



AGENDA MEMORANDUM

Public Hearing & First Reading Ordinance for the City Council Meeting 09/07/21
Second Reading Ordinance for the City Council Meeting 09/14/21

DATE: July 15, 2021
TO: Peter Zanoni, City Manager
FROM: Al Raymond, AIA, Director
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Rezoning a property at or near 3809 Airline Road

CAPTION:

Zoning Case No. 0621-06, The Estate of George T. Smith: (District 5) Ordinance rezoning property at or near 3809 Airline Road from the "FR" Farm Rural District to the "CN-1" Neighborhood Commercial District.

SUMMARY:

The purpose of the rezoning request is to allow for the construction of a 15,500 square foot shopping center.

BACKGROUND AND FINDINGS:

The subject property is 3.29 acres in size. The applicant is proposing to construct a 15,500 square foot shopping center with parking, which includes with a 10,000 square feet Asian Market, a 2,500 square foot Asian Fusion restaurant, and a 3,000 square foot vacant space to lease out for light commercial use. The expected hours of operation will be weekdays from 8 am to 10 pm and on weekends from 8 am to 6 pm. The subject property is currently zoned "FR" Farm Rural District, consists of vacant land, and has remained since annexation in 1995. To the north, rezoning cases occurred to the "CN-1" Neighborhood Commercial District and the "RM-3" Multifamily District in 2017 and 2005, respectively. To the south across Lipes Boulevard a property was rezoned to "RM-2" Multifamily District in 2012 for the construction of an apartment complex (Manhattan Apartments). To the east, across Airline Road, the property was rezoned in 2015 to the "CG-2" General Commercial District. The proposed use was a large retail center which has not yet been developed. 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.

Conformity to City Policy

The subject property is located within the boundaries of the Southside Area Development Plan (ADP) and is planned for a medium density residential use. The proposed rezoning is consistent with the adopted Comprehensive Plan (Plan CC), compatible with the adjoining properties, and does not have a negative impact upon adjacent properties. The proposed rezoning

warrants an amendment of the Future Land Use map. 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 Plan CC 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. 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.

Public Input Process

Number of Notices Mailed
21 within 200-foot notification area
4 outside notification area

As of July 15, 2021:

In Favor	In Opposition
1 inside notification area	1 inside notification area
0 outside notification area	0 outside notification area

Totaling 1.84% of the 200-foot notification area* is in opposition.

*Created by calculating the area of land immediately adjoining the subject property and extending 200-foot therefrom. The opposition is totaled by the total area of land that each individual property owner owns converted into a percentage of the total 200-foot notification area.

Notified property owner’s land in square feet / Total square footage of all property in the notification area = Percentage of public opposition

ALTERNATIVES:

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

FISCAL IMPACT:

There is no fiscal impact associated with this item.

RECOMMENDATION:

Planning Commission recommended approval of the zoning to the “FR” Farm Rural District to the “CN-1” Neighborhood Commercial District on July 7, 2021.

Vote Count:

For: 8
Opposed: 0
Absent: 1
Abstained: 0

Staff recommends approval of the zoning request.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation - Aerial Map
Planning Commission Final Report