

PLANNING & ZONING COMMISSION MEETING OF 07-26-16 AGENDA ITEM #16-182Z

**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 “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District, Located Approximately 290 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Community Avenue

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the August 16, 2016 meeting.

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

**APPLICATION SUBMITTAL DATE:** May 31, 2016 (Original Application)  
June 13, 2016 (Revised Submittal)  
June 16, 2016 (Revised Submittal)  
June 24, 2016 (Revised Submittal)  
July 5, 2016 (Revised Submittal)  
July 8, 2016 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 2.3 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 for commercial uses.

An associated site plan (16-136SP) has been submitted and is currently under review with the Planning Department.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
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Subject Property	“PD” – Planned Development District Ordinance No. 2007-09-086 (Commercial Uses), “PD” – Planned Development District Ordinance No. 2004-07-070, and “CC” – Corridor Commercial Overlay District	Undeveloped Land
North	“PD” – Planned Development District Ordinance No. 2007-09-086 (Commercial Uses), and “CC” – Corridor Commercial Overlay District	CVS Pharmacy
South	“PD” – Planned Development District Ordinance No. 1281 (Industrial Uses), and “CC” – Corridor Commercial Overlay District	Raytheon Company
East	“BG” – General Business (Single Family Residential Uses), “O” – Office District (Single Family Residential Uses), and “CC” – Corridor Commercial Overlay District	Live Oak Creek Subdivision and Quik Trip
West	“PD” – Planned Development District Ordinance No. 1281 (Industrial Uses), and “CC” – Corridor Commercial Overlay District	Raytheon Company

**PROPOSED ZONING:** The applicant is requesting to rezone approximately 2.3 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 for commercial uses.

Currently, the Future Land Use Plan (FLUP) designates the subject property for office uses. The property located north is currently being used for retail uses, the properties to the east are utilized for a combination of single family residential uses and commercial uses, and the property to the west is being utilized for an Industrial/Office use (Raytheon Campus).

The subject property has split zoning on it with the northern portion zoned “PD” – Planned Development District (PD Ordinance No. 2007-09-086) with a base retail zoning of “BG” – General Business District and the southern portion zoned “PD” – Planned Development District (PD Ordinance No. 2004-07-070) with a base retail zoning of “C” – Planned Center District. A special provision in the existing zoning (“PD” – Planned Development District Ordinance No. 2004-07-070 and “PD” – Planned Development District Ordinance No. 2007-09-086) specifically excludes day care uses for the subject property. The applicant has submitted an associated site plan (16-

136SP) to develop the subject property with a retail store and a Montessori Academy. Staffs' professional opinion is that the proposed rezoning request would remain compatible with the surrounding land uses, and as such, Staff recommends approval of the proposed rezoning request.

A zoning comparison chart has been provided to show the difference in land uses that are permitted per the governing zoning on the subject property "PD" – Planned Development District Ordinance No. 2007-09-086 and "PD" – Planned Development District Ordinance No. 2004-07-070 and the proposed "C2" – Local Commercial District.

**CONFORMANCE TO THE COMPREHENSIVE PLAN:** The Future Land Use Plan (FLUP) designates the subject property for office 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 "Economic Development Vitality for a Sustainable and Affordable Community" through the stated objective of the Comprehensive Plan, a "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 north and east to the subject property are zoned for similar commercial uses, while the property to the west is zoned for light industrial and office uses. The land uses permitted in the proposed rezoning request "C2" – Local Commercial District should remain compatible with the existing surrounding land uses.
- **Fiscal Analysis:** Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base retail zoning of the subject property.

The attached "Land Use and Tax Base Summary" shows that Module 16 is currently comprised of approximately 14.6% residential uses and 85.2% 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 16 are comprised of approximately 13.5%

from residential uses and 86.5% from non-residential uses (including institutional and agricultural uses). Estimated tax revenues by type in Module 16 are comprised of approximately 74.8% ad valorem taxes and 25.2% 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 Ord. No. 2004-07-070
- Existing “PD” – Planned Development District Ord. No. 2007-09-086
- Proposed Zoning Exhibit
- Zoning Comparison Chart
- PowerPoint Presentation