



17-276Z

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 “C2” - Local Commercial District, “C3” - Regional Commercial District and “CC” - Corridor Commercial Overlay District, Located on the Northwest Corner of Hardin Boulevard and U.S. Highway 380 (University Drive), and Accompanying Ordinance

COUNCIL GOAL: Direction for Strategic and Economic Growth

MEETING DATE: February 20, 2018

DEPARTMENT: Planning

CONTACT: Samantha Pickett, AICP, Planning Manager
Brian Lockley, AICP, CPM, Director of Planning
Danielle Quintanilla, Planner I

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

APPLICATION SUBMITTAL DATE: September 22, 2017 (Original Application)
December 20, 2017 (Revised Submittal)
January 9, 2018 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 11.23 acres of land from “PD” - Planned Development District and “CC” - Corridor Commercial Overlay District to “C2” - Local Commercial District, “C3” - Regional Commercial District and “CC” - Corridor Commercial Overlay District, generally for commercial uses.

ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	“PD” - Planned Development District Ordinance No. 1687 and “CC” - Corridor Commercial Overlay District (Office and Retail Uses)	Undeveloped Land

North	"PD" - Planned Development District Ordinance No. 2006-11-131 (Single Family Residential Uses) and "PD" - Planned Development District Ordinance No. 2011-11-070 (Single Family Residential Uses) and "CC" - Corridor Commercial Overlay District	Heritage Bend Subdivision
South	"C2" - Local Commercial District (Commercial Uses), "C3" - Regional Commercial District (Commercial Uses), "PD" - Planned Development District Ordinance No. 1687 (Office and Retail Uses) and "CC" - Corridor Commercial Overlay District	O'Reilly Auto Parts and Undeveloped Land
East	"C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District (Commercial Uses)	Undeveloped Land
West	"RG-18" - General Residence District (Residential Uses), and "CC" - Corridor Commercial Overlay District	Undeveloped Land

PROPOSED ZONING: The applicant is requesting to rezone the subject property, generally to allow for commercial uses. The property is currently zoned for office and retail uses, however, there is a special provision within the existing ordinance governing the property that states that "no less than sixty (60) percent... may be developed as permitted uses in the Office District". Therefore, under the current zoning, only 40 percent of the total property area can be developed for retail uses, as 60 percent of the property area can only be developed as uses permitted within the Office District which is restricted to primarily office uses only.

The applicant has indicated their intent to develop the subject property primarily for commercial uses, and as such is requesting to rezone the property. The applicant has indicated their intent to rezone the back portion of the property along Taft Lane to the "C2" for local commercial uses, while the front portion of the property, located immediately adjacent to U.S. Highway 380 (University Drive), will be zoned "C3", allowing for more intense commercial uses along the highway frontage.

The properties to the east and south of the subject property were recently rezoned to similar zoning districts (see Zoning table, above), and are developing with a variety of commercial uses, including big box retail, anchor stores, restaurants and pad site retail. Given the location at the intersection of two major arterials and nearby commercial development, Staff is of the professional opinion that the proposed rezoning request is appropriate for the subject property. 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 commercial uses. The FLUP modules diagram designates the subject property as Suburban Mix within a significantly developed area and specifies that retail and office development should be located at intersections of major arterials. 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 development pattern” and “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 east and south of the subject property are zoned for similar commercial uses. The proposed rezoning request will remain compatible with the surrounding properties.
- Land Use and Tax Base Summary: Module 52 is currently comprised of approximately 12% residential uses, 48% non-residential uses (including agricultural and institutional uses), and 40% within the Extraterritorial Jurisdiction (ETJ). The proposed rezoning request will have no impact on the anticipated land uses in this module. Estimated tax revenues in Module 52 are comprised of approximately 94% from residential uses and 6% from non-residential uses. Estimated tax revenues by type in Module 52 are comprised of approximately 3.9% ad valorem taxes and 96.1% 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 January 23, 2018, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed rezoning request.

SUPPORTING MATERIALS:

[PZ Minutes 01.23.pdf](#)

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Comprehensive Plan Maps](#)

[Land Use and Tax Base Summary Map](#)

[Land Use Comparison Table](#)

[Ex. PD Ord. No. 1687](#)

[Proposed Ordinance](#)

[Proposed Exhibits A - B](#)

[PowerPoint Presentation](#)