

STAFF REPORT



Meeting: January 26, 2015

To: Planning Commission

From: Patrick B. Howard, AICP
Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Presenter: Santiago Abasolo, AICP
Senior Planner

Case: Z14-37

Request: Rezoning from Office Warehouse (OW) to General Commercial (CG)

Location: 428 Montague Avenue, located approximately 240 feet southeast of the intersection of Montague Avenue and the Houston Harte Expressway Frontage Road; and an unaddressed tract, located at the southeast corner of Montague Avenue and the Houston Harte Expressway Frontage Road.

Legal Description: 2.790 Acres of the G Schubitz Survey, Abst: A-1854 S-0326; and 1.861 Acres of the G Schubitz Survey, Abst: A-1854 S-0326.

Size: 4.651 acres

General Information

Future Land Use: Transitional
Zoning: Office Warehouse (OW)
Existing Land Use: Vacant land
Surrounding Zoning / Land Use:

North:	Office Warehouse (OW) Single Family Residential (RS-1)	Vacant Land Single family dwellings
West:	Single Family Residential (RS-1)	Single family dwellings
South:	Single Family Residential (RS-1)	Single family dwellings
East:	General Commercial (CG)	Vacant Land Shannon Medical Center

District: CMD#4 – Don Vardeman

Neighborhood: PaulAnn Neighborhood

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), Montague Avenue is identified as Local Street. Local streets allow direct access to residential and commercial properties and similar traffic destinations. Direct access to abutting land is essential, for all traffic originates from or is destined to abutting land. Through traffic should be discouraged, volumes are low, and speed is slow. The MTP requires Montague Avenue to have a minimum paving width of 36 feet with a 4 foot wide sidewalk installed on one side of the street Right-of-Way or a minimum paving width of 40 feet with no such sidewalk; and a minimum right-of-way width of 50 feet. At present the paving width is approximately 30 feet wide with a 50-foot right-of-way. Per the

MTP, the Houston Harte Expressway Frontage Road is identified as Local Street and requires that this street have a minimum paving width of 36 feet with a 4 foot wide sidewalk installed on one side of the street Right-of-Way or a minimum paving width of 40 feet with no such sidewalk; and a minimum right-of-way width of 50 feet. At present, the paving width is approximately 36 feet wide with an 80-foot right-of-way.

Recommendation:

The Planning Division recommends **DENIAL** of a Rezoning request for General Commercial (CG) and **APPROVAL** of Rezoning request for **Neighborhood Commercial (CN)**.

History and Background:

On December 4, 2014, the applicant submitted an application for a Rezoning on the subject properties from Office Warehouse (OW) to General Commercial (CG). Staff has not yet been made aware of the applicant's proposed use for the subject properties. However, the recommendation and analysis provided in this report reflects a more global examination of the subject site's Future Land Use designation and its proximity to single-family residential. To this end, Staff is recommending that a Rezoning to the Neighborhood Commercial zoning district be considered for approval by the Commission, rather than the applicant's request for General Commercial. In spite of not being informed as to the ultimate use for the properties, Neighborhood Commercial appears to be the most compatible and consistent zoning district for the site.

Analysis:

Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Rezoning request.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*

The subject properties are designated “Transitional” on the Future Land Use (FLU) map of the City’s Comprehensive Plan (CP). The proposed General Commercial (CG) zoning district does not appear to be consistent with the Transitional FLU designation. The Transitional designation defines two types of transitional situations. The first type refers to the conversion of commercial corridor frontage from CG/CH zoning and related strip-style development, and the second addresses how Neighborhood Centers, Downtown, or other Commercial areas may be bridged to neighborhoods. In both cases, Transition Areas provide for a scaling back of activity from more intense areas to neighborhoods which should be more passive in character. In general, Transition Areas imply increased density and greater mix of uses than neighborhoods, but not as much as in Neighborhood Centers, Downtown, or other Commercial areas. These properties appear to be ideal for a lower intensity development consistent with the Neighborhood areas to the West and South. This Transitional area blends the more intense recommended Commercial area to the East of the subject properties with the recommended Neighborhood areas previously mentioned. Having Neighborhood areas directly adjacent to a Commercial area without some type of buffer development will not easily allow for the scaling back of intensive commercial areas into neighborhoods. The Transitional area, as explained in the Comprehensive Plan, calls for “a graduate density and intensity of activity to maintain connectivity, improve pedestrian experience, and provide for increased housing and nonresidential options.”

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

The NC zoning district allows for a variety of uses including offices, restaurants, retail sales and service, and limited vehicle service, as well as community services and day care centers. The minimum lot area in the CN zoning district is 6,000 square feet and the property is 202,597.56 square feet. The CN zoning district requires a minimum width of 50 feet and a minimum depth of 80 feet, and the properties are approximately 380 feet wide by 533 feet long. Section 509 of the Zoning Ordinance will require the erection of a 6-foot high opaque privacy fence along the south property lines abutting residential zoning districts and along the east property lines abutting any residential use. Any future nonresidential development in CN zoning district will require a 25 foot minimum front yard, and if the future use is adjacent to a residential district or use, the minimum required side and rear yards is 10 foot. For residential uses the minimum front yard varies from 15 to 25 feet and the minimum side yard varies from 0 to 20. Given the size

of the subject properties, it would appear that any future development would be able to comply with these requirements.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

The General Commercial (CG) zoning district does not appear to be compatible with the residential areas to the west and south of the subject properties. The CG district allows for large scale residential and commercial developments with no height limitations that are out of scale with the surrounding residential areas single-story construction. Further, per the Future Land Use (FLU) map of the City's Comprehensive Plan (CP), the surrounding areas are designated Transitional to the west and south, Residential to the west, south and north and Commercial to the East and North. A Neighborhood Commercial (NC) zoning designation for the subject properties appears to be compatible with Transitional and the surrounding area because it will allow the development of residential uses with a maximum height of 35 feet which is compatible with the adjacent residential areas. The Neighborhood Commercial district will also allow for the development of commercial and institutional uses with a maximum height of 35 feet, which will provide greater consistency with the surrounding area than the CG zoning district that does not have any height restrictions. The Neighborhood Commercial zoning designation requires a Maximum Floor Area Ratio (FAR) of 0.6 which is more compatible with the surrounding residential area than the FAR allowed in General Commercial district which is 2. A higher FAR translates into a more intense type of development that might not be compatible with the existing residential area and the proposed Transitional land development category of the Comprehensive Plan. Finally, the Neighborhood Commercial zoning designation, unlike the General Commercial zoning designation, requires that any Outdoor Display shall only be "allowed adjacent to a principal building and extending to a distance no greater than 5 feet from the wall." In addition, storage is not permitted to block windows, entrances, and shall "impair the ability of pedestrians to use the building." These requirements appear to be more compatible with the surrounding residential area than the regulations for the General Commercial zoning district, as CG would allow for up to 1,000 square feet or 10 percent of the total site area (whichever is greater) of Outdoor Storage.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.*

The property is currently vacant and is surrounded by residential designations to the west and south. The proposed type of development found in the Vision Plan seems to support the Neighborhood Commercial district designation. This

proposed mixed use development with commercial uses along the Houston Harte frontage road and residential development along Montague Avenue will allow new development in the area linking the existing institutional and commercial areas with the existing residential developments.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

If the subject properties are rezoned as General Commercial, the adjacent residential areas may be affected by more noise created by the additional traffic generated from the more intense type of development allowed in the General Commercial zoning district. Any grading, drainage and stormwater issues would be reviewed by Engineering Staff at the building permit stage.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

The Future Land Use (FLU) map of the Comprehensive Plan recommends Neighborhood and Transitional land uses to the west and south of the subject properties. The Transitional FLU provides a buffer between the recommended Commercial land use to the east of the properties and the Neighborhood FLU to the west and south. A land use buffer provides a type of development compatible with the adjacent residential uses, while also allowing for a nonresidential development such as retail, offices, community services, restaurants, and other land used that will be supported by the surrounding residential areas. An NC zoning in this area acts as a land use buffer in that it creates an intermediate type of development between the recommended Commercial land uses to the east of the properties and the Neighborhood land uses recommended to the west and south of the subject properties. The Commercial land uses are intended to support large retail and office clusters that seek visibility and convenient access offered by frontage roads. The uses allowed in CG zoning district have no height limitation and the FAR is 2, which translate into larger types of development that do not seem to be supported by the demand generated by the existing land uses and recommended land uses in the Future Land Use map of the Comprehensive Plan. The CN district seems to better support the existing and future development demand recommended for this area. It also appears to fill the need for the type of less intense commercial development that will link the existing residential areas to the west and south of the subject properties with the commercial and institutional uses to the east of proposed rezoning area.

7. Development Patterns. *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

The proposed rezoning from the OW zoning district to the CG zoning district does not seem to fit the existing and proposed development patterns for the area. The existing and recommended residential areas surrounding the subject properties have not experienced the type development activity that would support a CG district adjacent to residential areas. The development patterns for these residential areas appear to better support a NC zoning district that would allow a more intense type of development than the existing and recommended residential uses to the south and west of the properties but a less intense type of development than the existing Institutional uses and the recommended Commercial land uses to the east of the properties.

Notification:

On January 11, 2015, 9 notifications were mailed out within a 200-foot radius of the subject site. As of January 16, 2015, there were 0 responses in favor and 0 responses in opposition of the request.

Action Requested:

The action requested is for the Planning Commission to recommend **DENIAL** for a Rezoning to the General Commercial (CG) zoning district and **APPROVE** a Rezoning to the **Neighborhood Commercial (CN)** zoning district.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Map
Notification Map



Subject Properties

Zoning Case File

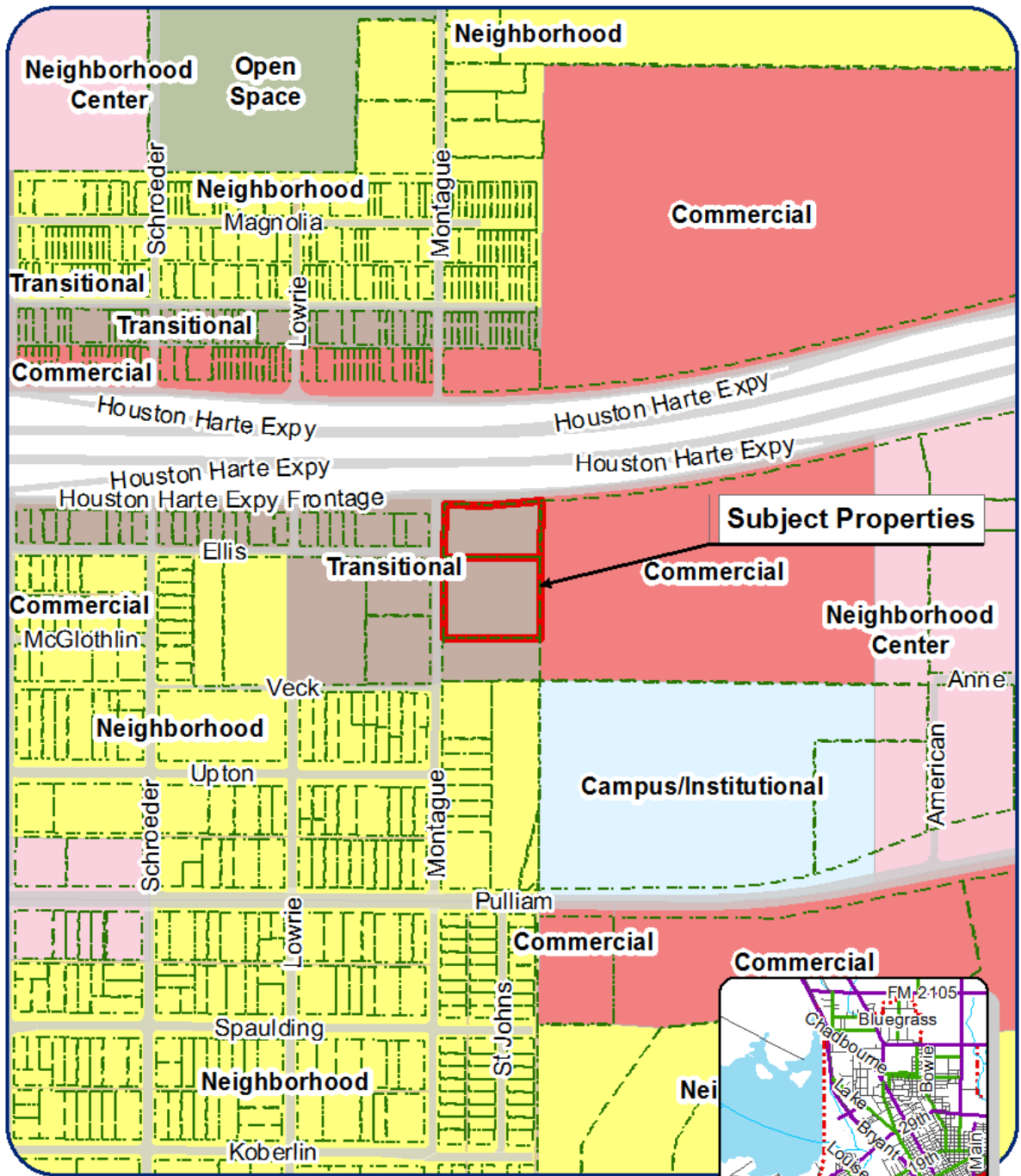
Case Z14-37: Jesse Caloway

Council District: Don Vardeman
 Neighborhood: PaulAnn
 Scale: 1" approx. = 500 ft
 Subject Property: 428 Montague

Legend

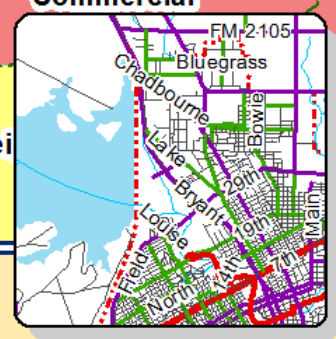
- Subject Properties: —
- Current Zoning: **OW**
- Requested Zoning Change: **CG**
- Vision: **Transitional**

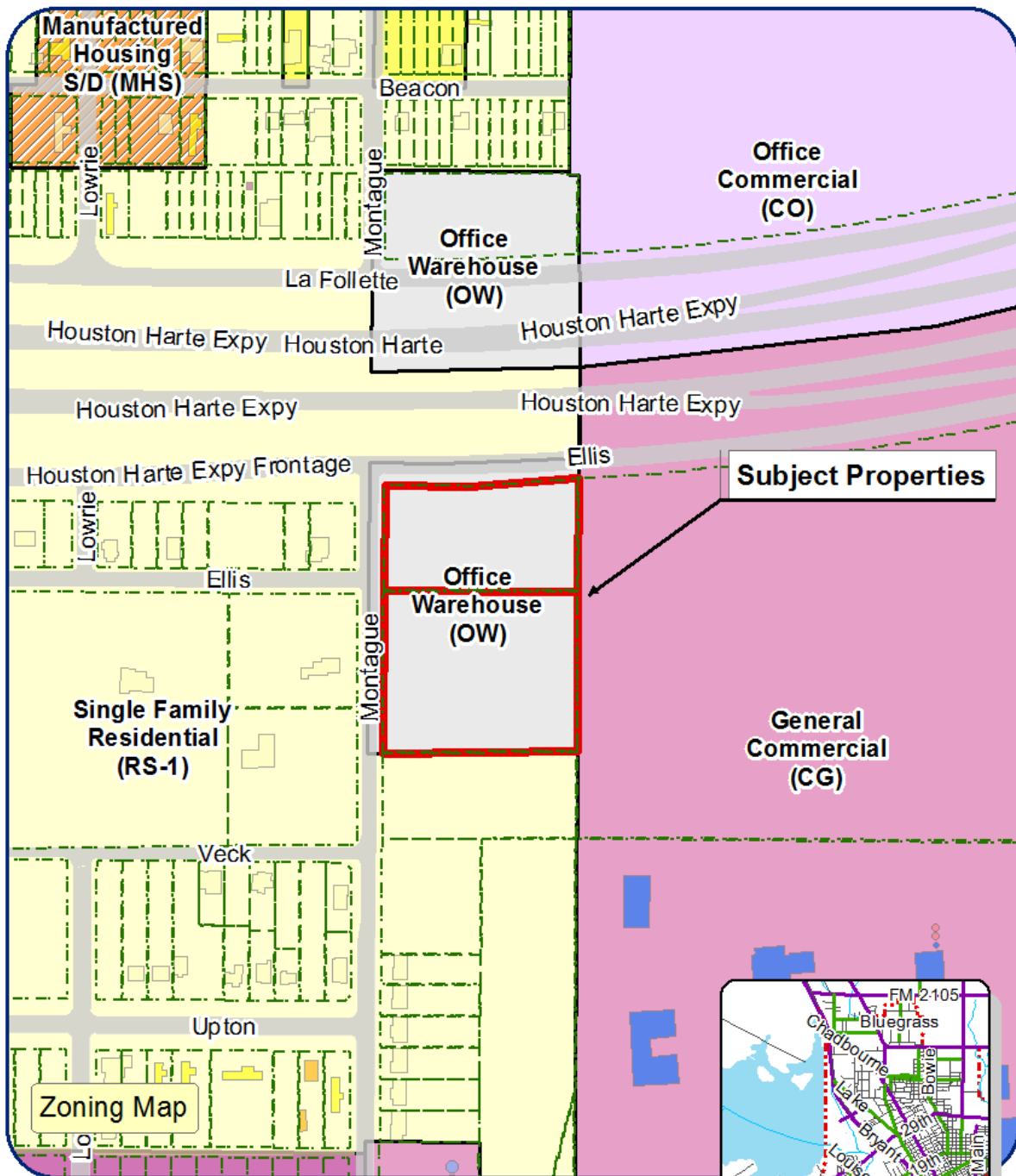




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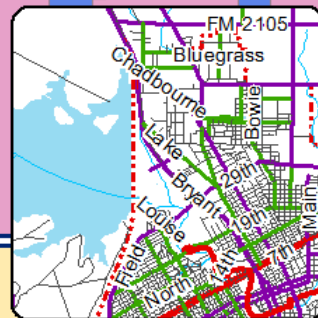
Zoning Case File

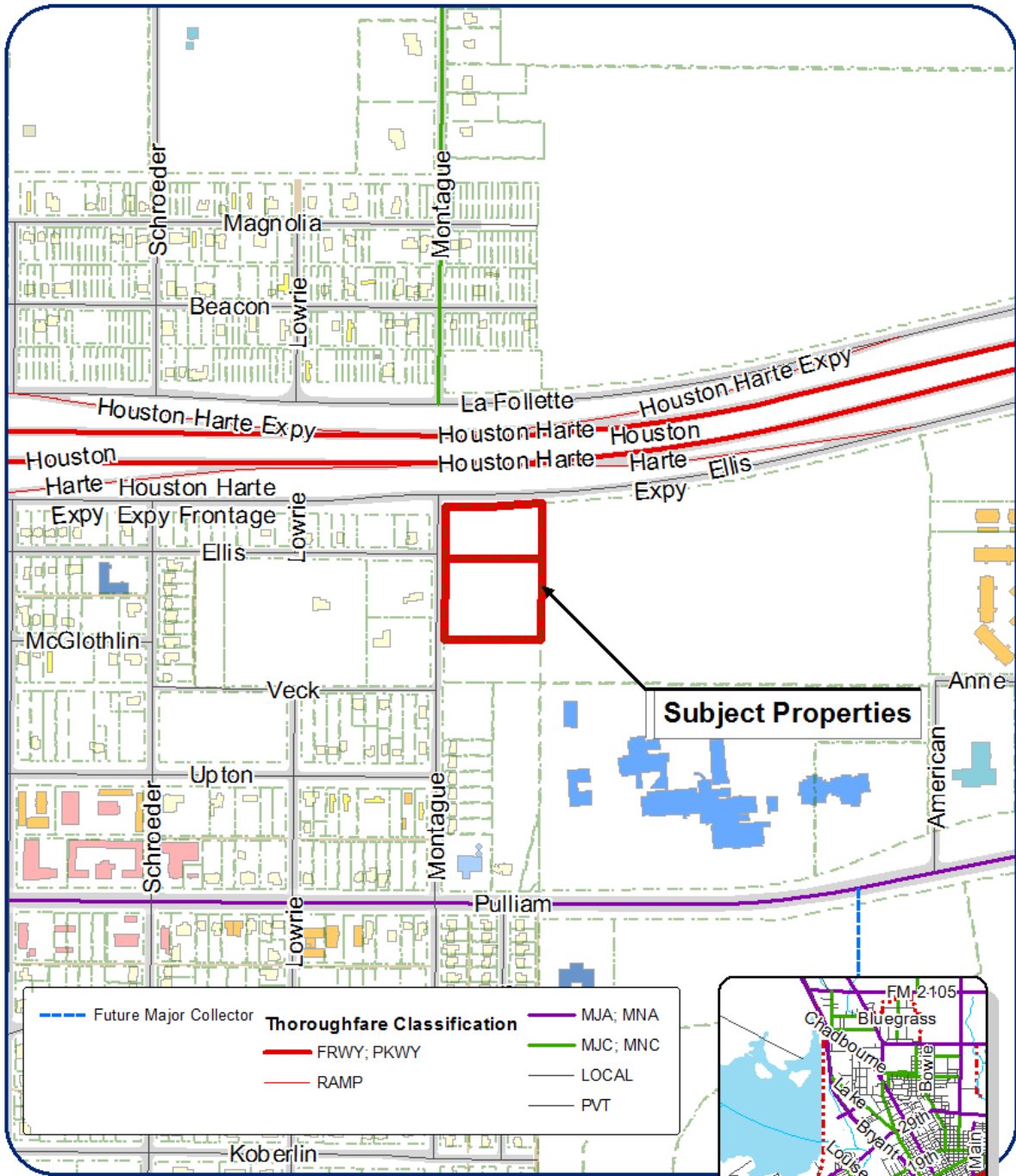
Case Z14-37: Jesse Caloway

Council District: Don Vardeman
 Neighborhood: PaulAnn
 Scale: 1" approx. = 250 ft
 Subject Property: 428 Montague

Legend

- Subject Properties:
- Current Zoning: **OW**
- Requested Zoning Change: **CG**
- Vision: **Transitional**





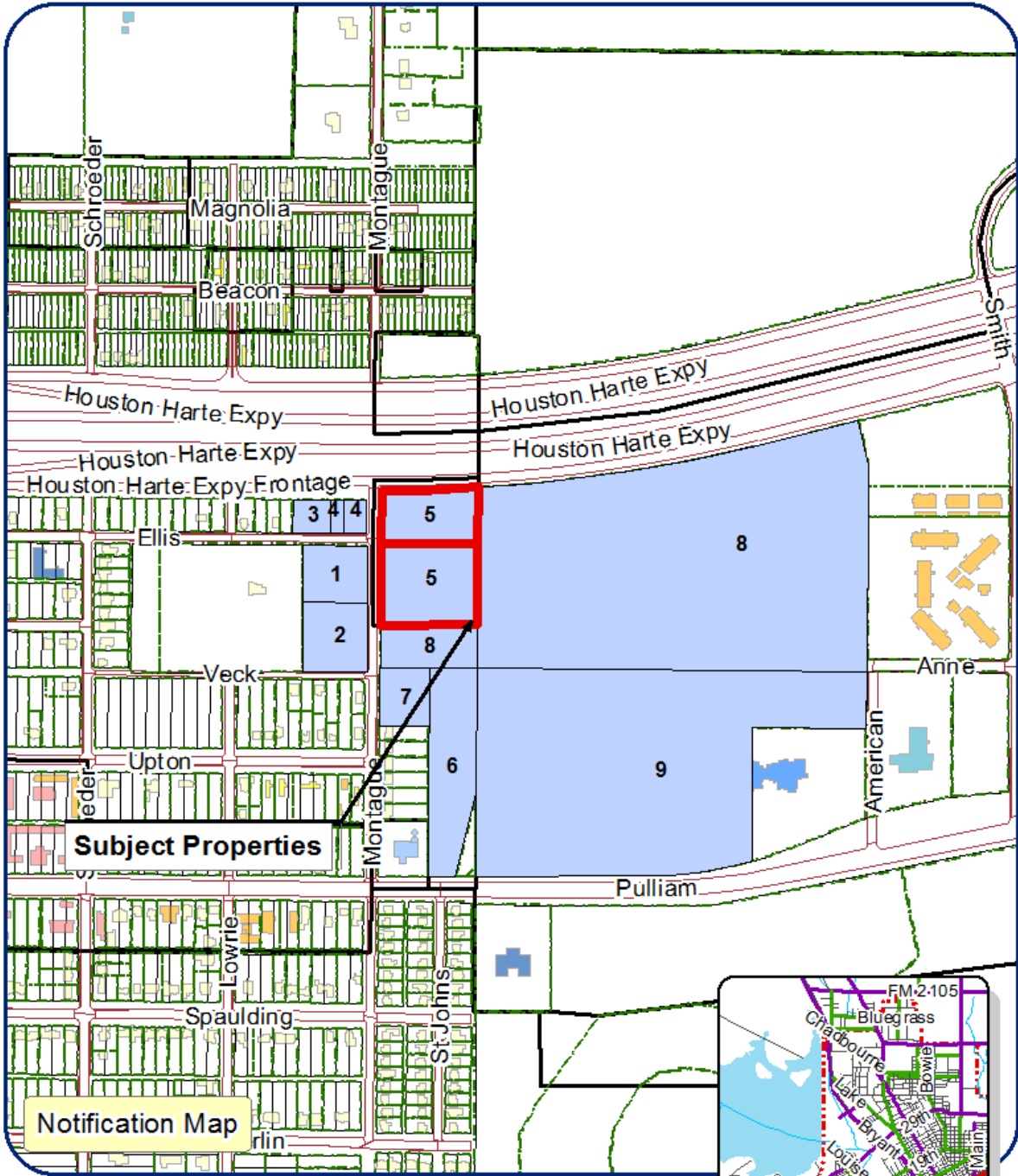
Future Major Collector	Thoroughfare Classification	MJA; MNA
FRWY; PKWY		MJC; MNC
RAMP		LOCAL
		PVT



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Zoning Case File

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 Neighborhood: PaulAnn
 Scale: 1" approx. = 500 ft
 Subject Properties: 428 Montague and southeast corner of Montague Avenue and the Houston Harte Expressway Frontage Road

Legend

- Subject Properties:
- Current Zoning: **OW**
- Requested Zoning Change: **CG**
- Vision: **Transitional**

