

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
3/27/18

ITEM NO. 13: REZONING 5.046 ACRES FROM PCD-2 TO PCD-2; 2210, 2240, 2270 WAKARUSA DR (MKM)

Z-19-00044: Consider a request to rezone approximately 5.046 acres from PCD-[Stoneridge Plaza], PCD-2 (Planned Commercial Development) District to PCD-[Stoneridge Plaza], PCD-2 (Planned Commercial Development) District with revised use restrictions, located at 2210, 2240, and 2270 Wakarusa Dr. Submitted by Tim A. Herndon Planning & Design on behalf of Off-Piste Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 5.046 acres from PCD-[Stoneridge Plaza] PCD-2 to PCD-[Stoneridge Plaza] PCD-2 with revised uses subject to the following conditions:

1. Uses permitted in the revised PCD zoning shall be limited to the following:
Multi-Dwelling Structures, Non-Ground Floor Dwellings, Uses permitted in the following use groups from the 1966 Zoning Ordinance: Use Groups 7, 8, 9, 9A, 11, and 12 (with the exception of *Pawnshops*), and *Athletic Club* included in Use Group 15.
2. The maximum area of commercial/retail use permitted in the district is limited to 12,700 square feet with the balance of the project to be residential and office uses.

REASON FOR REQUEST

Applicant's Response:

"Following discussions with Staff, the owner has generally agreed to rezone from 'PCD-2' to 'PCD-2 with Use Changes' to accommodate development of Lot 1. Rezoning is necessary to accommodate proposed residential uses on the subject site, pending further confirmation."

KEY POINTS

- The property was zoned PCD-[Stoneridge Plaza], PCD-2 with restrictions on the commercial uses to comply with the recommendations provided in the comprehensive plan for a neighborhood commercial center. The rezoning ordinance did not include residential uses as a permitted use; therefore, the subject rezoning is being requested to allow multi-dwelling residential uses on the property.

ASSOCIATED CASES

- Z-10-30-97: Rezoning of approximately 5.046 acres from RO-1 (Residence-Office District) to PCD-2 (Planned Commercial Development). Staff recommended denial of the rezoning request based on recommendations in the comprehensive plan for a neighborhood commercial development in this area. The Planning Commission voted to approve the rezoning conditioned upon restriction of uses to uses permitted in the PCD-1 District, with the exception of a *Pawn Shop*, plus the addition of *Athletic Club*, from Use Group 15. The rezoning also restricted the amount of commercial/retail uses to a maximum of 12,700 square feet with the balance of the project to be office uses. The City Commission

approved the zoning request on February 17, 1998 subject to the conditions listed in Ordinance No. 6989, attached.

- A preliminary development plan for Stoneridge PCD was recommended for approval by the Planning Commission on December 17, 1997 and approved by the City Commission on January 6, 1998.
- A final development plan for Stoneridge PCD was approved by the Planning Commission on April 22, 1998. As the project did not commence within 18 months of approval, the final approval became null and void.
- Z-01-02-06: Rezoning request for approximately 5.05 acres from PCD-2 to PCD-2 with additional allowable uses to expand the list of commercial uses for this development. Staff recommended denial based on concern that did not comply with the comprehensive plan recommendations for Neighborhood Commercial Centers. This application was recommended for denial by the Planning Commission on 3/13/06 and denied by the City Commission on 5/2/06.
- PDP-01-03-06 Preliminary Development Plan for Miracon Plaza. Approved by the City Commission on August 15, 2006.
- FDP-01-02-07 Final Development Plan for Miracon Plaza, approved by the City Commission on February 26, 2007.
- Two-year extension requests were submitted and approved in 2008, 2010, 2012, 2014, 2016, and 2018 for the final development plan. The approval of the final development plan is valid to August 26, 2020. If a building permit has not been obtained for the project at that time, the approval will be considered null and void unless a written extension request, for good cause shown, has been submitted prior to the expiration date.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal of revised preliminary development plan.
- Submittal and approval of final development plan.
- Submittal and approval of public improvement plans.
- Building permits shall be obtained prior to development.

ATTACHMENTS

Attachment A: Zoning map

Attachment B: Public communication

Attachment C: Approved final development plan

Attachment D: Concept plan

Attachment E: List of permitted uses

PUBLIC COMMENT

Several members of the public contacted the planning office for information on the rezoning request and to express concern regarding changes to the vegetated drainage easement along the east side of the property and the potential impact of the proposed development on the neighborhood. An email from one property owner is included with this report.

Project Summary

The property is currently zoned PCD-2 with restricted uses. The following uses are permitted:

- Use Groups permitted in the PCD-1 District: 7, 8, 9, 11, 12-with the exception of pawnshops; and
- Athletic club, permitted in Use Group 15.

The total area allowed to develop with commercial uses is limited to 12,700 square feet, with the balance of the project to be office use. This rezoning would revise the permitted uses to add *Multi-Dwelling Structures* and *Non-Ground Floor Dwelling* residential uses and to allow the balance of the site, beyond the 12,700 square feet of commercial use, to be developed with office or residential uses.

The concept plan in Figure 1 illustrates the development proposed for the northern lot, Lot 1. No changes are being proposed to the development that has been approved for the southern lots. A 10,000 square foot building is proposed on Lot 1. The first floor, 5,000 square feet, would be a mix of office/retail uses and the second floor, 5,000 square feet, would be developed with 5 two-bedroom apartments.

The addition of the residential use is not expected to reduce the amount of commercial/retail uses that is permitted on the site. The applicant noted they intend to revise Lot 1 to remove the convenience store which was approved with the final development plan and replace it with a multi-tenant office/retail building with apartments on the second floor. The change will result in greater building area, but perhaps the same or less intensity of use given the change from convenience store to a mixed use building of office, retail, and residential uses. The development of Lot 1 as shown in the concept plan and the approved development plan is compared in Figure 4 of this report.

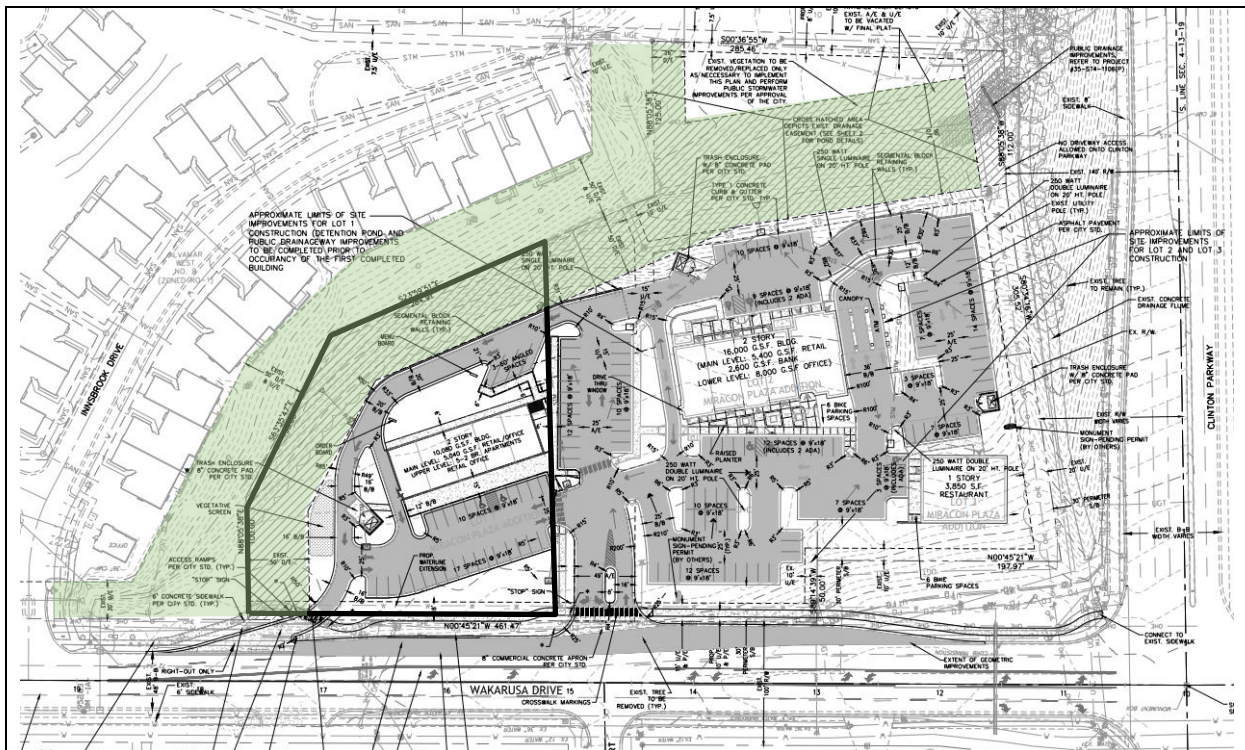


Figure 1. Concept plan for Miracon Plaza, Lot 1 is outlined, generally, drainage easement highlighted in green.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The comprehensive plan acknowledges a commercial node and multi-family use at the intersection of Wakarusa Drive & Clinton Parkway."

The rezoning request is reviewed in this section for compliance with general recommendations of the comprehensive plan. Policies from the comprehensive plan are below, with staff comments in red.

The Future Land Use Map, Map 3-2, recommends *Office* as the future land use for the subject property. (Page 3-4, *Horizon 2020*) Chapter 7, Industrial and Employment, identifies the *Office* category of employment-related land uses as an area generally characterized by a predominance of professional offices and service uses that are typically located in commercial areas. (Page 7-9, *Horizon 2020*) The comprehensive plan recommends that a mix of uses be established for these areas in a planned and unified manner.

The existing zoning permits a mix of office and commercial uses on the property, with a maximum limit of 12,700 square feet of commercial uses, but does not permit residential uses. This rezoning would increase the mix of uses by adding residential uses but would not permit additional commercial uses.

The comprehensive plan notes that the intersection of Clinton Parkway and Wakarusa Drive is an existing neighborhood commercial center with a nodal development pattern and does not recommend expanding the commercial uses beyond the existing commercially zoned property. (Page 6-18, *Horizon 2020*)

A 1997 rezoning request, Z-10-30-97, revising the zoning from RO-1 (Residence-Office District) to PCD-2 (Planned Commercial Development) was approved with restricted uses to permit a limited amount of commercial uses, 12,700 square feet, on the subject property as part of a mixed-use office development. A later rezoning request, Z-01-01-06, seeking to add commercial uses to the property was denied based on the determination that the request was not in conformance with the comprehensive plan.

The subject rezoning request is not proposing any changes to the commercial uses which are permitted on the site but is requesting that multi-dwelling residential uses be added to the list of permitted uses. The PCD-2 District typically permitted detached, attached (multi-dwelling), and mixed residential uses; however, these uses were not listed in the rezoning ordinance. The proposed development includes a two-story building on the northern lot with multi-tenant retail office uses on the ground floor and 5 two-bedroom multi-dwelling residential units on the second floor. The addition of the multi-dwelling residential use to the district would increase the mix of uses that are possible without increasing the amount of commercial development that is permitted.

The comprehensive plan encourages infill as a means of providing a variety of compatible housing types within neighborhoods. Recommendations for infill development include maintaining the open space patterns and front, side, and rear yards characteristic of the neighborhood, maintaining a compatible building height (especially with adjacent residences)

and avoiding concentrations of high-density multiple-family infill. *Policy 3.3.* (Page 5-15, *Horizon 2020*)

Five multi-dwelling units are being proposed with this project. This will increase the variety of housing types, but will not result in a concentration of high-density multi-dwelling infill. The open space pattern of the area is the vegetated drainageway, that separates the existing residences from the commercial center. The vegetated drainageway is intended to remain. The approved final development plan showed some improvements to the drainageway which are necessary to allow it to function properly and minimize erosion; however, the intent is to maintain the vegetation as much as possible to help manage the flow of stormwater. If any changes are necessary to accommodate the project, they will be discussed with the review of the preliminary development plan. This plan will include public notice and will be considered by the Planning Commission and referred to the City Commission for action.

Staff Finding – The rezoning request would add multi-dwelling residential uses to the list of uses permitted on the property. The addition of residential uses would allow a mixed use development that is compliant with the comprehensive plan recommendation for a neighborhood commercial center in this area with limited commercial uses. The addition of residential uses is also compliant with the comprehensive plans recommendation for infill development to increase the variety of housing types in the area. The building and site design will be evaluated during the review of the preliminary development plan to ensure compatibility with nearby residential uses in the area.

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

Current Zoning and Land Use: PCD-[Stoneridge Plaza] (Planned Commercial Development, PCD-2); Undeveloped

Surrounding Zoning and Land Use: To the north:
RMO (Multi-Dwelling Residential-Office) District; *Multi-Dwelling Structures*.

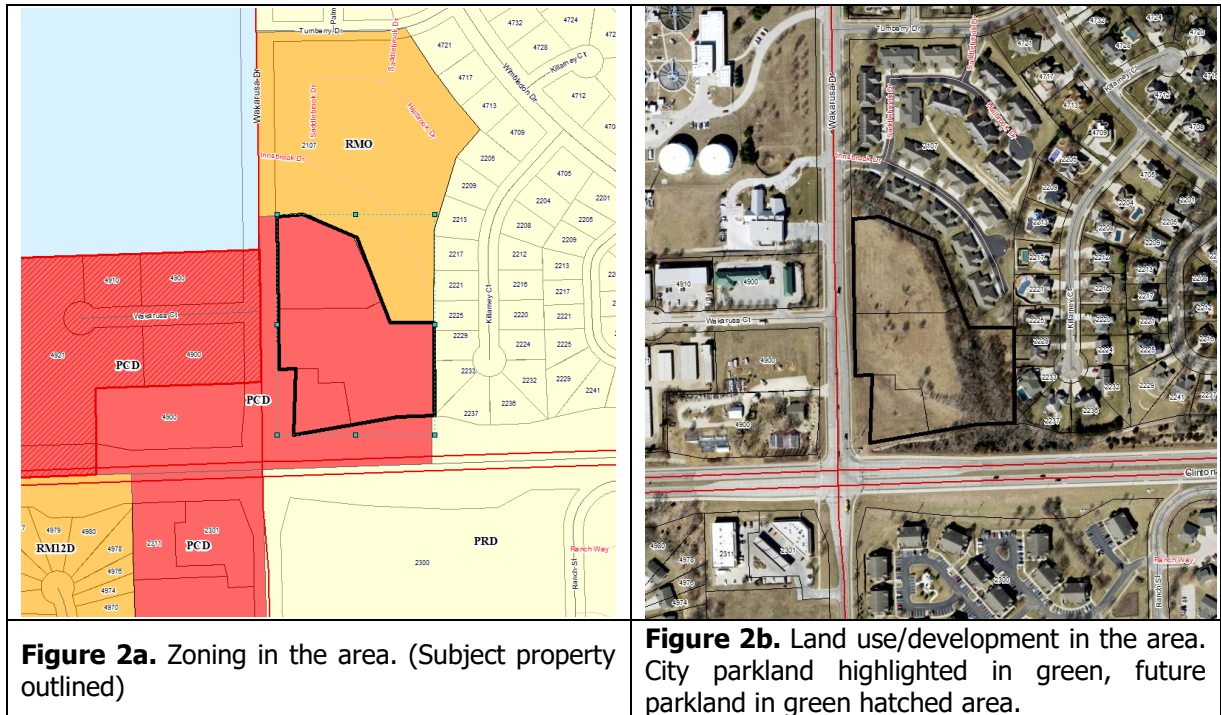
To the west:
GPI (General Public and Institutional Uses) District; City fire station, *Public Safety*, and PCD-[Wakarusa Center] (Planned Commercial Development) District; self-service car wash, *Cleaning (Car Wash)*, *Undeveloped*, and Greenhouse and Nursery, *General Retail Sales*

To the east:
RMO (Multi-Dwelling Residential-Office) District; *Multi-Dwelling Structures*, and RS7 (Single-Dwelling Residential) District; *Detached Dwellings*

To the south:
PRD-[Parkway Apartments] (Planned Residential Development); *Multi-Dwelling Structures*.

To the southwest:
PCD-[Stoney Point] (Planned Commercial Development) District, convenience store, *Gas and Fuel Sales*, other retail uses include *Fast Order*

Food, General Retail Sales, and Personal Convenience
 (Figure 2)



Staff Finding – The subject property is located in the northeast corner of the intersection of Clinton Parkway and Wakarusa Drive. The properties in the northwest and southwest corner of the intersection are also zoned for commercial uses and have been developed. The remainder of the area is zoned RMO (Multi-Dwelling Residential-Office), RS7 (Single-Dwelling Residential), and PRD (Planned Residential Development) and are developed with multi-dwellings and detached dwellings. The proposed change will not alter the zoning of the subject property but would expand the permitted uses to include multi-dwelling residences.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response:

"At the intersection, the northwest corner is presently a retail garden store; the southwest corner is a convenience store and in-line retail complex; the southeast corner is a multi-family residential development, and the northeast (subject) corner abuts multi-family and single-family residential to the north and east. A shared 100-foot drainageway separates the subject site from adjacent private properties."

As shown in Figure 2, the neighborhood has a mix of uses including a fire station, city water treatment plant, communication tower, mini-storage facility, nursery/greenhouse and a convenience store with a strip retail center. These uses are located to the west of Wakarusa Drive. The properties to the east of Wakarusa Drive are primarily multi-dwelling residences and detached dwellings. The subject property is divided from the residential uses to the east by a 100 foot wide drainage easement which is currently heavily vegetated. This separation

links the property more to the other uses at the intersection than to the residential uses to the north and east.

Property owners in the area commented on the vegetated drainage easement and noted that it is an important component of the character of the area for the adjacent residences to the east. The City stormwater engineer noted that the intent is to maintain the drainage easement as a vegetated drainageway with the development of the property; however, some improvements will be needed to accommodate the proposed flow and prevent erosion. The subject rezoning request will allow residential uses on the property. When the preliminary development plan is revised to include the residential use, the building and site design will be evaluated to minimize the impact on the vegetated drainageway.

Staff Finding – This area contains a mix of uses including city utilities, public safety, mini-storage, general retail, multi-dwelling and single-dwelling uses. The subject property is currently undeveloped but has an approved final development plan for development of commercial and office uses. The property is set apart from the residences to the north and east by a 100 foot wide vegetated drainage easement which is intended to be maintained as much as possible with the future development to provide a buffer between the commercial property and the adjacent residential. The proposed rezoning and development are compatible with the character of the area.

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

Staff Finding – The subject property is not located within the boundary of any adopted area or sector plans.

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

Applicant's Response:

"The subject is not necessarily 'unsuitable', under existing regulations. Simply stated, the subject site is not presently zoned to accommodate residential use, which is found to be suitable for this site and context, and conforms with the comprehensive plan.

The property has challenging topography but has been determined to be suitable for development of office and commercial uses as shown on the approved final development plan, FDP-01-02-07, which is included with this staff report as an attachment. The fact that the property has not developed since the original approval in 1998 indicate that the topographic challenges may be a deterrent to development; however, the applicant noted that the mixed retail/residential development being planned for Lot 1, the northern lot, is expected to be developed shortly. The addition of residential uses with this rezoning would result in a mixed use development that would be suitable for this property.

Staff Finding – The property is suitable for the uses to which it is restricted; however, the length of time the subject has remained undeveloped may bring that into question. The property is well suited for the wider mix of uses that would be possible when residential uses are added to the list of permitted uses.

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

Applicant's Response:

"The property was zoned PCD-2 in 1998, and has to date remained undeveloped."

Staff Finding – The property has remained vacant with the current PCD-2 zoning since it was rezoned in 1998.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"No detrimental impact is identifiable."

The rezoning, if approved, will allow residential uses to be included with the office uses and the limited range of commercial uses that are permitted on the property, resulting in a mixed-use development. The rezoning should have no detrimental impact on nearby properties; however, property owners in the area have contacted the Planning Office to express concern with potential changes to the vegetated drainage easement between their homes and the development that could occur when the property is developed. (Figure 3)



Figure 3. Subject property and nearby residences. The vegetated drainage easement is outlined in blue, subject property outlined in black.

The City stormwater engineer noted that the intent is to keep the drainage easement vegetated to prevent erosion. The approved development plan for the property shows improvements at each end of the drainage easement to accommodate drainage and reduce erosion. These improvements may require the removal of some vegetation in those locations; however, no change is being proposed to the drainage easement with this rezoning. If the rezoning is approved a revised development plan will be submitted for review. The site drainage will be evaluated with the revised development plan and any improvements needed to the drainage easement will be determined at that time. Property owners within 400 feet of the subject property will be mailed notice of the revised development plan and it will be brought before the Planning Commission for consideration.

Figure 4 compares the proposed concept plan with the approved development plan. An access drive borders the vegetated drainage easement in each plan. (The preliminary development plan includes landscaping which is not included on the concept plan. A landscaping plan will be provided and evaluated with the revised preliminary development plan.) The basic site layout remains the same. The one-story, 3,450 square foot convenience store would be replaced with a two-story, 10,000 square foot mixed use building with retail stores on the ground floor and 5 two-bedroom apartment dwelling units on the second floor. The principal change being proposed is the taller building in place of the convenience store.

When the development plan is submitted the design will be evaluated for compatibility with nearby properties with particular attention paid to exterior lighting, the size of the building, and maintenance of established vegetation where possible.

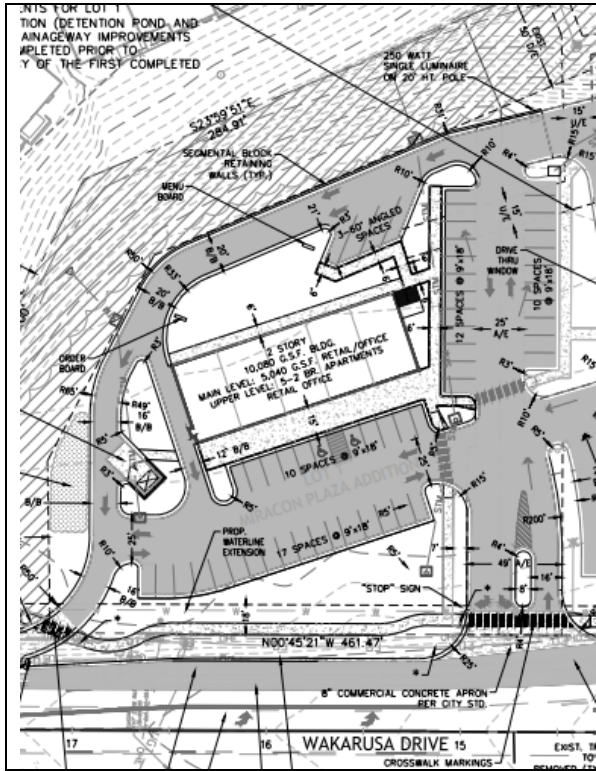


Figure 4a. Concept plan for retail/residential use on Lot 1, the northern lot.

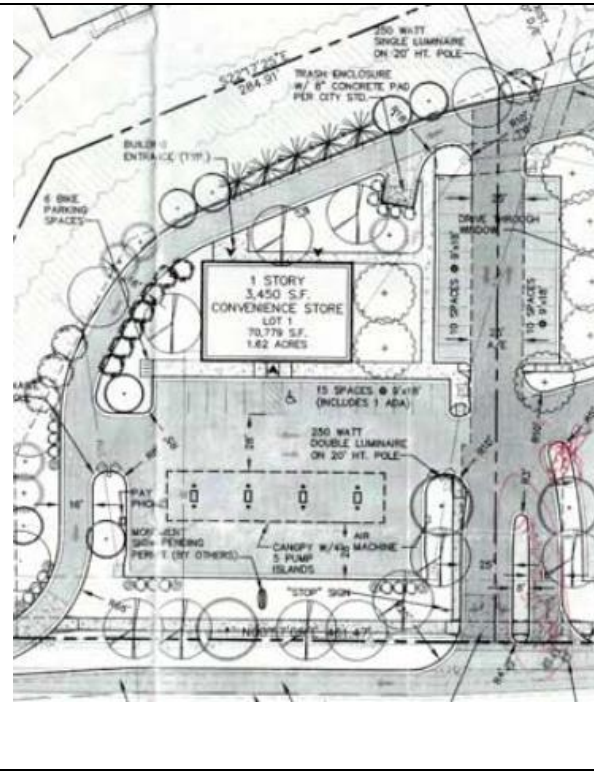


Figure 4b. Approved preliminary development plan for Lot 1, the northern lot.

Staff Finding – The rezoning would add a residential component to the development but would have no impact on the drainage easement or other physical features in the area. No negative impacts to nearby properties are anticipated with this rezoning. The project will be evaluated with the preliminary development plan to minimize negative impacts to the nearby residential properties.

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

Applicants Response:

"Approval of 'PCD-2 with Use Changes' zoning will allow existing proposed uses to generally remain, and will allow residential uses to compliment the proposed mixed-use site and enable desired design changes. Denial of the application will unnecessarily exclude residential use from the development."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The addition of the residential component to the development would result in a broader mix of uses. This may result in a more vibrant development, but it would neither provide any gain or harm to the public, health, safety, or welfare.

If the rezoning were denied, it would remove the ability for a mixed use development on the site. The hardship to the developer would be the limitation of development options on the site.

Staff Finding – The rezoning would increase the development options for the property but there would be no benefit to the public health, safety, and welfare due to the approval or the denial of the application.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the comprehensive plan and the Golden Factors, as well as the compatibility of the proposed use with surrounding development. The addition of a residential use to the proposed development is compliant with recommendations in *Horizon 2020*, meets the Golden Factors, and should be compatible with the surrounding land uses; therefore, staff recommends approval of the rezoning request.