



Zoning Committee

REQUEST

Current Zoning: TOD-TR (transit-oriented development - transition)

LOCATION

Proposed Zoning: CG(CD) (general commercial, conditional)

Approximately 0.776 acres located at the northeast intersection of South Boulevard and Starmount Cove Lane, east of England Street. (Council District 6 - Bokhari)

PETITIONER

Bank OZK

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-1 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 Community Activity Center Place Type.

However, 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 current zoning is Transit Oriented Development (TOD), the site is not in a walkable location.
- The revised site plan has made positive changes to enhance the walkability of the site and safety of pedestrians.
- The proposed use of financial institution is appropriate for the location.
- The petition could facilitate the following *2040 Comprehensive Plan* Goal:
 - 1: 10-Minute Neighborhoods

Motion/Second: McDonald / Stuart

Yeas: McDonald, Stuart, Shaw, Sealey, Blumenthal

Nays: Winiker

Absent: Neeley

Recused: None

**ZONING COMMITTEE
DISCUSSION**

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

Chairman Blumenthal asked staff to repeat the last statement of the presentation. Staff stated that a financial institution could be built by-right under the current TOD-TR zoning if the drive-through was eliminated.

Commissioner Shaw asked about a statement in staff's presentation regarding elimination of the drive-through if the bank use is terminated. Staff stated that the petitioner has added a note that states if the use of the site as a financial institution ceases then the drive-through use must be terminated. However, staff stated that this is really just a reiteration of what zoning would require.

Commissioner Sealey stated that it is very difficult to walk to the transit station from this location. He did not feel that the site is truly transit oriented due to the difficulty to access the light rail station. He stated that he disagreed with staff's analysis on some things. He stated that he is in favor of this petition even though he does not like drive-throughs in general.

Chairman Blumenthal stated that not all drive-throughs are the same and he appreciates the note regarding termination of the drive-through if the bank use ceases. He feels that the community impact of a financial institution outweighs the negatives of the drive-through. He stated that he does not like the precedent it may set to downzone the property but does appreciate many of the elements of the revised site plan.

There was no further discussion of this petition.

MINORITY OPINION

Commissioner Winiker stated that he agrees with staff's analysis of the petition and does not feel that a drive-through is an appropriate use in this location.

PLANNER

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