

PLANNING & ZONING COMMISSION MEETING OF 10-25-16 AGENDA ITEM #16-286Z

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Matt Robinson, AICP, Planning Manager

**FROM:** Melissa Spriegel, Planner I

**SUBJECT:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” – Planned Development District to “C1” – Neighborhood Commercial District, Located Approximately 500 Feet South of Westridge Boulevard and on the West Side of Independence Parkway

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

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

**APPLICATION SUBMITTAL DATE:** September 25, 2016 (Original Application)  
October 5, 2016 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 0.77 acres of land from “PD” – Planned Development District to “C1” – Neighborhood Commercial District, generally for commercial uses.

**ZONING:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	“PD” – Planned Development District Ordinance No. 2001-08-087 (Retail Uses)	Undeveloped Land
North	“PD” – Planned Development District Ordinance No. 2001-08-087 (Retail Uses)	The Heights at Westridge Retail Center

South	“PD” – Planned Development District Ordinance No. 2001-08-087 (Retail Uses)	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 2001-08-087 (Residential Uses)	Eagles Nest at Westridge Subdivision
West	“PD” – Planned Development District Ordinance No. 2001-08-087 (Residential Uses)	Heights at Westridge Subdivision

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property, generally for low intensity commercial uses. The governing zoning (“PD” – Planned Development District Ordinance No. 2001-08-007) primarily allows for retail uses with limited office as an accessory use, provided it does not exceed more than fifty percent of the total floor area for each proposed site within the “R-1” District. The applicant has indicated the potential for the property to develop for office uses; however, would like to preserve a commercial base zoning.

Currently, the Future Land Use Plan (FLUP) designates the property for commercial uses. The properties located north of the subject property are currently being utilized for retail uses, and the properties located west and east are being utilized for single family residential uses. While the property located to the south is currently undeveloped, a site plan for a day care has been approved by Staff. The rezoning request will remain compatible with adjacent residential uses and will complement existing and surrounding retail uses. The rezoning request will achieve a balanced development pattern through compatible land uses, 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 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 “Land Use Compatibility and Mix” by creating a “mix of land uses that provides for various lifestyle choices”.
- **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 adjacent to the subject property are zoned for similar commercial and residential uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base commercial zoning of the subject property.

The attached “Land Use and Tax Base Summary” shows that Module 44 is currently comprised of approximately 73.2% residential uses, 21.5% non-residential uses(including institutional uses), and 5.3% in the extraterritorial jurisdiction (ETJ). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 44 are comprised of approximately 95% from residential uses and 5% from non-residential uses. Estimated tax revenues by type in Module 44 are comprised of approximately 98.3% ad valorem taxes and 1.7% 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. 2001-08-087
- Existing “PD” – Planned Development District Ordinance No. 1621
- Zoning Comparison Chart
- Proposed Zoning Exhibit
- PowerPoint Presentation