TC) Transit Center District Of The Comprehensive Zoning Ordinance For An Approximately 4-Acre Tract Located At The Northwest Corner Of Broadway And College Avenue And Currently Zoned For The (TC) Transit Center District, Urban Core Sub-District. Case No. 05-15MD1 Carrollton Crossing (Maj. Alt. Standard)/Realty Capital Management, LLC. Case Coordinator: Christopher Barton.**

BACKGROUND:

This is a required action related to a request for a major alternate standard to the development standards of the (TC) Transit Center District, in accordance with the provisions of Article XX, Section H(2) of the Comprehensive Zoning Ordinance. The subject tract is Lot 1, Carrollton Crossing Addition, being 1199 North Broadway and located at the northwest corner of Broadway and College Avenue.

On June 6, 2015 the Planning & Zoning Commission made a motion to approve the request. Because the vote failed (4 - 4), the result was to DENY the request.

Article XX (TC) Transit Center District Regulations, Section H, Subsection 2 of the Comprehensive Zoning Ordinance (emphasis added) provides the following:

Alternate Standards

- a. For the purposes of this Code, there shall be two types of Alternate Standards - Minor and Major.
- b. Minor Alternate Standards are considered relatively minor changes to the strict adherence to the standards in this Code, and may be approved administratively by the City Manager or his designee as part of a Development Plan. However, all Minor Alternate Standards must meet the full intent of this Code as stated herein.
- c. Major Alternate Standards are considered relatively major changes to both the standards and stated intent of this Code. **Major Alternate Standards may only be approved by the Planning and Zoning Commission and City Council.**
- d. The ability to approve Alternative Standards shall also apply Section 151.93 of the Carrollton Code of Ordinances (Sign code) regarding sign regulations.
- e. The City may impose conditions on granting any Alternate Standards in order to minimize any potential

negative impact on the district, neighboring properties or public streets or open space. This may include screening, a time limit or other requirement.

Because the ordinance states that a major alternate standard may only be approved by the Planning and Zoning Commission **and** City Council, the denial by the Planning and Zoning Commission results in a denial of the issue, without Council action.

An applicant may appeal a denial of a request for alternatives to the minimum zoning standards by the Planning and Zoning Commission to City Council, pursuant to Article XXI (Changes and Amendments), Section B, Subsection 6(c) of the Comprehensive Zoning Ordinance. The applicant appealed the denial within ten days of the date of the Planning and Zoning Commission action. Prior to consideration of the approval of this request for major alternate standards, Council must consider the appeal of the denial of the action.

If Council overturns the Planning and Zoning Commission's denial, Council will consider action on the major alternate standard case.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council consideration on whether to consider Case No. 05-15MD1 Carrollton Crossing (major alternate standard).