



## Legislation Details (With Text)

**File #:** 22-2824      **Version:** 1      **Name:** P22-27. Rezoning  
**Type:** Consent      **Status:** Agenda Ready  
**File created:** 6/28/2022      **In control:** City Council Regular Meeting  
**On agenda:** 8/8/2022      **Final action:**  
**Title:** P22-27. Rezoning from Office & Institutional (OI) to Limited Commercial (LC), located at 238 N. McPherson Church Road and 469 Vancouver Drive (REID #'s 0418415152000, 0418418223000), containing 2.06 acres ± and being the property of Sharlene R Williams Revocable Trust, RJPC II LLC and Sharlene Williams, C&S Commercial Properties, represented by Palmer Williams.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Review Application, 2. P22-27 notification Map, 3. A22-27 Zoning Map, 4. P22-27 Land Use Map, 5. Subject Property, 6. Surrounding Property, 7. Consistency and Reasonableness Statements

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Members of City Council

**THRU:** Telly C. Whitfield, Ph.D. - Assistant City Manager  
Dr. Gerald Newton, AICP - Development Services Director  
Jennifer C Baptiste, CZO - Planning and Zoning Division Manager

**FROM:** Craig M. Harmon, CZO - Senior Planner

**DATE:** August 8, 2022

**RE:**  
**P22-27.** Rezoning from Office & Institutional (OI) to Limited Commercial (LC), located at 238 N. McPherson Church Road and 469 Vancouver Drive (REID #'s 0418415152000, 0418418223000), containing 2.06 acres ± and being the property of Sharlene R Williams Revocable Trust, RJPC II LLC and Sharlene Williams, C&S Commercial Properties, represented by Palmer Williams.

**COUNCIL DISTRICT(S):**

5 - Johnny Dawkins

### Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2026

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base

- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal III: City invested in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.
- Objective 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspection services

Goal IV: Desirable Place to Live, Work and Recreate

- Objective 4.3 - To improve mobility and connectivity through sidewalk, trail, and bike lane investments
- Objective 4.4 - To provide a clean and beautiful community with increased green spaces
- Objective 4.5 - To ensure a place for people to live in great neighborhoods

### **Executive Summary:**

The applicant is seeking to rezone two parcels from OI - Office & Institutional to LC - Limited Commercial. The properties in question total 2.06 acres  $\pm$ . The two parcels are the former site of an office building with several different uses and the required parking. The office building was demolished in 2019 and the parcels are currently vacant parcels.

The LC zoning district is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods.

On June 14, 2022, the Zoning Commission held a Legislative Hearing regarding this application. There were no speakers in opposition. The Commission voted 5-0 to recommend approval.

### **Background:**

The properties are located at the corner of McPherson Church Road and Vancouver Drive. These properties are currently vacant.

Applicant: Palmer Williams

Owner: Sharlene R Williams Revocable Trust, RJPC II LLC and Sharlene Williams, C&S Commercial Properties

Requested Action: OI to LC

Property Address: 238 N. McPherson Church Road and 469 Vancouver Drive

Council District: 5 - Johnny Dawkins

Status of Property: Vacant

Size: 2.06 acres  $\pm$

Adjoining Land Use & Zoning:

- North: LC & MR-5 - Commercial & Apartments
- South: LC & MR-5 - Commercial & Apartments
- East: MR-5 - Apartments
- West: CC - Commercial

Letters Mailed: 54

#### Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020. All properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Plan, it is recommended that this portion of the city should be developed as Regional Center (RC).

Regional Center is best described as commercial centers with regional draw. Buildings with greater than 400,000 square feet of nonresidential leasable space and some 5+ story buildings, hotels, institutional uses possible or clusters of lower density, large-scale commercial uses. Some residential, but only on upper floors or as multi-family structures on edges.

#### **Issues/Analysis:**

##### History:

This is the site of a former office building and associated parking that was demolished in 2019. Currently, both properties stand vacant.

##### Surrounding Area:

The site is mainly surrounded by commercial uses to the north, south, and west along N. McPherson Road and high density residential uses to the north and east along Vancouver Drive.

##### Rezoning Request:

The applicant is requesting to rezone an area currently zoned Office and Institutional (OI) to Limited Commercial (LC) which would allow the development of commercial, office and multi-family.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

##### Straight Zoning:

The request is for a straight zoning from Office and Institutional (OI) to Limited Commercial (LC).

The LC District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood-e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods.

The proposed zoning district is compatible with the area and this district is in keeping with the City's Future Land Use Plan. This rezoning would be a completion of the Limited Commercial zoning districts to the north, south and west of the parcels.

The reclassification of land to a straight zoning district allows all of the uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions

on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

**Land Use Plan Analysis:**

According to Future Land Use Map & Plan, this area is recommended to be developed as a Regional Center (RC). Regional Center is best described as commercial centers with regional draw and buildings of greater than 400,000 square feet of nonresidential leasable space. Building of 5+ stories along with hotels, institutional uses possible or clusters of lower density, large-scale commercial uses with some residential, but only on upper floors or as multi-family structures on edges.

**Consistency and Reasonableness Statements:**

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application looks to follow the City's strategic, compatible growth strategies by meeting the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

**Budget Impact:**

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur due to taxes collected in the future.

**Options:**

1. Approval of the map amendment to LC (recommended);
2. Approval of the map amendment to a more restrictive zoning district; or
3. Deny the map amendment request.

**Recommended Action:**

The Zoning Commission and Professional Planning Staff recommend that the City Council APPROVE the map amendment to LC based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Regional Center.
- The uses permitted by the proposed change in zoning district classification and standards apply to such use and will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

**Attachments:**

1. Plan Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Consistency and Reasonableness Statements