



Legislation Details (With Text)

File #: 19-1151 **Version:** 1
Type: Public Hearing **Status:** Agenda Ready
File created: 11/14/2019 **In control:** Planning and Zoning Commission
On agenda: 11/20/2019 **Final action:**
Title: Conduct the public hearing to consider rezoning the subject property located at 627 & 651 Amersale Drive to OCI (Office, Commercial and Institutional District) - PZC 19-1-108

Sponsors:

Indexes:

Code sections:

Attachments: 1. Petition, 2. Legal Description, 3. Standards, 4. PreliminaryFinal Subdivision Plat, 5. Location Map

Date	Ver.	Action By	Action	Result
11/20/2019	1	Planning and Zoning Commission	accept	Fail

PLANNING AND ZONING COMMISSION AGENDA ITEM

ACTION REQUESTED:

Conduct the public hearing to consider rezoning the subject property located at 627 & 651 Amersale Drive to OCI (Office, Commercial and Institutional District) - PZC 19-1-108

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard

BOARD/COMMISSION REVIEW:

Official notice for the public hearing for PZC 19-1-108 was published in the Daily Herald on Monday, November 4, 2019.

BACKGROUND:

The subject property was platted in 2003 as Lot 4 of the American Sale Center Subdivision. In 2006, Ordinance 06-030 approved the final plat of PUD to permit the development of office, commercial and/or retail buildings on the subject property. The subject property is 2.1 acres and is zoned R4 PUD (Medium Density Multiple Family District). It is improved with two 1.5 story brick and stone buildings that are each approximately 8,000 square feet in size.

The petitioner, Jones Family LLC., intends to subdivide the property into two lots in order to facilitate the sale of one of the buildings. The petitioner also requests to revoke the existing PUD and rezone the property to OCI (Office, Commercial and Institutional District).

DISCUSSION:

Preliminary/Final Plat of Subdivision

The petitioner requests approval of a preliminary/final plat of subdivision for the American Sale Center 1st Resubdivision in order to subdivide the subject property into two lots. Lot 1 includes the

existing north building and is 1.3 acres. Lot 2 includes the existing south building and is 0.8 acres. Staff finds the preliminary/final plat of subdivision for the American Sale Center 1st Resubdivision meets all technical requirements for approval. The plat is not subject to review by the Planning and Zoning Commission and will be reviewed by City Council at a subsequent meeting.

Rezoning to OCI

The American Sale Center PUD was approved as a residentially zoned commercial and office development. The petitioner requests rezoning of the property from R4 (Medium Density Multiple Family Residence District) to OCI (Office, Commercial and Institutional District) to align the zoning of the property with the actual use of the property. Staff finds the proposed zoning of the property is essentially a zoning “clean-up” as it is consistent with the existing land use and the City’s Northwest Sector Update to the Comprehensive Master Plan future land use designation of “commercial”. The petitioner’s responses to the standards for granting rezoning are attached. Staff is in general agreement with the petitioner’s findings and recommends adoption by the Planning and Zoning Commission.

Revocation of Lot 4 from the PUD

The petitioner is seeking to remove the subject property, Lot 4 of American Sale Center Subdivision, from the associated PUD. The American Sale Center PUD was approved as a five lot subdivision for commercial development with a specified site plan. The original PUD approvals simply platted the development, and did not provide for any further rights or obligations amongst the properties. Today, the PUD simply permits the existing non-residential development to be located in a residentially zoned district. It is not consistent with the intentions or standards for granting a PUD currently identified in the Municipal Code; and, upon rezoning of the property to OCI, the need for the PUD designation on Lot 4 will be rendered obsolete.

The other lots in the PUD are independently owned and will continue to be designated as R4 PUD to allow for their continued commercial use. In the future, should the owners of these properties petition the City for any entitlements (including a rezoning and/or PUD revocation), it is staff’s recommendation that they be required to process those requests in a manner similar to that currently being pursued by the petitioner. The revocation of the PUD is not reviewed by the Planning and Zoning Commission and will be reviewed by the City Council as a subsequent meeting.

Key Takeaways

- The petitioner intends to subdivide the subject property into two lots in order to sell one of the buildings. The petitioner also requests to rezone the property to OCI and to revoke the existing PUD.
- Staff is supportive of the request because it aligns with the actual use of the property and the Comprehensive Plan.