

# ZONING REPORT

Case No.: 0313-03  
 HTE No. 13-1000007

Planning Commission Hearing Date: March 27, 2013

|  |  |                                       |                          |                         |                              |
|--|--|---------------------------------------|--------------------------|-------------------------|------------------------------|
| <b>Applicant &amp; Legal Description</b> | <p><b>Applicant:</b> Hernando Ariza Soto<br/> <b>Owner:</b> 9292 Enterprises, LLC<br/> <b>Legal Description/Location:</b> Being a 0.482-acre tract of land out of a 1.804-acre tract of land out of Tract 12, Fallin's Riverside Subdivision, located on the south side of Leopard Street, approximately 300 feet west of Rehfeld Road.</p>                          |                                       |                          |                         |                              |
| <b>Zoning Request</b>                    | <p><b>From:</b> "RS-6" Single-Family 6<br/> <b>To:</b> "CG-2" General Commercial District<br/> <b>Area:</b> 0.482 acres<br/> <b>Purpose of Request:</b> To allow the construction of an auto sales dealership with a sales office.</p>   |                                       |                          |                         |                              |
| <b>Existing Zoning and Land Uses</b>     |  | <b>Existing Zoning District</b>       | <b>Existing Land Use</b> | <b>Future Land Use</b>  |                              |
|  | <i>Site</i>  | "RS-6" Single-Family 6                | Vacant                   | Low Density Residential |                              |
|  | <i>North</i>   | "CG-2" General Commercial             | Vacant                   | Commercial              |                              |
|  | <i>South</i>   | "RS-6" Single-Family 6                | Estate Residential       | Low Density Residential |                              |
|  | <i>East</i>  | "RS-6" Single-Family 6                | Low Density Residential  | Low Density Residential |                              |
|  | <i>West</i>  | "RS-6" Single-Family 6                | Low Density Residential  | Low Density Residential |                              |
| <b>ADP, Map &amp; Violations</b>         | <p><b>Area Development Plan:</b> The subject property is located in the Northwest Area Development Plan (ADP) and is planned for a commercial use. The proposed change of zoning to the "CG-2" General Commercial District is not consistent with the adopted Future Land Use Plan.<br/> <b>Map No.:</b> 064051 &amp; 064050<br/> <b>Zoning Violations:</b> None</p> |                                       |                          |                         |                              |
| <b>Transportation</b>                    | <p><b>Transportation and Circulation:</b> The subject property along with the major part of the development will have approximately 218 feet of frontage along Leopard Street, which is an "A2" Secondary Arterial Street. The property is located approximately 265 feet south of Leopard Street and approximately 300 feet west of Rehfeld Road.</p>               |                                       |                          |                         |                              |
| <b>Street R.O.W.</b>                     | <b>Street</b>  | <b>Urban Transportation Plan Type</b> | <b>Proposed Section</b>  | <b>Existing Section</b> | <b>Traffic Volume (2011)</b> |
|  | Leopard Street   | "A2" Secondary Arterial               | 100' ROW varies paved    | 110' ROW 65' paved      | Not Available                |

### **Staff Summary:**

**Requested Zoning:** The applicant is requesting a change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District to allow the construction of an auto dealership with a sales office. The area of this request in this rezoning is the back 0.482 acres of the 1.804-acre tract that will be developed as a car sales lot.

**Development Plan:** The applicant plans to use the property to expand a planned auto dealership. The development will consist of a sales office of approximately 2,400 square feet and a parking lot. The car lot will be capable of displaying 150 vehicles with up to 20 parking spaces for customers and employees. The hours of operation will be from Monday through Saturday 9:00 A.M. to 8:00 P.M. The property will have access to Leopard Street, which is an “A2” Secondary Arterial and one commercial driveway will be allowed. The development will be on a fast pace schedule and will require the hiring of 20 employees to fulfill sales and administrative duties. Parking lots require paving and other site requirements, such as landscaping, curbs and screening. A buffer yard will be required between the commercial district and single family district to the south.

**Existing Land Uses & Zoning:** To the north is vacant property planned for an auto dealership and zoned “CG-2” General Commercial. A Regional Transit Authority (RTA) Park and Ride facility is located across Leopard Street. East of the subject property is a metal building contractor storage facility owned by Dickson Builders and zoned “CG-2” General Commercial. West of the subject property in a “CG-2” General Commercial District is a recently constructed preschool named “Leap 4 Learning.” To the south of the subject property is a South of the subject property is a single-family house on over one acre in a “RS-6” Single-Family 6 District.

**AICUZ:** The subject property is not located in a Navy Air Installation Compatibility Use Zone (AICUZ).

**Comprehensive Plan & Area Development Plan (ADP) Consistency:** The proposed change of zoning is in the Northwest Area Development Plan and is not consistent with the adopted Future Land Use Plan, which designates the property for a low density residential use. The Comprehensive Plan for the Northwest ADP encourages nodal commercial development at the intersections of arterials and along the Interstate 37 scenic corridor.

### **Department Comments:**

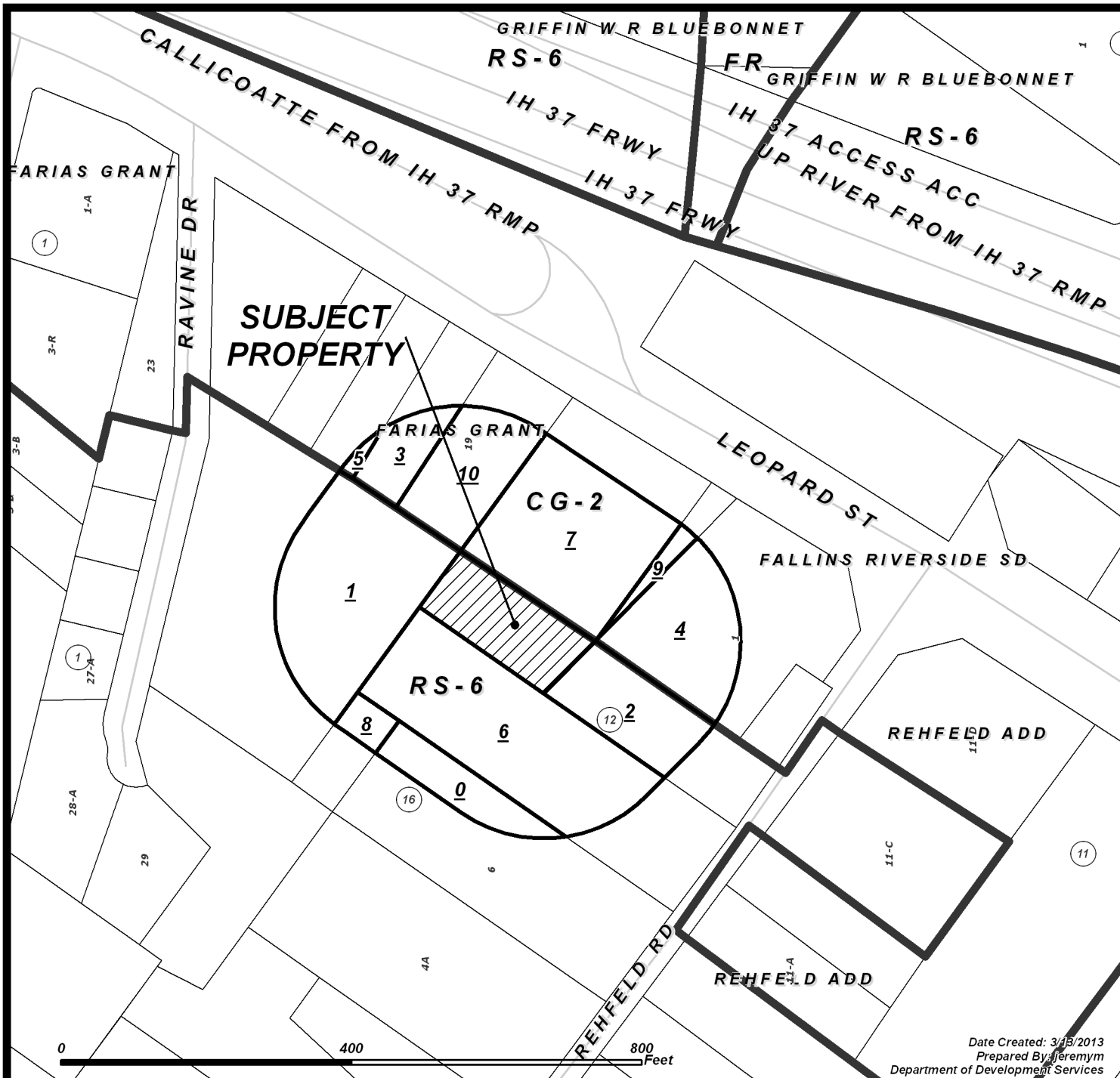
- Although this rezoning is not consistent with the adopted Future Land Use Map, it is a reasonable expansion of the “CG-2” General Commercial District to the north and along Leopard Street.
- Commercial uses at this location will not adversely affect the surrounding area.
- The Unified Development Code (UDC) requires a buffer yard between commercial and single-family districts; therefore, many design features will be implemented to reduce negative impacts of a commercial development.

**Planning Commission and Staff Recommendation (March 27, 2013):**

Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial.

|                                |   |
|--------------------------------|---|
| <b>Public<br/>Notification</b> | Number of Notices Mailed – 12 within 200’ notification area;<br>2 outside notification area |
|                                | <u>As of March 28, 2013:</u>  |
|                                | In Favor – 0 (inside notification area); 0 (outside notification area)                      |
|                                | In Opposition – 0 (inside notification area); 0 (outside notification area)                 |
| For 0.00% in opposition.       |   |

Attachments:           1. Location Map (Existing Zoning & Notice Area)



Date Created: 3/13/2013  
 Prepared By: Jeremym  
 Department of Development Services

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### 2. SITE - EXISTING ZONING, NOTICE AREA & OWNERSHIP

|       |                         |        |                           |
|-------|-------------------------|--------|---------------------------|
| RM-1  | Multifamily 1           | IL     | Light Industrial          |
| RM-2  | Multifamily 2           | IH     | Heavy Industrial          |
| RM-3  | Multifamily 3           | PUD    | Planned Unit Dev. Overlay |
| ON    | Professional Office     | RS-10  | Single-Family 10          |
| RM-AT | Multifamily AT          | RS-6   | Single-Family 6           |
| CN-1  | Neighborhood Commercial | RS-4.5 | Single-Family 4.5         |
| CN-2  | Neighborhood Commercial | RS-TF  | Two-Family                |
| CR-1  | Resort Commercial       | RS-15  | Single-Family 15          |
| CR-2  | Resort Commercial       | RE     | Residential Estate        |
| CG-1  | General Commercial      | RS-TH  | Townhouse                 |
| CG-2  | General Commercial      | SP     | Special Permit            |
| CI    | Intensive Commercial    | RV     | Recreational Vehicle Park |
| CBD   | Downtown Commercial     | RMH    | Manufactured Home         |
| CR-3  | Resort Commercial       |        |                           |
| FR    | Farm Rural              |        |                           |
| H     | Historic Overlay        |        |                           |
| BP    | Business Park           |        |                           |

- Subject Property with 200' buffer  
 Owners in favor  
 Owners within 200' listed on attached ownership table  
 Owners in opposition

