

PLANNING & ZONING COMMISSION MEETING OF 03-08-16 AGENDA ITEM #16-020Z

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Matt Robinson, AICP, 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 “RS 60” – Single Family Residence District to “C2” – Local Commercial District, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Church Street

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the March 15, 2016 meeting.

---

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

**APPLICATION SUBMITTAL DATE:** January 25, 2016 (Original Application)  
February 8, 2016 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 1.8 acres of land, from “PD” – Planned Development District and “RS 60” – Single Family Residence District to “C2” – Local Commercial District.

On February 23, 2016, the Planning and Zoning Commission voted 6-0-0 to recommend approval of the rezoning request, however due to a noticing error this item is being reconsidered at the March 8, 2016 Planning and Zoning Commission meeting. Staff has re-noticed this item accordingly.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“PD” – Planned Development District Ordinance No. 2004-09-094 (Commercial Uses), and “RS 60” – Single Family Residence District (Single Family Residential Uses)	Retail Strip Center, Pride Burgers, Texas Motorsports, and Single Family Residence

North	“ML” – Light Manufacturing (Commercial Uses)	All Pro Auto and Tires
South	“RS 60” – Single Family Residence District (Single Family Residential Uses)	Single Family Residence
East	“BG” – General Business District	Phil Richardson & Associates Office
West	“BG” – General Business District	Texaco Gas Station and Convenience Store

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property from “PD” – Planned Development District and “RS 60” – Single Family Residence to “C2” – Local Commercial District, generally to allow for commercial uses. More specifically, the applicant is requesting to rezone the subject property to remove the concept plan and the associated development regulations for a QuikTrip convenience store and gas station, which are mandated by the governing zoning “PD” – Planned Development District Ordinance 2004-09-094. The rezoning request encompasses 8 parcels with a total of 5 property owners. Three of the properties are currently being utilized for commercial uses and include a car dealership (Texas Motorsports), a retail strip center (Clear Smoke Shop, Ruby Red’s Gameroom, and vacant suites) and a restaurant (Pride Burger). The remaining two properties are being utilized for single family residential uses. The current zoning on the property was approved in 2004 with the existing uses on the subject property. The developer who intended on developing the site with the QuikTrip convenience store and gas station rezoned the subject property to the existing zoning in 2004, however he did not develop the property as entailed in the approved zoning for the subject property. Given the circumstances the existing uses within the subject property are nonconforming uses as they do not abide by the current zoning “PD” – Planned Development District Ordinance 2004-09-094. Altering the existing zoning on the subject properties to “C2” – Local Commercial District will remove the nonconformity for two of the existing uses, which are the retail strip center (Clear Smoke Shop, Ruby Red’s Game Room, and vacant suites) and the restaurant (Pride Burger). The two single family residences will continue being classified as nonconforming uses, however they can continue being utilized for single family residential uses and can be developed as commercial uses in the future. If the single family residences are converted to commercial uses the property owners will need to develop the site in accordance to the development regulations of the Zoning Ordinance. The car dealership is not a permitted use in the “C2” – Local Commercial District, however it can continue operating in its current state and will continue being classified as a nonconforming use.

The rezoning request was submitted by the property owner of the single family residence located at 1302 N Church Street. The applicant has submitted a rezoning request with the adjoining property owners who are also within the governing zoning to remove the concept plan and associated development regulations required by the existing "PD" – Planned Development Ordinance No. 2004-09-094. The applicant has indicated to Staff that in the future he would like to convert the existing single family residence into a commercial business, however no plans have been submitted to the City for review and approval.

The Future Land Use Plan (FLUP) designates the subject property for commercial uses. It is Staff's professional opinion that the proposed rezoning request is compatible with the future land use designation and is appropriate for the proposed location, and as such, Staff recommends approval of the proposed rezoning request.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for commercial uses. The FLUP modules diagram designates the subject property in the Town Center 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". Another goal of the Comprehensive Plan is accomplished through "Land Use Compatibility and Mix" through "land use patterns that address appropriate transition and mix of uses."
- **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 north, east, and west of the subject property are used for similar commercial uses, while properties located south of the subject property are utilized for single family residential uses. The proposed rezoning request will alter a portion (approximately .08 acres of land) of the subject property from single family residential uses to commercial uses. The remaining of the tract (approximately 1.72 acres of land) is currently zoned for commercial uses and will be zoned for similar commercial uses. The proposed rezoning request will

provide an appropriate transition from single family residential uses to more intense commercial uses along University Drive (US Highway 380).

- Fiscal Analysis: Staff did perform a fiscal analysis for this case as the rezoning request does alter .08 acres of land from residential uses to commercial uses. The remaining 1.72 acres of land is currently zoned for commercial uses and will be rezoned for similar commercial uses. The attached fiscal analysis shows a positive cost benefit of \$2,002 using the full cost method.

The attached “Land Use and Tax Base Summary” shows that Module 55 is currently comprised of approximately 52% residential uses and 47.8% 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 55 are comprised of approximately 44.9% from residential uses and 55.1% from non-residential uses (including agricultural uses). Estimated tax revenues by type in Module 55 are comprised of approximately 59.4% ad valorem taxes and 40.6% 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:**

- PZ Minutes 02.23.16
- Location Map and Aerial Exhibit
- Letter of Intent
- Comprehensive Plan Maps
- Fiscal Analysis
- Land Use and Tax Base Summary
- Existing “PD” – Planned Development District Ordinance No. 2004-09-094
- Proposed Zoning Exhibit
- PowerPoint Presentation