



## Text File

File Number: 14-0398

**Agenda Date:** 7/8/2014

**Version:** 1

**Status:** Draft

**In Control:** Land Management

**File Type:** Agenda Item

### Title

Consider and take action on an ordinance amending Ordinance No. 2005-24, to rezone two, abandoned, 70-foot wide rights-of-way segments of Pear Street and Oregon Avenue, Z14-04 (AcroSports Rights-of-Way), approximately 0.9 acres from "OS" (Open Space) to "CG" (General Commercial), generally located east of Dickinson Avenue and north of FM 646. (Director of Planning and Development)

Staff requests first and final reading.

Planning & Zoning Commission recommendation to be determined on July 7, 2014.

### ..Background:

If approved, this request will rezone approximately 0.9 acres from "OS" (Open Space) to "CG" (General Commercial). 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 applicant proposes to open a child care facility with a gymnasium and indoor swimming pool with three adjacent blocks and the abandoned rights-of-way. The adjacent blocks surrounding the subject parcels were rezoned on May 13, 2014 from "RSF-5" (Single-family residential with a minimum lot size of 5,000 square feet) to "CG" (General Commercial) as Ordinance 2014-14. However, the zone change application did not include the rights-of-way, which required abandonment. With approval by the Council on May 27, 2014, the applicant purchased the property from the City.

According to the Zoning Ordinance (Chapter 125 of the Code of Ordinances), the General Commercial zoning district is intended for existing and future areas of larger-scaled pedestrian- and auto-oriented commercial development located on major arterial roadways for uses such as retail, services, office, auto-related businesses, restaurants and recreation and entertainment.

The Future Land Use Map in the 2035 Comprehensive Plan classifies this property as "Suburban Village." The Comprehensive Plan notes that "Suburban Village character promotes a mix of uses, but remains residential in nature." The proposed use of the property would complement the surrounding residential properties and the Suburban Village classification.

This case was originally scheduled to be heard by the Planning & Zoning Commission ( P&Z) on June 16. However, the Commission was unable to hold that meeting due to a lack of quorum. Therefore, the P&Z meeting for this case was rescheduled for July 7. Public notifications for Council consideration were sent out prior to June 16, postponing the City Council hearing would require mailing additional notifications to change the date and additional delay for the applicant. In an effort to keep the case moving forward, the applicant (and staff concurred) has requested that the City Council meeting take place as originally scheduled on July 8. Staff will provide the recommendation from P&Z as well as an excerpt of the minutes from their meeting at the City Council meeting on July 8.

Staff is requesting first and final since the subject property was abandoned by Council on May 27, 2014, and the adjacent three (3) blocks, were rezoned to "CG" on May 13, 2014, in correlation with the Owner's intent to develop the property.

**Origination:**

Planning Department

Applicant/Owner: Tom Higgins; NFT Holdings, LLC

CONTRACT ORIGINATION:

FUNDING

{ } NOT APPLICABLE

{ } Funds are available from Account # \_\_\_\_\_

{ } Requires Budget Amendment to transfer from Account # \_\_\_\_\_ to  
Account # \_\_\_\_\_