



Zoning Committee Recommendation

Rezoning Petition 2023-047

March 5, 2024

REQUEST

Current Zoning: B-2(CD) (general business, conditional)

Proposed Zoning: B-2(CD) SPA (general business, conditional, site plan amendment)

LOCATION

Approximately 1.263 acres located on the north and south side of Northlake Creek Drive, west side of Reames Road, and south side of West W.T. Harris Boulevard. (Council District 4 - Johnson)

PETITIONER

Gustafson Partners Commercial Real Estate

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 6-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* (2022) recommends the Regional Activity Center Place Type.

Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- While the petition is inconsistent with the *2040 Policy Map* recommendation for the Regional Activity Center Place Type the design and layout of the site better aligns to the recommended place type than the existing development within the shopping center.
- The proposed development on this site complies with the prescribed conditions for accessory drive-through uses in an Activity Center under the UDO by placing the principal structure along the street with a shallow setback and placing the drive-through lane and associated facilities such as such as pickup windows and order speakers to the side and rear of the building.
- However, the site does not meet the prescribed condition of having been developed with a drive-through use prior to the adoption of the UDO. But the proposed zoning is a legacy district, B-2(CD) SPA, and does comply with the standards of the Zoning Ordinance.

- The site continues the predominate pattern of the low-rise, auto orientated, commercial development that makes up the area.
- The site is within a ¼-mile walking distance of the existing Long Creek Greenway which enhances pedestrian access to this site and other commercial development from surrounding residential areas.
- The site is located along a branch line of the CATS number 7 local bus.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 4: Trail & Transit Oriented Development

Motion/Second: Sealey / Neeley

Yeas: Sealey, Neeley, Russell, Whilden, Winiker, and Welton.

Nays: None

Absent: Lansdell

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner Russell asked staff to clarify the meaning of "SPA." Staff stated that it stands for "Site Plan Amendment." Which is an amendment to an existing approved plan. But is limited to certain element of the site and does not make major alterations to the plan as a whole.

Commissioner Winiker ask staff to show which parcel was removed. Staff stated that the northern parcel at the corner of West WT Harris Blvd and Reames Road was removed.

Commissioner Winiker asked the zoning of that parcel. Staff stated that it was also zoned B-2(CD).

Commissioner Russell stated that some of the lower intensity, auto oriented areas, especially around I-485 are becoming more urban including in the North Lake area. Does staff have a plan to transition the area to be more urban and less suburban. Staff stated that the *2040 Policy Map* calls for the Regional Activity Center which is the same Place Type designation as found Uptown and is the most intense Place Type. So, the long-term goal would be to move the North Lake area in a more urban direction but it will be a slow transition over the next 15 to 20 years with the *2040 Comprehensive Plan*. Staff stated that this development in particular is still working under the legacy Zoning Ordinance. So, while it is not necessarily forwarding the goals of the *Comprehensive Plan*, it is minimizing any negative externalities by incorporating UDO standards in the development.

Chairman Welton stated that the site is still developing under the legacy Zoning Ordinance and that the previous rezoning was approved prior to the adoption of the *2040 Comprehensive Plan* or the UDO and that the petitioner is only requesting minor

changes to the approved plan. He stated that great should not be the enemy of good and felt that this is a good plan given the site constraints.

There was no further discussion of this petition.

PLANNER

Maxx Oliver (704) 336-3571