

FILE NO.: LU15-11-01

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Name: Land Use Plan Amendment – I-430 Planning District

Location: NEC of 36th Street and Bowman Road

Request: Mixed Use to Neighborhood Commercial

Source: Tim Daters, White Daters

PROPOSAL / REQUEST:

Land Use Plan amendment in the I-430 Planning District from Mixed Use to Neighborhood Commercial. Neighborhood Commercial represents services that are limited to small scale commercial developments in close proximity to a neighborhood, providing goods and services to the neighborhood market area. There is an associated zoning application to C-1 Neighborhood Commercial to allow for the future development of retail commercial on this site.

EXISTING LAND USE AND ZONING:

The property is vacant and currently zoned R-2 Single Family and is approximately 7 acres ± in size. to the north, the land is zoned PD-R for an apartment complex, to the east is a POD for the Rock Creek Church, to the south is R-2 and O-3 General Office property and to the west are single family houses on R-2 and O-2 Office and Institutional with a CUP land.

FUTURE LAND USE PLAN AND RECENT AMENDMENTS:

There have been many changes in this area during the last twenty years. The last change to the plan was eleven years ago in 2004. On July 20, 2004, a change was for the area immediately east from MX Mixed use to MOC Mixed office Commercial for an area on the north side of 36th Street.

MASTER STREET PLAN:

Bowman Road and 36<sup>th</sup> Street are both shown as Minor Arterials on the Master Street Plan. A Minor Arterial provides connections to and through an urban area and their primary function is to provide short distance travel within the urbanized area. Entrances and exits should be limited to minimize negative effects of traffic and pedestrians on Bowman Road and 36<sup>th</sup> Street since they are both Minor Arterials. These streets may require dedication of right-of-way and may require street improvements for entrances and exits to the site.

Recently, a Master Street Plan amendment was passed to remove a Proposed Collector from the eastern edge of this property that extended into the property to the north and connected with Bowman Road to the north.

BICYCLE PLAN:

A Class II Bike Lanes are shown along Bowman Road. Bike Lanes provide a portion of the pavement for the sole use of bicycles.

PARKS:

According to the Master Parks Plan, this site is not in a service deficit area.

HISTORIC DISTRICTS:

There are no city recognized historic districts that would be affected by this amendment.

ANALYSIS:

The current Land Use plan shows Mixed Use. The Mixed Category provides for a mixture of residential, office and commercial uses to occur. A Planned Zoning district is required if the use is entirely office or commercial or if the use is a mixture of the three. The proposal is to change to Neighborhood Commercial for the approximately seven acres at the corner. The Neighborhood Commercial category includes limited small scale commercial development in close proximity to a neighborhood, providing goods and services to the neighborhood market area.

While either category can have purely commercial uses in them, the difference is that the Mixed Use category requires a PZD whereas the Neighborhood Commercial does not. The Neighborhood Commercial category would provide smaller scale commercial options for the residents of that area, the existing single family houses and the two new apartment complexes just north of the site on Bowman Road. While the Mixed use category might have gotten a development that is truly mixed with more than one use, the location of this site being at the intersection of two arterials would have probably led to a pure commercial development even with the Mixed Use designation.

If the property is zoned C-1, all uses in the permitted uses list of C-1 would be allowed. Likewise, any more intense uses that are in C-2, C-3, and C-4 that might be included in a PZD would not be allowed by right in any proposed C-1 zoning. Also, Conditional Uses under C-1 would come back before the Planning Commission if applied for.

If one looks at the entire area north of 36th and bounded by Bowman and I-440, the area is being developed as mixed use with the church and its limited office uses, the multifamily to the north, and whatever uses are developed under the proposed C-1 in the subject area. In one sense, it is still Mixed Use for the entire area. With the apartments and church uses, the entire area will have less Commercial acreage than it could have had with the Mixed Use designation. Also, the next time Staff reviews this area; we will consider removing the option of Commercial for the developed areas,

NEIGHBORHOOD COMMENTS:

Staff has received one comment from a citizen which was in support of maintaining the requirement of a PZD on the site.

STAFF RECOMMENDATION:

Staff believes the change is appropriate.

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PLANNING COMMISSION ACTION:

(MAY 21, 2015)

This item was placed on the consent agenda for approval. The motion passed with a vote of 9 ayes, 0 noes, and 2 absent.