

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
07/22/2015

ITEM NO. 7A: Z-15-00244 CN2 (NEIGHBORHOOD COMMERCIAL) DISTRICT TO OS (OPEN SPACE) DISTRICT; .193 ACRES (SLD)

Z-15-00244: Consider a request to rezone approximately .193 acres from CN2 (Neighborhood Commercial Center) District to OS (Open Space) District, located at 6300 W Bob Billings Pkwy. Submitted by Tim A Herndon, for RSR Holdings LLP, property owner of record.

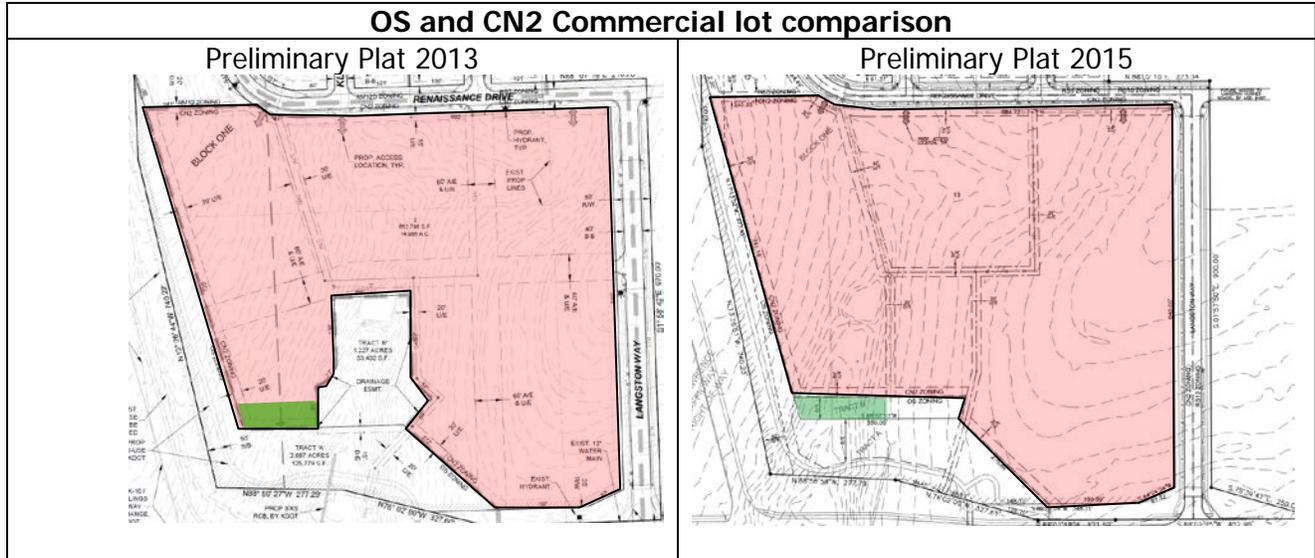
STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .193 acres, from CN2 (Neighborhood Commercial) District to OS (Open Space) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Rezoning is requested to accommodate a reconfigured stormwater detention pond design.*

KEY POINTS <ul style="list-style-type: none">Proposed application is associated with development as shown in Preliminary Plat PP-15-00246.
ASSOCIATED CASES/OTHER ACTION REQUIRED <ul style="list-style-type: none">Z-15-00245: .992 acres from OS to CN2Z-15-00251: 11.15 acres from RM24, RM12D, RS7 to RS5PP-15-00246: Preliminary Plat for Langston Commons 17.5 acres for neighborhood commercial development and 48 lots for residential development.
PLANS AND STUDIES REQUIRED <ul style="list-style-type: none"><i>Traffic Study</i> – Not required for rezoning<i>Downstream Sanitary Sewer Analysis</i> – not required for rezoning<i>Drainage Study</i> – Not required for rezoning<i>Retail Market Study</i> – Not applicable to request
ATTACHMENTS <ol style="list-style-type: none">Area MapMaster Plan ComparisonZoning ExhibitNeighborhood maps
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING <ul style="list-style-type: none">None received regarding request for OS zoning.

Project Summary:

The request proposes to revise the zoning boundaries to align with the proposed Preliminary Plat. This application should be considered concurrently with Z-15-00245 that rezones a parcel of land from OS to CN2 and the related Preliminary Plat for Langston Commons PP-15-00246. The following image highlights the area of change as presented in the previous Preliminary Plat and the proposed Preliminary Plat.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The subject rezoning facilitates open space/stormwater detention as a component of the "Neighborhood Commercial" land use designation prescribed in the Comprehensive Plan, conforming also with previously approved plans and zoning designations for the subject area.*

This property is part of an area planned and approved for development. The proposed change does not alter the existing land use recommendations of the area. It does provide continuity within the development and aligns the zoning district with the proposed platted lot boundaries to facilitate development of the commercial and open space areas consistent with previous land use approval for this area.

Staff Finding – The proposed request for CN2 to OS for .193 (8,407 SF) does not alter the approved land use plans for this area articulated in *Horizon 2020*.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: CN2 (Neighborhood Commercial) District. Undeveloped land.

Surrounding Zoning and Land Use: CN2 (Neighborhood Commercial) District to the north, east and west. Undeveloped land.

OS (Open Space) District) to the south. Undeveloped land. Intended development will include multi-use recreation path as SLT project is completed in the immediate area. Pathway/sidewalk connections can be seen on the Preliminary Plat.

The attached Zoning Exhibit highlights the two related rezoning requests for the OS and CN2 Districts within the Langston Commons proposed Subdivision.

Staff Finding – The proposed request along with the related rezoning request, Z-15-00245 and Preliminary Plat PP-15-00246, accommodate future infrastructure improvements in the immediate area. The proposed request aligns the zoning district boundaries with the proposed plat lines as shown on the Preliminary Plat.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The immediate neighborhood is zoned CN2 for Neighborhood Commercial development and use.*

This property was originally discussed in staff report Z-13-00256 that was approved for Neighborhood Commercial Development as proposed for the development known as Langston Commons.

This property is located within the West Lawrence Neighborhood. The neighborhood boundaries extend north of W. 6th Street between Wakarusa Drive and Queens Road and south of W. 6th Street to Clinton Parkway between Wakarusa Drive and the K-10 Highway. Within the overall neighborhood there are several sub-areas that have been platted and function as micro neighborhoods. This report and related applications focus on the portion of the neighborhood located between Bob Billings Parkway on the south and W. 6th Street to the north. Related Neighborhood maps are attached to this report for reference.

Langston Heights and Langston Commons Subdivisions are intended to connect and extend existing connections within the larger neighborhood context. The north part of the Langston micro neighborhood has begun to development and includes infrastructure and residential structures. The proposed rezoning will not alter the development neighborhood character.

Staff Finding – This property is part of the developing west portion of the West Lawrence Neighborhood. The proposed rezoning will not alter the developing neighborhood character.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

This property is located within the boundary of the *West of K10 Plan*. The area shown at the immediate intersection of Bob Billings Parkway and K-10 is identified as a Neighborhood Commercial area. The plan addressed gateway areas and states that development "*shall enhance identified gateways*" by "*providing pleasing corridors.*" This project, through the rezoning and subdivision processes, establishes a framework to implement this goal by creating a connected greenspace area along the public right-of-way. The proposed rezoning request seeks to align the district boundaries with the proposed subdivision lots and tracts. Approval of the request that revises the OS and CN2 boundaries supports this concept.

Staff Finding – The proposed request is consistent with the land use recommendations and development policies included in the *West of K10 Plan*.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *The subject property is generally suited for the existing CN2 and/or OS zoning designations. However, the subject site [and zonings] must be reconfigured to*

accommodate revisions to the stormwater management facility to be constructed within the OS-zoned portion of the site.

This application should be reviewed concurrently with the request for .992 acres from OS to CN2 (Z-15-00245) and the Preliminary Plat (PP-15-00246). The combined applications represent a swap of land from one district to another. While the overall area of the CN2 District increases and the OS District decreases, the development impact is not impacted. The zoning request aligns the district boundary with the platted lot and tract boundaries facilitating development.

This specific application increases the open space area at the southwest corner of the property. This property will be contained in Tract B as shown on the Preliminary Plat and will be part of a drainage easement that serves this area.

Staff Finding – Approval of the rezoning shifts development to the north away from the immediate southwest corner of the site. The proposed zoning is suitable for and consistent with the previous land use approvals and proposed development concept for this area.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response: *The subject [undeveloped] property has been zoned in its present condition for approximately two years.*

Prior to the 2013 application that rezoned this property to CN2 the property had been zoned for Planned Commercial Development. The district boundary extended to the south and west property lines. The Langston Commons Preliminary Plat and related zoning applications establish a green space along the south side of the future neighborhood commercial development between the development and the public streets and highway. This request is a reflection of a revision in the development concept.

Staff Finding – This property has been zoned CN2 since September 2013.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *Approval of this request will not affect nearby properties*

At this time the property immediately surrounding the .193 acres to be rezoned from CN2 to OS is undeveloped. The area will be incorporated into the planned development that will include future commercial development as well as open space, a multi-use path that will connect Bob Billings Parkway and the K-10 highway. The recreation path is an allowed use within the open space zoning district.

The proposed request reflects changes in the site development as shown on the related Preliminary Plat. There are no detrimental impacts anticipated from this proposed changes.

Staff Finding – Staff does not anticipate any detrimental impacts from the proposed rezoning request.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: *The public health, safety and welfare will remain unaffected by approval of this application. However, the hardship imposed upon the landowner by denial of this application would be significant, and would result in the inability of the owner to construct the property in a manner consistent with conventional Neighborhood Commercial use.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

This request should be considered concurrently with the Preliminary Plat for Langston Commons as well as the rezoning from OS to CN2 (Z-15-00245). These two zoning applications and the preliminary plat are intended to rebalance or recalibrate the boundary of development as reflected in changes to the overall development of the area.

- This application represents .193 acres.
- The related rezoning application .992 acres.

The intent of the rezoning is to provide a cohesive open space area along the boundary of the commercial development. This area serves multiple purposes including, connectivity of non-motorized pathways (recreation path), stormwater detention, buffering, and gateway treatment along the Bob Billings Parkway and K-10 Highway corridor.

The CN2 District is restricted by the Land Development Code to not exceed 15 acres. The configuration of the lot due to the location of the three streets that abut the property resulted in a request for a variance that allows the CN2 District to exceed 15 acres [B-15-00156]. The Board of Zoning Appeals granted this variance on May 7, 2015 which permits the creation of a CN2 District in excess of 15 acres. Retaining this property as CN2 would require a reduction in the district size in some other location to maintain the maximum size approved by the Board of Zoning Appeals (BZA).

Staff Finding – There is no harm to the public resulting from approval of this request.

9. PROFESSIONAL STAFF RECOMMENDATION

This application represents a refinement of the intended development concept as details of development in the area are being clarified and street and highway construction projects are being completed.

This application is a part of a larger development request that includes rezoning for CN2 to the east and changes in the residential development pattern from duplex to detached housing. These changes are all reflected as part of the Preliminary Plat

CONCLUSION

Staff recommends approval of the proposed rezoning to facilitate planned development in this area.