

PLANNING & ZONING COMMISSION MEETING OF 11-11-14 AGENDA ITEM #14-291Z

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Pickett, 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 450 Feet East of Jordan Road and on the South Side of Virginia Parkway

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the December 2, 2014 meeting.

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**STAFF RECOMMENDATION:** Staff recommends approval of the proposed rezoning request with the following ordinance provision:

1. The subject property shall develop in accordance with the rules and regulations of Section 146-111 (“C1” – Neighborhood Commercial District) of the Zoning Ordinance.

**APPLICATION SUBMITTAL DATE:** October 13, 2014 (Original Application)  
October 27, 2014 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 1.76 acres of land, 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. 2005-12-132 (Office and Commercial Uses)	Undeveloped Land

North	“PD” – Planned Development District Ordinance No. 99-07-53 (Office Uses)	Virginia Parkway Professional Center North
South	“PD” – Planned Development District Ordinance No. 2002-06-055 (Office Uses)	Undeveloped Land
East	“PD” – Planned Development District Ordinance No. 2005-12-132 (Office and Commercial Uses)	Virginia Parkway Professional Center South
West	“PD” – Planned Development District Ordinance No. 2005-12-132 and “PD” – Planned Development District Ordinance No. 2013-04-038 (Office and Commercial Uses)	Undeveloped Land

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally for commercial uses. More specifically, the applicant is requesting to rezone the property to “C1” – Neighborhood Commercial District, with the intent to develop the property as one or more restaurants with drive-through window. The governing planned development ordinance allows for restaurant with drive-through window uses; however, a special ordinance provision limited this use to two locations on the parent tract which have already been developed. The applicant has stated in the letter of intent that additional restaurant services are needed in the area, and has further indicated that should the rezoning request be approved a Specific Use Permit request(s) may be submitted in the future for a restaurant with drive-through window use (as necessary per the “C1” District).

Given that the site has direct frontage onto Virginia Parkway, and is buffered from the existing single family residential to the south by several lots zoned for future office development, Staff feels that the request for commercial uses will be compatible with the existing and future surrounding and adjacent uses 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 office uses, however the subject property has been zoned for office and commercial uses since 1999. 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” through “land use patterns that optimize and balance the tax base of the City”.

- 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 office uses. The proposed rezoning request should remain compatible with the existing and future adjacent properties.
- Fiscal Analysis: Staff did not perform a fiscal analysis for this case because the rezoning request does not alter the base office/commercial zoning of the subject property.
- 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
- Existing “PD” – Planned Development District Ordinance No. 2005-12-132
- Existing “PD” – Planned Development District Ordinance No. 99-07-53
- Proposed Zoning Exhibit – Boundary
- PowerPoint Presentation