



Zoning Committee

REQUEST

Current Zoning: N1-B (Neighborhood 1-B)
Proposed Zoning: NC(CD) (Neighborhood Center, conditional)

LOCATION

Approximately 1.24 acres located east of E W.T. Harris Boulevard, and north of Idlewild Road, and south of Meadowdale Lane.
(Council District 5 - Molina)

PETITIONER

Harold Jordan

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-1 to recommend DENIAL 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 Neighborhood 1 Place Type.

Therefore, we do not find this petition to be reasonable or in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The petition is inconsistent with the *2040 Policy Map* recommendation for the Neighborhood 1 Place Type as the proposed use, a vehicle fueling facility, is not permitted in the Neighborhood 1 zoning district.
- The site is abutting other Neighborhood 1 Place Type at the northeast corner of the intersection of East WT Harris Boulevard and Idlewild Road.
- Vehicle Fueling Facilities are permitted in the NC zoning district under prescribed conditions that are intended to improve site design for these uses. The constraints of the site, including variables such as the size, utility easements, and required landscape yards, may create challenges to accommodate the type of design that could better support the goals of the Neighborhood Center Place Type which intend to support walkable, mixed-use environments that serve surrounding neighborhoods with a mix of residential, retail, office, and civic uses.

- The petition could improve access to essential goods and services, which is identified as a priority in this area.
- The petition could facilitate the following *2040 Comprehensive Plan Goals*:
 - 1: 10 Minute Neighborhoods

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map*, from the Neighborhood 1 Place Type to the Neighborhood Center Place Type for the site.

Motion/Second: Millen / Caprioli
 Yeas: Millen, Caprioli, McDonald, Stuart, and Welton
 Nays: Gaston
 Absent: Shaw
 Recused: None

ZONING COMMITTEE DISCUSSION

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

Chairperson Welton asked if the petitioner is working towards revising the plan in such a manner that staff could change their recommendation to support the rezoning petition. Staff stated that it will be difficult to alter the plan in way that would garner staff support. Staff continued that a balance must be struck between the goals of the *2040 Comprehensive Plan* and the Neighborhood Center Place Type and the permitted vehicle fueling facility use and zoning standards under the Neighborhood Center zoning district. Staff added that the plan is inconsistent with the recommended Neighborhood 1 Place Type for the site.

Chairperson Welton asked if the plan is in compliance with the prescribed conditions for a vehicle fueling facility in the Neighborhood Center Place Type. Staff stated that all applicable zoning standards are being met and explained the importance of the labeling the sanitary sewer easement on the plan in order to take advantage of ordinance granted flexibility in site layout due to the easement location.

Chairperson Welton asked if there were other allowed uses in the Neighborhood Center zoning district that staff felt they could support. Staff stated that the Neighborhood Center district permits a wide range of uses that may be more compatible with the *Comprehensive Plan's* goal for the Neighborhoods Center Place Type to contribute to a walkable community. But staff reiterated that the *2040 Policy Map* calls for the Neighborhood 1 Place Type for this site but the proposed plan does raise the question of whether staff believes that the Neighborhood Center Place Type is appropriate in this location and staff feels that the Neighborhood Center Place Type may be appropriate for the site but the proposed vehicle fueling facility may detract from the overall goals of the Neighborhood Center Place Type. Staff also noted that the Neighborhood Center Place Type is present on the

other three corners of the East WT Harris Boulevard and Idlewild Road intersection.

Commissioner Gaston asked if there was a gas station on the corner across East WT Harris Boulevard. Staff stated that there is a vehicle fueling facility on the opposite corner, but it predates the *Comprehensive Plan* and does not align with the future goals for the area.

Commissioner McDonald stated that East WT Harris Boulevard and Idlewild Road are designed in a way that creates a barrier to building a cohesive Neighborhood Center and makes deciding on the appropriate recommendation for this petition difficult.

Staff stated that it is not within staff's purview to determine what potential use allowed within NC may be appropriate but rather to assess the proposed plan in question. Staff stated that the site has many geographic constraints including the shape and existing easements and the petitioner has created a plan with a small footprint that meets the zoning requirements but given the *Comprehensive Plan* goals and *Policy Map* recommendation the proposed use may not be appropriate.

Chairperson Welton stated that he feels the Neighborhood Center and Place Type may be appropriate for this site, but the proposed use gives him pause.

Commissioner Stuart asked what reasoning the Zoning Committee has to recommend denial of the rezoning petition if it meets the zoning requirements. Chairperson Welton stated that the reason staff has presented to not recommend approval are appropriate and the Zoning Committee could vote that they are in agreement with staff. Commissioner Stuart stated that he has difficulty articulating the reasons for his objection to the plan. Chairperson Welton stated that he agrees with staff and the crux of the argument is the dissonance between the proposed use with the long-term goals of the *Comprehensive Plan*.

Commissioner Millen stated that she visited the site and stated that the community has reached out to express their opposition to the rezoning. She added that she feels the proposal does not align with the goals of the *Comprehensive Plan*.

There was no further discussion of this petition.

MINORITY OPINION

The proposed vehicle fueling facility use is permitted in the Neighborhood Center zoning district and the petitioner has met all applicable zoning requirements to allow the use on the site under the proposed zoning district.

PLANNER

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