

PLANNING & ZONING COMMISSION MEETING OF 07-14-15 AGENDA ITEM #15-159Z

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Eleana Galicia, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District, Located on the Southeast Corner of Stonebridge Drive and U.S. Highway 380 (University Drive)

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 3, 2015 meeting.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed rezoning request.

**APPLICATION SUBMITTAL DATE:** June 15, 2015 (Original Application)  
June 26, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 9.67 acres of land from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District, generally to remove the layout currently mandated by the existing governing planned development ordinance and removing special ordinance provisions associated to the layout, while maintaining similar allowed commercial uses.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“PD” – Planned Development District Ordinance No. 2008-08-075 (Retail Uses) and “CC” – Corridor Commercial Overlay District	Undeveloped Land

North	“PD” – Planned Development District Ordinance No. 2008-08-075 (Retail Uses), “AG” – Agricultural District, “PD” – Planned Development District Ordinance No. 2004-06-068, and “CC” – Corridor Commercial Overlay District	Undeveloped Land
South	“PD” – Planned Development District Ordinance No. 2000-11-092 (Commercial Uses), and “CC” – Corridor Commercial Overlay District	Dermatology & Skin Cancer Surgery Center and North Texas Orthodontic Associates
East	“PD” – Planned Development District Ordinance No. 2002-03-025 (Uses), “PD” – Planned Development District Ordinance No. 2000-11-092 (Uses), and “CC” – Corridor Commercial Overlay District	Wren Creek Addition Subdivision
West	“SUP” – Specific Use Permit Ordinance No. 2001-07-080 (Single Family Residential Uses), “PD” – Planned Development District Ordinance No. 2000-11-092 (Single Family Residential Uses) and “CC” – Corridor Commercial Overlay District	LaCima Lake and Park and LaCima Haven Subdivision

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District generally to modify the development standards for commercial uses.

Currently, the subject property is zoned for retail uses; however, the governing planned development district ties down a layout that is no longer desirable by the applicant. The requested “C2” – Local Commercial District designation allows similar commercial uses as the existing zoning. The governing PD also has some special ordinance provisions related to screening, building height and architectural standards (see the attached governing PD ordinance). Staff is of the opinion that the removal of said existing special ordinance provisions should not negatively impact adjacent and surrounding properties as the proposed zoning district and governing zoning regulations can achieve a high level of quality without additional provisions. Given the property’s adjacency to U.S. Highway 380 (University Drive) and the location of similar commercial uses south of the subject property, Staff feels that the request for commercial uses is appropriate for this location and, as such, recommends approval of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for low density single family residential uses; however, the property has been zoned for commercial/retail uses since November of 2000. The FLUP modules diagram designates the subject property as suburban mix

within a significantly developed area. The Comprehensive Plan lists factors to be considered when a rezoning request is being considered within a significantly developed area:

- Comprehensive Plan Goals and Objectives: The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zoning change would help the community attain the goal of “Economic Development Vitality for a Sustainable and Affordable Community” through the stated objective of the Comprehensive Plan, a “balanced development pattern” and “balanced commercial development along major highway corridors.”
- Impact on Infrastructure: The proposed rezoning request should have a minimal impact on the existing and planned water, sewer and thoroughfare plans in the area.
- Impact on Public Facilities/Services: The proposed rezoning request should have a minimal impact on public services, such as schools, fire and police, libraries, parks and sanitation services.
- Compatibility with Existing and Potential Adjacent Land Uses: The properties located east and west are zoned for single family residential uses and the properties located south of the subject property are zoned for similar commercial uses. The proposed rezoning request will not alter the current base land use of the subject property as the property is already zoned for retail uses.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the current base land use allowed on the subject property.

The attached “Land Use and Tax Base Summary” shows that Module 35 is currently comprised of approximately 65.7% residential uses and 34% non-residential uses (including institutional and agricultural uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 35 are comprised of approximately 87.2% from residential uses and 12.8% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 35 are comprised of approximately 92.8% ad valorem taxes and 7.2% sales and use taxes.

- Concentration of a Use: The proposed rezoning request should not result in an over concentration of commercial land uses in the area.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no comments or phone calls in support of or opposition to this request.

**ATTACHMENTS:**

- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Land Use and Tax Base Summary
- Existing "PD" – Planned Development District Ordinance No. 2008-08-075
- Proposed Zoning Exhibit - Boundary
- PowerPoint Presentation