



# City of Pflugerville

## Legislation Details (With Text)

**File #:** 2022-1080    **Version:** 1    **Name:**

**Type:** Agenda Item    **Status:** Discuss and consider action

**File created:** 11/1/2022    **In control:** Planning and Zoning Commission

**On agenda:** 11/7/2022    **Final action:** 11/7/2022

**Title:** Discuss and consider an application for an Architectural Waiver from Section 9.3.4, Parking and Garage Requirements, to reduce the number of required and integrated garages for an independent living facility located on Lot 7, Block A of the Heritage Lakes at Pflugerville Final Plat, generally located along Pleasant Bay Drive, west of Weiss Lane, south of Kelly Lane, east of Hidden Lakes Drive, and North of Hidden Lakes Crossing, more specifically addressed 18900 Pleasant Bay (2022-1-ARCH).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Applicant Letter

Date	Ver.	Action By	Action	Result
11/7/2022	1	Planning and Zoning Commission	Approved	

Discuss and consider an application for an Architectural Waiver from Section 9.3.4, Parking and Garage Requirements, to reduce the number of required and integrated garages for an independent living facility located on Lot 7, Block A of the Heritage Lakes at Pflugerville Final Plat, generally located along Pleasant Bay Drive, west of Weiss Lane, south of Kelly Lane, east of Hidden Lakes Drive, and North of Hidden Lakes Crossing, more specifically addressed 18900 Pleasant Bay (2022-1-ARCH).

The subject property is an approximately 9.861-acre tract of land known as Lot 7, Block A of the Heritage Lakes at Pflugerville Subdivision. The property is situated on the west side of Pleasant Bay Drive at the end of the cul-de-sac, generally located southwest of the intersection of Weiss and Kelly Lane. Heritage Lakes Independent Living is located at 18900 Pleasant Bay Drive. This subdivision consists of a developed assisted living facility, age-restricted attached townhomes, and is proposed for an independent living facility through site plan 2022-2-SP. Additionally, there will be various other similar uses proposed on this site, including additional age restricted residential land uses and associated commercial uses.

Subchapter 3, Procedures, 3.16.1, Site Development Waivers, of the Unified Development Code (UDC), the Planning and Zoning Commission may grant architectural waivers to allow for deviations from the architectural requirements in order to achieve alternative compliance for architectural design, while still adhering to the intent of the code. The Planning and Development Services Director may grant an administrative waiver for a reduction of up to twenty percent 20% for any numerical standard required per Subchapter 9, Architectural, Site Design, and Layout provisions or Subchapter 10, Parking, Mobility and Circulation of this chapter. The Planning and Zoning Commission may grant a waiver to the architectural requirements reducing the architectural standards above the twenty percent (20%) and shall be considered fully discretionary.

The applicant is requesting a waiver from Subchapter 9.3.4, Parking and Garage Requirements, of the Unified Development Code (UDC), which states the following:

**Garage Required:** Multi-family uses shall provide 1, 12' x 20' (inside dimensions) garage parking space per 2 units, except when structured parking is provided in accordance with Section 9.7 Vertical mixed-use structures shall be exempt from the garage requirement.

**Garage Integration:** 50-percent of the required garage spaces for multi-family structures shall be integrated into primary residential structures.

The applicant is requesting to reduce the number of garage spaces required for the project and is requesting to not provide any of the integrated garages.

Garage Proposal	
Required	26
Proposed	10
Integrated Garages	
Required	13
Proposed	0

The applicant is an independent living senior facility that is proposed to provide care for residents that are approximately ages 75 and older, who are still active but may not have a vehicle. The facility will provide activities on-site, meal options, and transportation for residents to off-site locations. In addition, during the site plan review for the project (2022-2-SP), the applicant requested an Alternative Parking Plan, allowed by 10.4.10 of the UDC, and provided a parking study to justify a reduction in the number of required parking spaces for the facility. The use in conjunction with the parking study, allowed for an administrative approval of the alternative parking plan. Following the alternative parking plan approval, the applicant made the request for reduced garage criteria.

The applicant is proposing ten (10) garages that are detached from the primary structure. This results in a request to reduce the number of garage spaces by seventy-two percent (72%). The ten (10) proposed garage spaces will be in a detached structure adjacent to the facility and accessible through a covered breezeway to the facility. The style of the detached garage would be architecturally consistent with the primary structure. The garages will visually mimic a typical multi-family garage on the outside, but will allow the tenants to have internal access to their garages through a covered breezeway. The applicant stated that the request from the integrated garage requirement that is required by the UDC is to ensure safety of the residents at the facility, noting that by having them detached from the primary structure it would reduce added risk.

The following criteria shall be considered when determining the appropriateness of the applicants request for a waiver to Section 9.3.4 of the Unified Development Code:

**A. The land use is permitted within the zoning district;**

The subject property is zoned Retail (R), which permits senior living apartments complying with the general regulations for multi-family in the MF-20 district. Tables 4.2.4 (B) and (C); must all comply with the applicable design standards per structure type outlined in Subchapter 9, and are restricted to residents 55 and over and may be allowed as a condominium when cohesively integrated as a component of retirement living village consisting of at least two of the following: nursing home/skilled nursing, assisted living, hospital, medical office. The Heritage Lakes development adheres to these standards.

**B. All health and safety regulations have been met;**

The site plan for the independent living facility is currently in review for adherence to all applicable health and safety codes in the UDC and IFC. It is not anticipated that providing a waiver to garage standards will pose a health and safety risk.

**C. The granting of the administrative waiver prevents an unreasonable financial loss;**

The granting of the waiver will prevent an unreasonable financial loss to the applicant. If the garages are built to multi-family standards there is a risk of them being unused and providing for a maintenance issue on site.

**D. The initial improvements installed prior to the temporary certificate of occupancy is a significant improvement to the non-conforming sites which are evident when viewed from off-site premises;**

This site is a conforming site and the site development plan for 18900 Pleasant Bay Drive anticipates meeting current UDC requirements for development.

**E. The granting of the administrative waiver does not negatively impact adjacent properties in terms of visibility of outdoor storage or other commonly perceived negative impacts of development on adjacent property;**

The granting of this waiver does not negatively impact the adjacent properties. The reduction in required number of garages does not produce noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly conditions that would negatively impact the adjacent sites. The exterior of the site of would look and feel much like the surrounding development.

**F. The granting of the administrative waiver is in harmony with the purpose and intent of this Chapter and of the Comprehensive Plan for the physical development of the surrounding area.**

The granting of the reduction in required number of garages is harmonious with the intent of this chapter. The use, while unlisted, of the facility more closely aligns with that of an assisted living facility. This facility falls within a senior living community and is designed in a cohesive manner so as the reduction of the garages would not be unharmonious to the surround area.

**G. The granting of the waiver is not to be contrary to the spirit and intent of this Chapter.**

The granting of the waiver is not contrary to the spirit and intent of the UDC. Much like an alternative parking plan, this waiver provides a path for the applicant to meet vehicle and transportation needs by other means than the requirements in 9.3.4.

In granting a Waiver, the Planning and Zoning Commission may impose conditions upon the proposed use.

Staff finds that the proposed architectural waiver complies with the approval criteria outlined in the Unified Development Code (as outlined above), thus staff recommends approval as presented.

Kristin Gummelt, Planner I