



Zoning Committee

Zoning Committee Recommendation

Rezoning Petition 2018-034

October 6, 2020

REQUEST

Current Zoning: B-1 (CD) (neighborhood business, conditional)
Proposed Zoning: B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)

LOCATION

Approximately .76 acres located at the southern intersection of John Kirk Drive and University City Boulevard in the University City neighborhood.

(Council District 4 - Johnson)

PETITIONER

Charles Gray

**ZONING COMMITTEE
ACTION/ STATEMENT
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be **inconsistent** with the *University City Area Plan* with respect to land use, based on the information from the staff analysis and the public hearing, and because:

- The plan recommends residential uses up to 22 dwelling units per acre (DUA) for the site.

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:

- The request for retail uses at this site matches the land use context of three of the four corners (with the fourth being controlled by the university) at the intersection of John Kirk Drive and University City Boulevard.
- The request maintains existing retail and zoning uses that were previously in operation on this corner.
- The petition is consistent with land use and development policy (policy area 10c). While it recommends this area as a "Primarily Residential Character Area", it acknowledges supportive land uses such as retail, office, and civic/ institutional uses along University City Boulevard.
- The amendment's commitment to exclude fueling stations is consistent with land use and development policies regarding retail uses in area 10c.
- The current conditional plan for this site severely limits the types of uses permitted at a location that is walkable for students and residents. Approval of this plan amendment

would assist the owners in finding a suitable tenant for a long-closed former student bookstore.

The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan* from residential uses up to 22 DUA to retail uses for the site.

Motion/Second: Welton / Kelly

Yeas: Barbee, Blumenthal, Kelly, McMillan, Nwasike, Samuel, and Welton

Nays: None

Absent: None

Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the adopted area plan.

Councilman Kelly asked a question regarding an email received by University City Partners asking that this petition not be recommended for approval to Council as the request would allow drive-through establishments to potentially locate at the site. Mr. Pettine updated the committee by stating that he has spoken to the petitioner's agent and that an accommodation would likely be made, along with an updated site plan, before City Council makes a final decision on the matter.

The zoning committee agreed that the issues between the petitioner and UCP should be resolved before proceeding to council before a decision is made.

There was no further discussion of this petition.

PLANNER

William Linville (704) 336-4090