

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
7/22/2015

**ITEM NO. 7B: Z-15-00245 OS (OPEN SPACE) DISTRICT TO CN2
(NEIGHBORHOOD COMMERCIAL) DISTRICT, .992 SF (SLD)**

Z-15-00245: Consider a request to rezone approximately .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) 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 .992 acres from OS (Open Space) District to CN2 (Neighborhood Commercial Center) 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

- Proposed application is associated with development as shown in Preliminary Plat PP-15-00246.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- B-15-00156: Variance to allow CN2 district larger than 15 acres. [18 acres Net area. Without street right-of-way – 16.38 acres]. Approved on May 7, 2015.
Subject to conditions:
 - Approval by City of a CN2 rezoning currently zoned OS and
 - All other density and dimensional standards related to the CN2 District shall be enforced.
- Z-15-00244: .193 acres from CN2 to OS
- Z-15-00251: 11.15 acres from RM24, RM12D, RS7 to RS5
- PP-15-00246: Preliminary Plat for Langston Commons 17.5 acres for neighborhood commercial development and 48 lots for residential development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to request

ATTACHMENTS

1. Area Map
2. Zoning exhibit
3. Revised Master Plan 2015
4. Development Comparison

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone call from resident inquiring about proposed request, clarification of uses, appearance of area along streets and detention pond.

Project Summary:

This application includes approximately .992 acres and is part of a larger development application that also includes rezoning from CN2 to OS and a Preliminary Plat. The significant change in the planned development for the Neighborhood Commercial area is the relocation of the stormwater detention area to run parallel to Bob Billings Parkway. Previous plans showed this feature extending north/south into the development. The proposed request reflects this change with the intention of establishing a tract for the detention area to be contained in a single zoning district (OS) and the balance of the property being located in the CN2 District. Refer to Commercial Development Comparison attachment.

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.*

The northeast corner of Bob Billings Parkway and K-10 Highway will function as a gateway to the communication at large as well as to the immediate neighborhood. This area has been designated for commercial development in *Horizon 2020* and in plan documents predating *Horizon 2020*. The proposed application does not alter the previous land use recommendations or actions related to neighborhood commercial development in this area. This property was originally discussed and approved for commercial development in August 2013 (Z-13-00256). The purpose of this request is to redefine the boundaries of the CN2 District consistent with the planned development pattern for the area as shown graphically in the related Preliminary Plat.

Staff Finding – The proposed request for OS to CN2 for .992 acres 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: OS (Open Space) District. Undeveloped land. Area shown on previous Preliminary Plat as drainage easement.

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

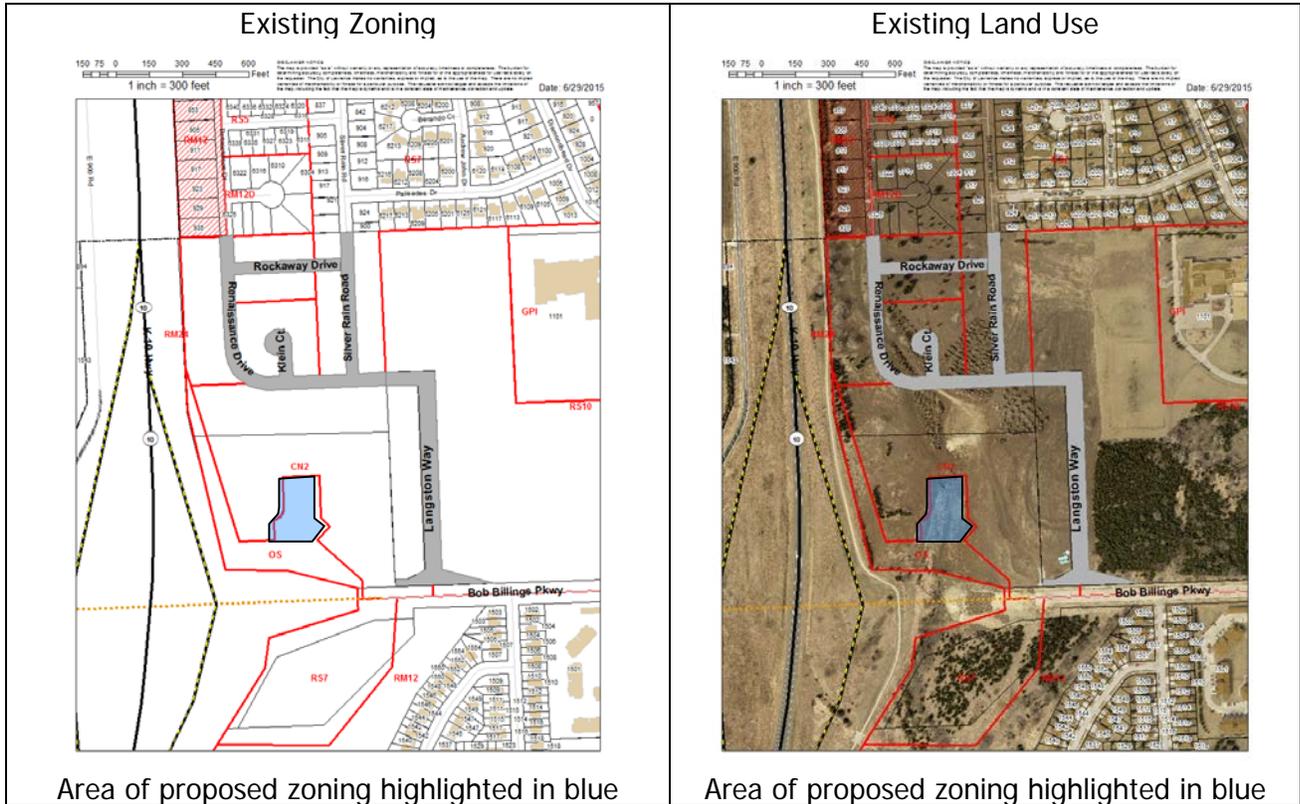
OS (Open Space) District to the south. Undeveloped Land.

Proposed RS5 (Single-Dwelling Residential) District north of Renaissance Drive. Undeveloped land proposed for residential lots.

Existing RS10 (Single-Dwelling Residential) District east of Langston Way. Undeveloped portion of land owned by USD 497.

Existing RS7 (Single Dwelling Residential) District and RM12 (Multi-Dwelling Residential) District south of Bob Billings Parkway.

The following graphic highlights the area to be rezoned from OS to CN2. Langston Way represents the eastern boundary of the district and Renaissance Drive represents the north boundary of the district. The CN2 District as approved included OS along the west and south boundaries. The open space district will continue to be the west and south boundaries if approved.



Area of proposed zoning highlighted in blue

Area of proposed zoning highlighted in blue

Staff Finding – The subject property will be surrounded by like zoning if approved. The larger surrounding area includes residential zoning with undeveloped land to the east of Langston Way and south of Bob Billings Parkway.

3. CHARACTER OF THE NEIGHBORHOOD

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

This section of the report expands on the discussion included in Z-15-00244 regarding the character of the Neighborhood. This property is included in Block 1, Lot 13 of the related Preliminary Plat (PP-15-00246). This property is intended to provide commercial services at the neighborhood level to the surrounding subdivisions or "micro neighborhoods" in the area. Development of the area will allow for commercial services to be provided more readily to the immediate neighborhood. Additionally, the planned street connections enhance the travel network in the surrounding area.

The proposed request is internal to an area currently designated as a Neighborhood Commercial area.

Staff Finding – The proposed request is consistent with the developing character of the surrounding area.

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 K10 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 and a uniform area for neighborhood commercial development. The proposed rezoning request seeks to align the district boundaries with the proposed subdivision lots and tracts. Approval of this request to revise 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 zoning] must be reconfigured to accommodate revisions to the stormwater management facility to be constructed within the OS-zoned portion of the site.*

The property is currently zoned OS consistent with the previously approved Preliminary Plat for this area. The intent of the OS district is to accommodate the required stormwater detention for the development and to facilitate commercial development in the south part of the property included in PP-15-00246. The proposed request shifts a portion of the current OS district into the CN2 district that follows the revised platted lot lines as they pertain to proposed commercial lot.

Based on the planned development of Lot 13, Block 1 the current OS District is not suitable. Denial of the request would have the effect of reducing the area available for neighborhood commercial development and creating some odd connections within the development.

Staff Finding – The proposed request is less suitable for the current OS District given the proposed changes to the boundary of the development and planned stormwater detention facility to serve this development. Approval of the request will facilitate development consistent with the proposed Preliminary Plat lot lines.

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 OS 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 OS 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 .992 acres to be rezoned from OS to CN2 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 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 – Detrimental impacts are not anticipated 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 his application. However, the hardship 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 CN2 to OS (Z-15-00244). 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 .992 acres.
- The related rezoning application .193 acres.

The intent of the rezoning is to provide a uniformly, commercially zoned area for Neighborhood Commercial Development.

The CN2 District is restricted by the Land Development Code to not exceed 15 acres. The configuration of the lot resulting from 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 OS would not substantively impact the total area proposed for development but would impact the design and layout of development by extending (retaining) the OS into the CN2 District. Similar zoning boundaries are considered encroachments into a district. The benefit to approving the request is the establishment of a more uniform lot as a framework for establishing the commercial development pattern

Staff Finding – Approval of the proposed request facilitates neighborhood commercial development intended to serve the surrounding area.

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 OS to the west and changes in the residential development pattern from duplex to detached housing north of Renaissance Drive. These changes are all reflected as part of the Preliminary Plat.

CONCLUSION

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