

## Zoning Change 14-04 (AcroSports Rights-of-Way)

<b>Request</b>	<p>Rezone approximately 0.9 acres of land, consisting of two abandoned 70-foot wide segments of right-of-way (Pear Street and Oregon Avenue), from “OS” (Open Space) to “CG” (General Commercial).</p> <p>The applicant proposes to combine properties into one large L-shaped lot and develop the site as a child care facility with a gymnasium and indoor swimming pool.</p> <p>This type of facility, which is classified by the zoning ordinance as a <i>Large-Scale Recreation and Entertainment</i> use, is permitted only by way of Special Use Permit in “RSF-5” zoning districts. “CG” (General Commercial) and “PS” (Public and Semi-Public) are the only zoning districts that permit <i>Large-Scale Recreation and Entertainment</i> by right.</p>
<b>Permitted Uses</b>	<p>The specific purpose of the <i>OS Open Space District (“OS”)</i> is to identify existing public and private open space in the City and to provide for appropriate use and development within lands zoned as such in the future. Such lands include undeveloped open space, drainage ways, and utility easements. Future open space set-asides resulting from new development, excluding City parkland requirements, will be zoned <i>OS Open Space District</i>.</p> <p><i>General Commercial (“CG”)</i> reflects existing and future areas of larger-scaled pedestrian- and auto-oriented commercial development (typically with floor plates of more than 10,000 square feet) located on the City’s major arterial roads and include a wide variety of community-serving uses that include retail, services, office, auto-related businesses, eating and drinking, recreation and entertainment, public and semi-public uses, etc. Residential uses are not permitted in this district.</p>
<b>Owner/ Applicant</b>	Tom R. Higgins; NFT Holdings, LLC
<b>City Council</b>	Public Hearing & First Reading – June 24, 2014
<b>Location</b>	Generally located east of Dickinson Avenue and north of FM 646.
<b>Citizen Response</b>	14: Notices mailed to property owners within 500 feet 0: Letters of support received 0: Letter of opposition received
<b>Attachments</b>	1. Aerial map 2. Site Photos 3. Zoning map/ property owner notification map

The Commission should consider the following findings in its deliberation, which shall be utilized to substantiate its findings. To determine the extent to which the proposed zoning would be compatible with surrounding properties, the surrounding land uses and the performance impacts should be considered.

**Background** Prior to 2005, this property was zoned “IL” (Light Industrial). When the zoning map was revised on February 22, 2005 (Ordinance 2005-24), the zoning of all unimproved rights-of-way in the city was changed to “OS” (Open Space).

The three blocks surrounding the subject parcels were rezoned on May 13, 2014 from “RSF-5” to “CG” (Ordinance 2014-14) as a result of a rezone application filed by the property owner. Since that time, the applicant has purchased the 0.9 acres of unimproved rights-of-way after City Council abandoned them on May 27, 2014. The original zone change application did not include these

rights-of-way. In addition, staff had previously interpreted that rights-of-way would assume the adjacent “CG” zoning district upon abandonment. However, the City Attorney has since determined that the rights-of-way would be required to go through the rezone process.

**Site and Surrounding Area**

The subject parcels are located in the heart of the area known as Shellside. The area is currently vacant with grass and a small number of trees. Properties in this area are a mixture of “RSF-5,” “CG,” (General Commercial) and “IL” (Light Industrial), many of which are vacant. The area is characterized by a grid of unimproved City rights-of-way which are zoned “OS” (Open Space). Below is an analysis of the surrounding zoning districts and land uses:

Direction	Surrounding Zoning	Surrounding Land Use
North	“CG,” “OS,” and “RSF-5”	Vacant Land
South	“CG”	Vacant Land
East	“CG” and “OS”	Vacant Land and Residential Single Family Homes
West	“IL,” “OS,” and “RSF-5”	Vacant Land

**Conformity with Comprehensive Plan:**

The 2035 Comprehensive Plan, which was adopted by ordinance, includes a Future Land Use Plan that identifies the subject property as “Suburban Village.” Areas designated as Suburban Village are characterized by their unique grid-pattern of streets, which the *Comp Plan* indicates should be preserved. The Comprehensive Plan states that areas designated as Suburban Village are “unique given the grid street pattern, broad variety of home styles, varying lot sizes and setbacks, and different building orientations, etc.” (p. 4-5). It further states that “the roadway network in the Historic District and Shellside area are the only areas in the community configured in the connected grid format that has proven to be more supportive of pedestrian and bicycle activity and more efficient with higher development densities than the areas served by the hierarchical network.” (p.6-2).

The subject properties are currently zoned “OS.” Rezoning the property to “CG” is somewhat consistent with the 2035 Comprehensive Plan, which states that “ Suburban Village character promotes a mix of uses, but remains a residential area” (p. 5-2). Because the majority of the land in the immediate vicinity is currently vacant, rezoning the property to “CG” would not be inconsistent with the character of the area. Several parcels to the south of the subject area are zoned “CG,” so rezoning these parcels would create a larger contiguous area of commercial land. Residential development in the Shellside area is sparse due to the lack of existing infrastructure. The proposed child care facility in this location has the potential to encourage further commercial and residential development in the area.

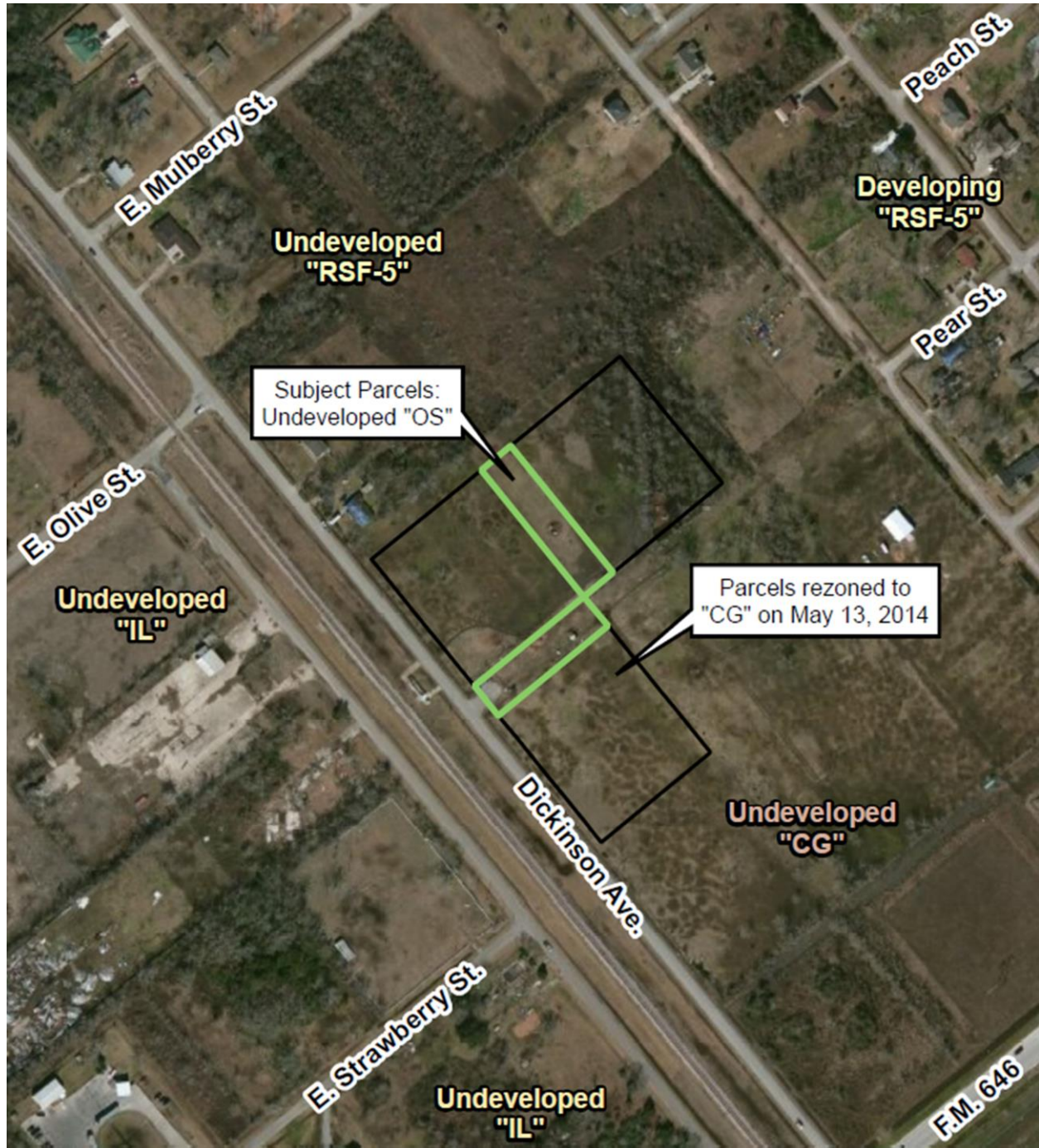
**Public Benefit vs. Imposed Hardship**

Based upon the information provided, the Commission will have to determine “the gain to public health, safety, welfare, due to denial of this application as compared to the hardship imposed upon the owner as a result of denial of the application.”

For additional information, you may contact Wallis McMillin, Planner at (281) 554-1084 or at wallis.mcmillin@leaguecity.com.

Rezoning – AcroSports Rights-of Way

**Aerial Map**



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**PHOTOGRAPH 1**



View of the site from Dickinson Ave. facing northeast

**PHOTOGRAPH 2**



View toward the site facing southeast down Dickinson Ave.

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