



17-136Z

TITLE: 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 “PD” - Planned Development District and “CC” - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Northwest Corner of Grassmere Lane and U.S. Highway 380 (University Drive), and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic and Economic Growth

MEETING DATE: October 17, 2017

DEPARTMENT: Planning

CONTACT: Matt Robinson, AICP, Planning Manager
Brian Lockley, AICP, Director of Planning

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the proposed rezoning request with the following special ordinance provision:

1. The subject property shall be zoned “PD” - Planned Development District and shall be subject to the following special ordinance provision:
 - a. The subject property shall be developed in accordance with “PD” - Planned Development District Ord. No. 2010-10-042, and as amended, except as modified in the attached development standards.

APPLICATION SUBMITTAL DATE: May 5, 2017 (Original Application)
July 3, 2017 (Revised Submittal)
August 16, 2017 (Revised Submittal)
August 22, 2017 (Revised Submittal)

ITEM SUMMARY: At the September 12, 2017 Planning Commission meeting this item was continued and tabled to the September 26, 2017 meeting.

The applicant is proposing to rezone the approximately 2.56 acres of land from “PD” - Planned Development District and “CC” - Corridor Commercial Overlay District to “PD” - Planned Development District and “CC” - Corridor Commercial Overlay District, generally to modify the development standards and provide for additional commercial uses. More specifically, the applicant proposes to include a provision for drive through facilities and the addition of restaurants with outdoor dining, and other professional office uses.

The Tucker Hill development as a whole allows for a mixed use development with a combination of attached and detached single family residential uses, live/work units, retail uses, office uses, civic buildings, and open space uses.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“PD” - Planned Development District Ordinance No. 2010-10-042 (Commercial and Residential Uses)	Office Retail Building
North	“PD” - Planned Development District Ordinance No. 2010-10-042 (Commercial Uses) and “PD” - Planned Development District Ordinance No. 2007-09-084 (Commercial and Residential Uses)	Single Family Residential
South	“PD” - Planned Development District Ordinance No. 2000-11-092 (Residential Uses)	Stonebridge Ranch Residential Subdivision
East	PD” - Planned Development District Ordinance No. 2014-05-033 (Residential Uses)	Undeveloped
West	“PD” - Planned Development District Ordinance No. 2010-10-042 (Commercial and Residential Uses)	Undeveloped

PROPOSED ZONING: The applicant is requesting to maintain the majority of the regulations of previous pattern books with the development while slightly modifying the uses, the allowance of drive through uses, and the increase in site landscaping.

The applicant was approached by residents within the Tucker Hill development with a request to develop the retail area with a coffee shop. During the applicant’s marketing of the site, to find a comparable user it was revealed that a drive through would be required. Currently, under the existing PD zoning drive through facilities are not permitted. As such, in order to facilitate the request the applicant proposes to amend the PD Ord. 2010-10-042 via rezone to permit certain drive through uses.

While slight modifications to the pattern book for Phase 4 are being proposed, the intent

of the pattern book and the character prescribed for the overall development in the pattern book will remain. As such, Staff is comfortable supporting the proposed rezoning request.

While slight modifications to the pattern book within the T5 Centers (Residential and Mixed-Use) are being proposed, the intent of the pattern book and the character prescribed for the overall development in the pattern book will remain. As such, Staff is comfortable supporting the proposed rezoning request.

Currently, the Future Land Use Plan (FLUP) designates the property for commercial uses. The properties located north and south are residential and would support the retail center. The properties east and west of the subject property, although currently undeveloped are zoned for commercial and residential development. Given the location of the property with the development that is occurring adjacent to the site, it is Staff's professional opinion that the rezoning request is compatible and will complement the existing and surrounding 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 and floodplain uses; however, the overall development was rezoned in 2007, with portions rezoned again in 2010 and 2013, which allows for a mix of commercial and residential uses. The FLUP modules diagram designates the subject property as suburban mix within a minimally developed area. Furthermore, the subject property is located within the Northwest Sector Study area and is in general conformance with the Northwest Sector Study Phase 1 Report. The Comprehensive Plan lists factors to be considered when a rezoning is being considered within a minimally 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 uses. The proposed rezoning request will not alter the land use from what has been planned for the subject property, and as such should remain compatible with the

surrounding properties.

- **Land Use and Tax Base Summary:** Module 51 is currently comprised of approximately 53.9% residential uses and 1.2% non-residential uses (including institutional uses). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 51 are comprised of approximately 97.5% from residential uses and 2.5% from non-residential uses. Estimated tax revenues by type in Module 51 are comprised of approximately 91.7% ad valorem taxes and 8.3% 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.

BOARD OR COMMISSION RECOMMENDATION: On September 26, 2017, the Planning and Zoning Commission voted 6-0-0 to recommend approval of the proposed rezoning request.

SUPPORTING MATERIALS:

[PZ Minutes](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Comprehensive Plan Maps](#)

[Land Use and Tax Base Summary](#)

[Land Use Comparison Table](#)

[Ex. PD Ord. No. 2010-10-042](#)

[Proposed Ordinance](#)

[Proposed Exhibits A-D](#)

[PowerPoint Presentation](#)