



TITLE: Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of R.D. Offutt Company, for Approval of a Request to Rezone Fewer than 11 Acres from “C” - Planned Center District and “CC” - Corridor Commercial Overlay District to “PD” - Planned Development District and “CC” - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Southeast Corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), and Accompanying Ordinance

MEETING DATE: March 5, 2013

DEPARTMENT: Development Services

CONTACT: Michael Quint, Director of Planning
Brandon Opiela, Planning Manager
Alex Glushko, Planner II

RECOMMENDED CITY COUNCIL ACTION:

- Staff recommends approval of the proposed rezoning request with the following special ordinance provisions:
 - 1) Use and development of the subject property shall conform to the regulations of Section 146-86 “C” - Planned Center District, and Section 146-101 “CC” – Corridor Commercial Overlay District, and as amended, except as follows:
 - a) Heavy machinery sales and service shall be a permitted use.
 - 2) Heavy machinery sales and service on the subject property shall generally conform to the layout of the proposed zoning exhibit (Exhibit “B”).
 - 3) The use of gravel for tracked equipment, in conjunction with heavy machinery sales and service, shall be allowed as a paving material in the overnight vehicle storage area with the associated screening devices, as shown on the attached zoning exhibit (Exhibit “B”).
 - 4) For heavy machinery sales and service use, the overnight vehicle storage area shall be allowed to develop without paved and striped spaces for the overnight storage of vehicles, as shown on the attached zoning exhibit (Exhibit “B”).

- 5) For heavy machinery sales and service use, the overnight vehicle storage area shall be screened as shown on the attached zoning exhibit (Exhibit "B").
- 6) The orientation of overhead bay doors shall be allowed toward street frontage (Wilmeth Road), in conjunction with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B").
- 7) The construction of the proposed building on the subject property shall achieve a Leadership in Energy and Environmental Design (LEED) certification.

The applicant has requested one additional provision which Staff is recommending denial of:

- 8) The subject property shall conform to the architectural rendering of the proposed zoning exhibit (Exhibit "C").

ITEM SUMMARY:

- The applicant is requesting to rezone approximately 10.79 acres of land, located on the southeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway) from "C" - Planned Center District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to allow for the additional use of heavy machinery sales and service and to modify various development standards for the subject property.
- After consideration by the Planning and Zoning Commission on February 12, 2013, the applicant modified the rezoning request in order to address certain items that were discussed at the meeting. Specifically, the applicant has revised the site layout exhibit and architectural renderings to address concerns regarding required parking in the overnight vehicle storage area, the use of certain screening materials, and minimum architectural standards.
- Originally, the applicant proposed an overnight vehicle storage area without providing paved and striped spaces for the equipment. The Planning and Zoning Commission recommended approval of this special ordinance provision, while Staff recommended denial of this special ordinance provision. Subsequent to the Planning and Zoning Commission meeting, the applicant has revised their plans to provide signage in the overnight vehicle storage area in order to designate the minimum required number of spaces needed for tracked equipment awaiting repair. Staff feels that the modification has satisfied the requirement of the Zoning Ordinance and now recommends approval of this special ordinance provision.

- The applicant also proposed the use of vinyl coated, chain linked fencing with slats along the east, west, and south sides of the overnight vehicle storage area. The Planning and Zoning Commission recommended denial of this special ordinance provision, while Staff recommended approval of this special ordinance provision. Subsequent to the Planning and Zoning Commission meeting, the applicant has modified their plans and is proposing to provide additional wrought iron fencing along the western property line and a portion of the northern property line. The applicant has also proposed to remove a segment of the chain linked fencing along the western side of the overnight vehicle storage area, where the building can serve as a screening device for the vehicle storage area. Staff feels that the overnight vehicle storage area will be adequately screened on all sides from the public right-of-way and recommends approval of this special ordinance provision.
- Lastly, the applicant originally proposed a building that did not provide a minimum of 50 percent brick, stone, or synthetic stone material along each wall. Both the Planning and Zoning Commission and Staff recommended denial of this requested special ordinance provision. Subsequent to the Planning and Zoning Commission meeting, the applicant has revised their plans to provide additional masonry along each elevation; specifically 95% along the southern side, 89% along the eastern side, 77% along the northern side, and 51% along the western side. Although the applicant has proposed the use of additional masonry on the building, the applicant's proposal does not meet the minimum standards set forth by the City Council for commercial buildings in commercial zoning districts, and therefore Staff recommends denial of this special ordinance provision.

BACKGROUND INFORMATION:

- See attached Planning and Zoning Commission Staff Report

FINANCIAL SUMMARY:

- N/A

BOARD OR COMMISSION RECOMMENDATION:

- On February 12, 2013 the Planning and Zoning Commission voted 5-2 to recommend approval of the proposed rezoning request with a different set of special ordinance provisions (differing from Staff's recommendation and the applicant's request) listed below:
 - 1) Use and development of the subject property shall conform to the regulations of the "C" - Planned Center District, and "CC" - Corridor Commercial Overlay District, and as amended, except as follows:
 - a) Heavy machinery sales and service shall be a permitted use.
 - 2) The subject property shall generally conform to the layout of the proposed zoning exhibit (Exhibit "B").

- 3) The use of gravel shall be allowed as a paving material in the overnight vehicle storage area, in conjunction with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B").
- 5) The orientation of overhead bay doors shall be allowed toward street frontage (Wilmeth Road), in conjunction with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B").
- 6) The construction of the proposed building on the subject property shall achieve a Leadership in Energy and Environmental Design (LEED) certification.
- 8) The subject property shall be allowed to develop without paved and striped spaces for the overnight storage of vehicles.

The applicant requested two additional provisions which the Planning and Zoning Commission recommended denial of:

- 4) The use of vinyl coated, chain linked fencing with slats shall be permitted along the east, west, and south sides of the overnight vehicle storage area, as shown on the attached zoning exhibit (Exhibit "B").
- 7) The subject property shall be allowed to develop without providing a minimum of 50 percent brick, stone, or synthetic stone material along each wall, and that the subject property shall generally conform to the architectural rendering of the proposed zoning exhibit (Exhibit "C").