



Legislation Details (With Text)

**File #:** 18-2861      **Version:** 3      **Name:** Ordinance - Public Hearing and First Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District to OP Office Park District on Approximately 0.647 Acres out of the Joab Watson Survey, Abstract No. 1632, Located at 4451 E. Broad S

**Type:** Ordinance      **Status:** Passed

**File created:** 8/29/2018      **In control:** City Council

**On agenda:** 11/26/2018      **Final action:** 11/26/2018

**Title:** Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District to PD Planned Development District for OP Office Park District uses on Approximately 0.647 Acres out of the Joab Watson Survey, Abstract No. 1632, Located at 4451 E. Broad Street; Bob Blackwelder of HCC Contracting, Inc. on Behalf of Smart & Stella Ajayi of Harplet Marketing, LLC (ZC#18-019)

**Sponsors:** Joe Smolinski, Lisa Sudbury

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Maps and Supporting Information, 3. Exhibit A - Property Description, 4. Tax Benefits, 5. Email on behalf of Bankston Meadows HOA 11-6-18, 6. Exhibits B - E

Date	Ver.	Action By	Action	Result
11/26/2018	3	City Council	Approved on Third And Final Reading	Pass
11/12/2018	2	City Council	Approved on Second Reading	Pass
10/22/2018	2	City Council	Postponed	Pass
10/8/2018	2	City Council	Postponed	Pass
9/24/2018	2	City Council	Postponed	Pass
9/10/2018	1	City Council	Approved on First Reading	Pass

Ordinance - Third and Final Reading of an Ordinance Approving a Change of Zoning from PR Pre-Development District to PD Planned Development District for OP Office Park District uses on Approximately 0.647 Acres out of the Joab Watson Survey, Abstract No. 1632, Located at 4451 E. Broad Street; Bob Blackwelder of HCC Contracting, Inc. on Behalf of Smart & Stella Ajayi of Harplet Marketing, LLC (ZC#18-019)

To consider the subject zoning change request.

The Planning and Zoning Commission held a public hearing on August 20, 2018, and voted 7-0 to recommend approval. At the public hearing, two people, including the HOA President for Bankston Meadows, spoke in opposition to the request, citing concerns primarily relating to traffic and the safety of children in the area, particularly near the neighborhood pool located in close proximity. In addition, there was one non-speaker card submitted in opposition to the request.

**First Reading**

The subject property consists of 0.647 acres of vacant land located at the northwest corner of E.

Broad St. and Genesis Dr., addressed as 4451 E. Broad St. The property is located at the entrance to the Bankston Meadows subdivision. A single-family residence is located to the north, a neighborhood amenity center is located across Genesis Drive to the east, a church is located to the west, and Danny Jones Middle School is located across Broad Street to the south. Broad Street is a principal arterial.

### Zoning Request

The applicant is requesting to re-zone the property from PR Pre-Development District to OP Office Park District. OP zoning allows office, medical, and limited neighborhood retail & service uses. In meetings with staff, the applicant has stated their intent to develop a small single-story office building that meets all of the Zoning Ordinance requirements, particularly as it relates to residential proximity, parking, landscaping, architecture, etc.

### Summary

The adopted Official Land Use Plan encourages mixed use and commercial uses along Broad Street, as well as the development of limited retail and service uses on a neighborhood level. Due to the property's location on a principal arterial at a neighborhood entrance, staff believes that commercial is the highest and best use of this property. Furthermore, OP is a zoning category that allows very limited uses (in comparison to C-1 or C-2). Due to the small size of the property, the residential proximity requirements, the landscaping requirements, the parking requirements, and the limited uses allowed by OP zoning, only development of a small scale and low intensity is feasible at this location. In meetings with staff, the applicant has stated their intent to build a small office building. A small office building typically has very limited traffic, limited hours of operation, does not generate much in the form of nuisance (i.e. lighting, noise, etc.), and is often seen as a good buffer between residential uses and high-traffic arterial roadways.

### Second Reading

The City Council held a public hearing and first reading on September 10, 2018 and voted 4-3 to approve (Lewis, Newsom, and Moore voting nay). Some of the councilmembers were concerned about traffic, the possibility of retail and service uses being allowed by the requested OP zoning, and not having clarity with regard to how the property will be developed since Planned Development zoning is not being sought. Council requested that the applicant provide conceptual elevations for the proposed building.

The applicant has provided a site plan, which includes a 2-story 8,400 sq. ft. brick building with 6:12 roof pitch, 28 parking spaces, one access point on Broad Street, a dumpster enclosure in the northwestern portion of the property, and a monument sign in the southeastern portion of the property. The site plan also includes extraneous and erroneous information in reference to planned development or C-1 zoning, rather than the requested OP zoning. The applicant also provided a conceptual elevation of the building, however the elevation appears to be flat-roofed and not the pitched roof noted in the site plan. The plans were submitted at the deadline for agenda packet preparation and staff did not have time to review the plans. Furthermore, the plans appear to vary significantly from what the applicant had previously discussed with staff prior to their zoning application.

The applicant has also provided a letter explaining that an updated survey of the property reduced the original depth of the lot. As a result, the owner is no longer able to build and occupy the same size building they were hoping to build. However, the applicant still plans to construct a building that adheres to the Zoning Ordinance and the permitted uses allowed in the OP zoning district.

## **2nd Reading Continuation**

The City Council held a public hearing and second reading on September 24, 2018 and voted 6-0 (Lewis absent) to table the 2nd Reading until October 8, 2018. Two people spoke in opposition to the zoning case and two non-speakers opposed the case as well. The councilmembers requested that the applicant provide better and more accurate elevations as well as an improved site plan that removed the extraneous and erroneous notes that referenced planned development or C-1 zoning. The applicant has provided a revised site plan (labeled Exhibit B) and revised elevations (labeled Exhibit C) that adhere to Council's request.

## **2nd Reading Continuation**

The City Council continued the public hearing and second reading on October 8, 2018. Three people spoke in opposition to the zoning request. Several more members of the audience stood to indicate their opposition. City Council recommended the applicant change their zoning request to a Planned Development and voted 6-0 (Newsom absent) to table the second reading until October 22, 2018. The applicant has submitted a letter requesting to table consideration until November 12, 2018 to give the applicant more time to revise their plans and prepare the additional plans that are necessary for a Planned Development.

## **2nd Reading Continuation**

On October 22, 2018, at the applicant's request, City Council voted 7-0 to table consideration until November 12, 2018 to give the applicant more time to revise their plans and prepare the additional plans that are necessary for a Planned Development.

## **Development Plan**

The applicant is still proposing a two-story building, but has reduced the size of the building from 8,400 sq. ft. to 7,780 sq. ft., reduced the number of parking spaces from 28 spaces to 26 spaces (which achieves a parking ratio of 1 space per 300 sq. ft., which can accommodate most office and retail uses), moved the trash enclosure to be at least 25 feet away from the rear property line, moved the monument sign to meet the setback requirements, added a 6' masonry screening wall adjacent to the church property to the west, added an 8' masonry screening wall adjacent to the residential property to the north, and scaled down the list of permitted uses to primarily office and service uses and very limited retail and educational uses. The hours of operation would be limited to 8:00am and 9:00pm and no outside storage will be permitted on the property.

## **Elevations**

The elevations depict a two-story building with brick and stone as the predominant building materials (with small areas of fiber cement siding and trim), a prominent decagon-shaped tower feature on the southwest corner of the building, 8:12 pitched roof with dormers, windows on all elevations, cornices around the entire building, recesses and projections on three sides, and decorative shutters.

## **Landscape Plan**

The applicant has provided a Landscape Plan that shows the tree plantings in the 20' landscape buffers along the north and west property lines, as well as in the 20' landscape setbacks along Broad and Genesis. In addition, ornamental trees will be clustered at the driveway entrance and evergreen shrubs will screen the trash enclosure. The applicant has added notes that requirements relating to foundation plantings, screening wall plantings, and tree size will be met.

## **Sign and Screen Wall Details**

The applicant has provided details for the monument sign and the 6' masonry screening wall. The applicant has noted that all signage will comply with the regulations for C-2 zoned property.

#### Tax Benefits

The applicant has provided an exhibit showing the tax benefits this development is projected to create for the City.

#### Requests from Bankston Meadows neighborhood residents

In an email to staff, Tamara Moore, representative for the Bankston Meadows Homeowners' Association (HOA), has provided a list of items the neighborhood residents are requesting the applicant provide with the development. While this formal list was not provided in time for the applicant to be able to modify their plans to attempt to incorporate the requested items, staff has already shared with the applicant the requests the HOA representative had verbally communicated with staff and the applicant incorporated the requests they were willing and able to make, including eliminating many of the more intensive retail/service uses. Several other items (stone finishes, landscaping, etc.) are provided for, while other items such as intersection visibility and property maintenance are already built into City codes and requirements that must be adhered to. However, the applicant has stated that a single-story building would not be feasible.

#### Staff Comments

The Engineering Department has the following comment:

1. Due to the driveway providing access off of an arterial, the driveway width must be 30 feet. The width can transition back to 24 feet within the landscape setback.

The Planning Department has the following comments:

1. Notes shall be added to the Development Plan that all equipment will be screened in accordance with Section 7301.A of the Zoning Ordinance and that the trash enclosure will be screened in accordance with Section 7301.B of the Zoning Ordinance.

2. Building materials calculations shall be provided for the building elevations and the building as a whole. The building shall be at least 70% masonry materials as defined in the Zoning Ordinance.

Staff recommends that any action taken by Council be conditioned on these items being addressed.

#### Third Reading

The City Council held a public hearing and second reading on November 12, 2018, and voted 5-2 (Moore and Newsom voting nay) to approve with the condition that all retail and educational uses and three general service/office uses (shoe repair shop or shoe shine parlor, studio for photographer/musician/artist, and tailor or dressmaking shop) are eliminated as permitted uses. The applicant has revised the Development Plan to eliminate these uses and has also increased the width of the driveway entrance from Broad Street to 30', added notes regarding equipment and trash enclosure screening, and added building materials calculations to the elevations to address staff's outstanding comments.

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