



17-0015Z

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “AG” - Agricultural District and “PD” - Planned Development District to “PD” - Planned Development District, Generally to Allow for Commercial, Assisted Living and Independent Living Uses, Located Approximately 530 Feet South of Virginia Parkway and on the West Side of Hardin Boulevard, and Accompanying Ordinance

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

**MEETING DATE:** April 17, 2018

**DEPARTMENT:** Planning

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

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

- a. The subject property shall be developed in accordance with the attached development regulations and concept plan.

**APPLICATION SUBMITTAL DATE:** November 29, 2017 (Original Application)  
February 27, 2018 (Revised Submittal)  
March 15, 2018 (Revised Submittal)

**ITEM SUMMARY:** The applicant is requesting to rezone approximately 69.25 acres of land, located approximately 530 feet south of Virginia Parkway and on the west side of Hardin Boulevard, for a mix of commercial, assisted living and independent living uses.

**ZONING:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
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Subject Property	"PD" - Planned Development District Ordinance No. 2008-05-045 (Commercial Uses), and "AG" - Agricultural District (Agricultural Uses)	Undeveloped Land
North	"AG" - Agricultural District (Agricultural Uses)	Single Family Residence
South	"PD" - Planned Development District Ordinance No. 96-04-15 (Single Family Uses)	Bluffs of Winding Creek Subdivision, Spring Lake Estates Subdivision
East	"PD" - Planned Development District Ordinance No. 2014-11-086 (Townhome Uses) and "PD" - Planned Development District Ordinance No. 2007-12-118 (Single Family Residential Uses)	Sorrellwood Terrace Subdivision, Sorrellwood Park Subdivision
West	"RS-60" - Single Family Residence District	Mallard Lakes Subdivision

**PROPOSED ZONING:** The applicant is requesting to rezone the subject property generally for commercial, assisting living and independent living uses. The property is currently zoned for commercial uses on the northern half of the property, while the southern half is currently zoned for agricultural uses. Under the existing zoning district for the northern half of the property, commercial uses are permitted with assisted living permitted by right and an independent living use permitted with a specific use permit (SUP).

As described in the development regulations and shown on the concept plan, the applicant has indicated their intent to develop the property for a mix of institutional (assisted living/memory care) and residential (independent living) uses. Specifically, the development regulations provide for a maximum of 200 assisted living units and 300 independent living units (both attached and detached) for a maximum total unit count of 500. Given the topography of the property, existing lake and floodplain, the applicant has proposed to construct a dense product on a portion of the property while much of the remaining property would be undeveloped. To accommodate the development, the applicant has requested a maximum height of five stories or 70' for several of the buildings on the site with an added provision that in no instance the elevation of the buildings exceed a maximum sight line elevation to the adjacent residential properties in the Mallard Lakes Subdivision.

The applicant has provided provisions that regulate the architectural standards for the detached independent living units, provide requirements for a 1,200' trail connecting the independent living facilities to the lake open space, and provisions related to screening and tree preservation along the west and south property lines. In addition to the proposed development regulations, the property will develop in accordance with the proposed concept plan.

Currently, the Future Land Use Plan (FLUP) designates the subject property for

commercial, office and floodplain uses. Additionally, the FLUP designates the property to the north of the subject property for commercial uses. With the exception of the requirement of a specific use permit (SUP) for independent living uses, all of the proposed uses are currently permitted on the existing PD zoned portion of the property. Given these factors, staff has no objection to the proposed request. 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, office and floodplain 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” 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 currently zoned and developed for single family residential uses with the FLUP calling for commercial uses on the property to the north. The proposed rezoning request will generally remain compatible with the surrounding properties.
- Land Use and Tax Base Summary: Module 39 is currently comprised of approximately 78.3% residential uses and 21.7% non-residential uses (including mixed-use, institutional and agricultural uses). The proposed rezoning request will have minimal impact on the anticipated land uses in this module. Estimated tax revenues in Module 39 are comprised of approximately 95% from residential uses and 5% from non-residential uses (including mixed-use, institutional and agricultural uses). Estimated tax revenues by type in Module 39 are comprised of approximately 91.5% ad valorem taxes and 8.5% 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 March 27, 2018, the Planning and Zoning Commission voted 7-0-0 to recommend approval of the proposed rezoning request.

**SUPPORTING MATERIALS:**

[Draft PZ Minutes 3.27.18](#)

[Location Map & Aerial Exhibit](#)

[Letter of Intent](#)

[Comprehensive Plan Maps](#)

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

[Land Use Comparison Table](#)

[Ex. PD Ord. No. 2008-05-045](#)

[Proposed Ordinance](#)

[Proposed Exhibits A-D](#)

[PowerPoint Presentation](#)