

# STAFF REPORT

Case No. 0617-02

INFOR No. 17ZN1020

Planning Commission Hearing Date: June 28, 2017

Applicant & Legal Description	<b>Owner:</b> Margaret A. Markins and Linda Kay Cox <b>Applicant/Representative:</b> Elaine Hoffman <b>Location Address:</b> 3701 Airline Road <b>Legal Description:</b> Flour Bluff and Encinal Farm and Garden Tract, Section 20, 5 acres out of Lot 26, located along the west side of Airline Road, north of Lipps Boulevard, and south of Saratoga Boulevard.			
Zoning Request	<b>From:</b> "FR" Farm Rural District <b>To:</b> "CN-1" Neighborhood Commercial District <b>Area:</b> 3.91 acres <b>Purpose of Request:</b> To allow for the construction of a small retail center approximately 10,000 square feet in size.			
Existing Zoning and Land Uses		<b>Existing Zoning District</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
	Site	"FR" Farm Rural	Vacant	Medium Density Residential
	North	"RS-6" Single-Family 6 and "CN-1" Neighborhood Commercial	Low Density Residential and Vacant	Medium Density Residential
	South	"FR" Farm Rural, "RM-2" Multifamily 2 and a Drainage Ditch	Vacant, Drainage, and High Density Residential	Medium Density Residential and Mixed Use
	East	"CG-2" General Commercial and "FR" Farm Rural	Low Density Residential and Vacant	High Density Residential
	West	"RS-6" Single-Family 6	Low Density Residential and Vacant	Medium Density Residential
ADP, Map & Violations	<b>Area Development Plan:</b> The subject property is located within the boundaries of the Southside Area Development Plan and is planned for medium density residential uses. The proposed rezoning to the "CN-1" Neighborhood Commercial District is inconsistent with the adopted Future Land Use Map which calls for medium density residential. <b>Map No.:</b> 042031 <b>Zoning Violations:</b> None			

Transportation	<b>Transportation and Circulation:</b> The subject property has approximately 930 feet of street frontage along Airline Road which is designated as an “A1” Minor Arterial Undivided Street.				
Street R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
	Airline Road	“A1” Minor Arterial	95’ ROW 64’ paved	90’ ROW 70’ paved	3,301 ADT (2013)

**Staff Summary:**

**Requested Zoning:** The applicant is requesting a rezoning from the “FR” Farm Rural District to the “CN-1” Neighborhood Commercial District to allow for the construction of a small retail center.

**Development Plan:** The subject property is comprised of 3.91 acres and is proposed to be a small retail shopping center approximately 10,000 square feet in size.

**Existing Land Uses & Zoning:** The subject property is currently zoned “FR” Farm Rural and is vacant land. To the west are single-family residences (Manhattan Estates Subdivision) zoned “RS-6” Single-Family 6 District. Manhattan Estates was zoned to the “RS-6” Single-Family 6 District in 2005 and the homes that share a property line with the subject property were constructed between 2007 and 2010. To the north, rezoning cases occurred to the “CN-1” Neighborhood Commercial District and the “RM-3” Multifamily District in 2005 for the construction of an apartment complex and shopping center. The apartment complex was constructed and is currently operating. However, the adjacent proposed shopping center has yet to be constructed and the 3.38 acre property remains vacant. To the south across Lipes Boulevard a property was rezoned to “RM-2” Multifamily 2 District in 2012 for the construction of an apartment complex. To the south a rezoning occurred to the “CG-2” General Commercial District in 2015. The apartment complex is in the process of completion. To the east a rezoning occurred in 2015 to the “CG-2” General Commercial District. The proposed use was a large retail center which has not yet been developed.

**AICUZ:** The subject property is not located in one of the Navy’s Air Installation Compatibility Use Zones (AICUZ).

**Plat Status:** The property is not platted.

**PlanCC & Area Development Plan Consistency:** The subject property is located within the boundaries of the Southside Area Development Plan (ADP). The proposed rezoning to the “CN-1” Neighborhood Commercial is inconsistent with the Future Land

Use Map. However, the proposed rezoning is consistent with the following policies of the Southside ADP and PlanCC:

- Encourage the protection and enhancement of residential neighborhoods (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Promote a balanced mix of land uses to accommodate continuous growth and promote the proper location of land uses based on compatibility, locational needs, and characteristics of each use (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Support planning to explore the idea of creating urban and neighborhood villages at major intersections as identified by the mixed-use category in the Future Land Use Map (Future Land Use, Zoning, and Urban Design Policy Statement 2).
- Encourage orderly growth of new residential, commercial, and industrial areas. (Future Land Use, Zoning, and Urban Design Policy Statement 1).
- Encourage residential infill development on vacant lots within or adjacent to existing neighborhoods (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- Support the separation of high-volume traffic from residential areas or other noise-sensitive land uses. (Future Land Use, Zoning, and Urban Design Policy Statement 3).
- The "B-1" Neighborhood Commercial and other commercial zoning regulations, in concert with the Comprehensive Plan policies, should be reviewed and revised as necessary to control the size and use of commercial centers so they remain in scale with their surrounding uses and highway carrying capacity (Policy Statement B.4).

**Department Comments:**

- The proposed rezoning is incompatible with the Future Land Use Map. However, the proposed rezoning is compatible with PlanCC and the Southside Area Development Plan (ADP). The proposed rezoning is also compatible with neighboring properties and with the general character of the surrounding area. This rezoning does not have a negative impact upon the surrounding neighborhood.
- The property is currently vacant and is a remaining "FR" Farm Rural tract and has never been developed.
- Surrounding properties have been rezoned within the past twelve years indicating a pattern towards commercial development. The pattern is in line with a PlanCC policy statement of creating urban villages.
- While Medium Density Residential uses are indicated on the Future Land Use Map, the size, shape, and limited access to a residential street are not conducive to a single-family development. A proposed small single-family development would only have access to Airline Road which is designated as an "A1" Arterial Street.
- If the "CN-1" Neighborhood Commercial District is approved, the retail development will still need to abide all requirements of the Unified Development Code (UDC). Specific requirements would entail buffer yards and additional setbacks. Additionally, the "CN-1" District does not allow bars, pubs, taverns, or nightclubs.

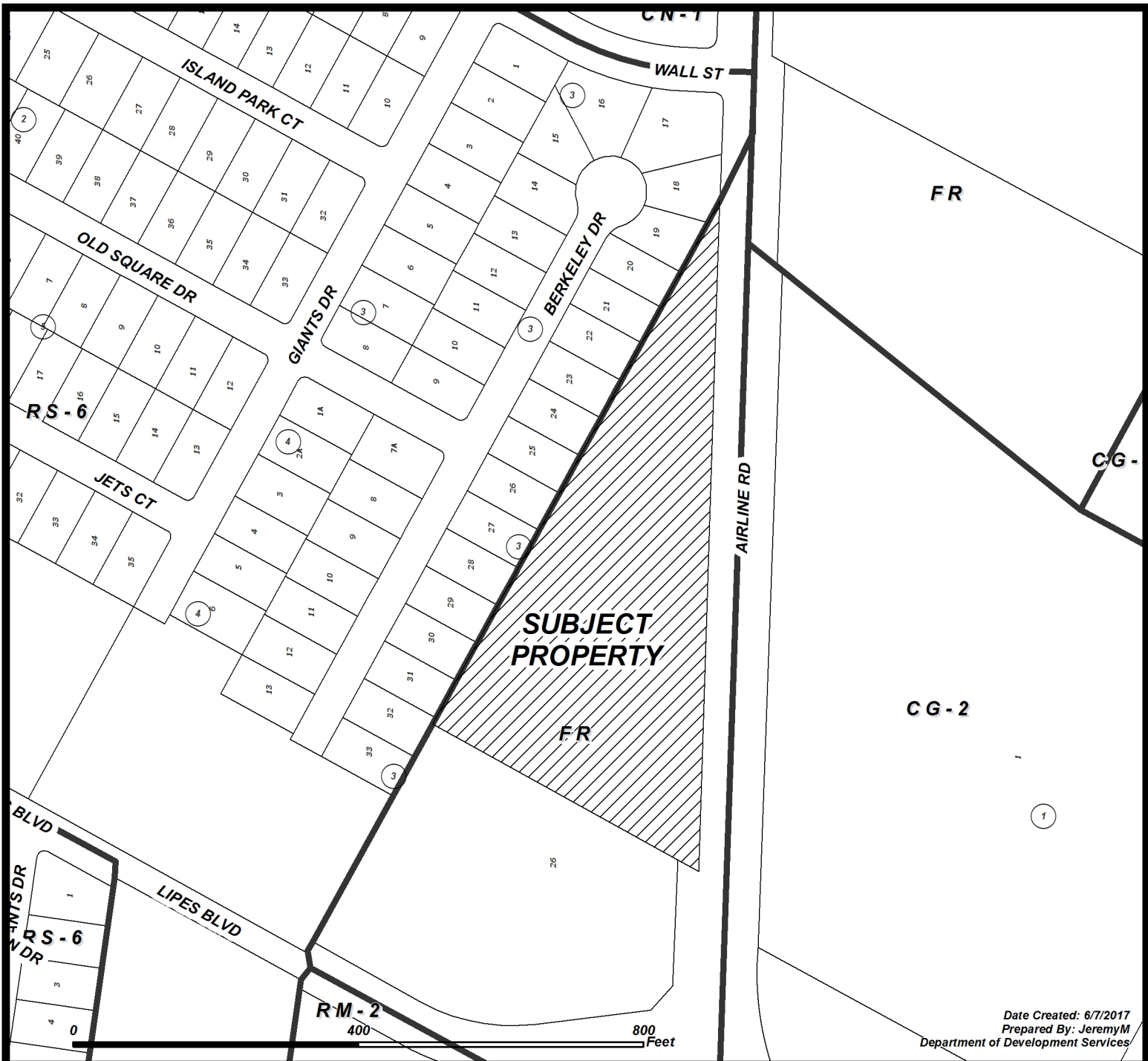
**Staff Recommendation:**

Approval of the change of zoning from the “FR” Farm Rural District to the “CN-1” Neighborhood Commercial District.

<b>Public Notification</b>	Number of Notices Mailed – 37 within 200-foot notification area 4 outside notification area
	<b><u>As of June 23, 2017:</u></b>
	In Favor – 0 inside notification area – 0 outside notification area
	In Opposition – 0 inside notification area – 0 outside notification area
	Totaling 0.00% of the land within the 200-foot notification area in opposition.

**Attachments:**

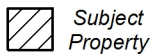
- A. Location Map (Existing Zoning & Notice Area)
- B. Public Comments Received (if any)



Date Created: 6/7/2017  
 Prepared By: JeremyM  
 Department of Development Services

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### SUBJECT PROPERTY WITH ZONING



Subject  
Property

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		

