



17-254Z

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “AG” - Agricultural District to “C1” - Neighborhood Commercial District and “C2” - Local Commercial District, Located at 1301 North Custer Road, and Accompanying Ordinance

**COUNCIL GOAL:** Direction for Strategic and Economic Growth

**MEETING DATE:** November 7, 2017

**DEPARTMENT:** Planning

**CONTACT:** Samantha Pickett, Planning Manager, AICP  
Brian Lockley, Director of Planning, AICP, CPM  
Melissa Spriegel, Planner I

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends approval of the proposed rezoning request.

**APPLICATION SUBMITTAL DATE:** August 31, 2017 (Original Application)  
September 25, 2017 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 6.89 acres of land, generally for commercial uses. More specifically, the proposed request is to rezone the subject property from “AG” - Agricultural District to “C1” - Neighborhood Commercial District (approximately 5.23 acres) located on the rear of the property, and “C2” - Local Commercial District (approximately 1.65 acres) located along Custer Road. The applicant has indicated that the existing veterinary clinic located on the front portion of the lot will continue to operate, while the remainder has the potential to develop for commercial uses.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“AG” - Agricultural District (Agricultural Uses)	Cross Timbers Animal Clinic

North	"PD" - Planned Development District Ordinance No. 2002-05-048(Commercial Uses) and "PD"- Planned Development District Ordinance No. 2015-07-071 (Single Family Residential Uses)	The Shops at Eagle Point, Undeveloped Land
South	"PD" - Planned Development District Ordinance No. 98-08-44 (Single Family Residential Uses)	Virginia Hills 5 Subdivision
East	"PD" - Planned Development District Ordinance No. 2000-11-092 (Mixed Uses)	Stonebridge Ranch Open Space
West	"PD" - Planned Development District Ordinance No. 98-08-44 (Single Family Residential Uses)	Virginia Hills 5 Subdivision

**PROPOSED ZONING:** The applicant is requesting to rezone approximately 6.89 acres of land, generally for commercial uses. More specifically, the proposed request is to rezone from "AG" - Agricultural District to "C1" - Neighborhood Commercial District and "C2" - Local Commercial District. The current zoning district allows for primarily agricultural uses; however, the applicant has indicated the potential for the property to develop for commercial uses.

The Future Land Use Plan (FLUP) designates the property for residential uses; however, the eastern portion of the property is currently developed as a commercial use (veterinary clinic). While the properties to the south, west, and northwest are currently used or zoned for single family residential uses, the properties to the northeast are zoned and used for commercial uses. The property to the east is zoned as open space for the adjacent single family residential subdivision. Given the current use of the property, the adjacent similar commercial uses and the size and shape of the subject property, it is Staff's professional opinion the rezoning request is appropriate for the subject property and will remain compatible with the existing and future land 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 residential, low density uses. The FLUP modules diagram designates the subject property as both Suburban Mix and Community Village 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" by creating a "mix of land uses that provides for various lifestyle choices".

- Impact on Infrastructure: The proposed rezoning request may have an 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 residential uses. The proposed rezoning request should remain compatible with the surrounding properties.
- Land Use and Tax Base Summary: Module 45 is currently comprised of approximately 88.3% residential uses and 11.7% non-residential uses (including institutional uses). The proposed rezoning request will increase the non-residential uses land uses in this module. Estimated tax revenues in Module 45 are comprised of approximately 95% from residential uses and 5% from non-residential uses. Estimated tax revenues by type in Module 45 are comprised of approximately 100% ad valorem taxes and 0% 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 October 10, 2017 the Planning and Zoning Commission voted 7-0-0 to recommend approval of the propose rezoning request.

#### **SUPPORTING MATERIALS:**

[PZ Minutes 10.10.pdf](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Comprehensive Plan Maps](#)  
[Land Use and Tax Base Summary](#)  
[Land Use Comparison Table](#)  
[Proposed Ordinance](#)  
[Proposed Exhibits A-C](#)  
[PowerPoint Presentation](#)