

PLANNING & ZONING COMMISSION MEETING OF 10-13-15 AGENDA ITEM #15-233Z2

**AGENDA ITEM**

**TO:** Planning and Zoning Commission

**THROUGH:** Brandon Opiela, Planning Manager

**FROM:** Samantha Pickett, Planner II

**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 on the Southwest Corner of Virginia Parkway and Crutcher Crossing

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the November 3, 2015 meeting.

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

**APPLICATION SUBMITTAL DATE:** August 24, 2015 (Original Application)  
September 8, 2015 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 6.98 acres of land currently zoned for office uses to “C1” – Neighborhood Commercial District, generally for commercial uses. The applicant has indicated in the letter of intent that they intend to submit a site plan for an assisted living facility on the subject property if the requested zoning is approved.

At the September 22, 2015 Planning and Zoning Commission meeting, multiple residents spoke in opposition to the proposed rezoning request, citing traffic issues at Crutcher Crossing and Virginia Parkway, safety, increased noise and traffic, property values, green space preservation and concerns about elderly drivers as reasons for opposition (see attached PZ Minutes). The Planning and Zoning Commission voted 7-0-0 to table the request to the October 13, 2015 meeting in order to give the applicant time to meet with the residents. Subsequent to the meeting, the applicant met with the residents on October 7, 2015 to discuss the proposal, and the applicant has not modified the request presented to the Planning and Zoning Commission on September 22, 2015.

**ZONING:**

<b>Location</b>	<b>Zoning District (Permitted Land Uses)</b>	<b>Existing Land Use</b>
Subject Property	“PD” – Planned Development District Ordinance No. 97-05-34 (Office Uses)	Single Family Home and Undeveloped Land
North	“PD” – Planned Development District Ordinance No. 2000-03-022 (Single Family Residential Uses)	Brookview Subdivision
South	“PD” – Planned Development District Ordinance No. 96-11-47 (Single Family Residential Uses)	Stone Brooke Crossing Subdivision’s Amenity Center and Common Area
East	“PD” – Planned Development District Ordinance No. 97-05-34 (Office Uses)	Undeveloped Land
West	“PD” – Planned Development District Ordinance No. 2009-10-074 (Mixed Uses)	Advanced Ankle and Foot Center

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property to “C1” – Neighborhood Commercial District, generally for lower intensity commercial uses.

Staff feels that the low intensity of the proposed neighborhood commercial zoning district is appropriate at the intersection of a major arterial and collector roadway (Virginia Parkway and Crutcher Crossing), and should remain compatible with the adjacent amenity center and residential uses to the south as well as the existing and future office uses to the east and west. Staff is of the opinion that the creek and associated dense natural tree and vegetation area provides a significant buffer (ranging in width between approximately 150 and 200 feet) between the subject property and nearby single family residential uses. 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 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 “Land Use Compatibility and Mix” through the stated objective of the Comprehensive Plan, a “diverse land uses in a geographic area”.
- Impact on Infrastructure: The proposed zoning request may have an impact on the existing and planned water, sewer and thoroughfare plans in the area since the land use would change from office to commercial uses. Staff is unable at this point in time to determine the exact difference in the impact on infrastructure as the wide range of non-residential uses potentially allowed could impact the infrastructure more or less than the impact of development allowed by the current zoning.
- Impact on Public Facilities/Services: The proposed zoning request should have a minimal impact on public facilities and service, 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 office and residential uses; however, Staff feels the commercial uses allowed by the proposed zoning should remain compatible.
- Fiscal Analysis: The fiscal analysis shows a positive cost benefit of \$157,817 using the full cost method.

The attached “Land Use and Tax Base Summary” shows that Module 37 is currently comprised of approximately 60.1% residential uses and 39.9% non-residential uses (including mixed-use and institutional uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 37 are comprised of approximately 88.8% from residential uses and 11.2% from non-residential uses (including mixed-use and institutional uses). Estimated tax revenues by type in Module 37 are comprised of approximately 94.8% ad valorem taxes and 5.2% 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 five letters in opposition to this request.

**ATTACHMENTS:**

- PZ Minutes 09.22.15
- Location Map and Aerial Exhibit

- Letter of Intent
- Letters of Opposition
- Comprehensive Plan Maps
- Fiscal Analysis
- Land Use and Tax Base Summary
- Existing “PD” – Planned Development District Ordinance No. 97-05-34
- Zoning Comparison Chart
- Proposed Zoning Exhibit – Boundary
- Proposed Layout – Informational Only
- PowerPoint Presentation