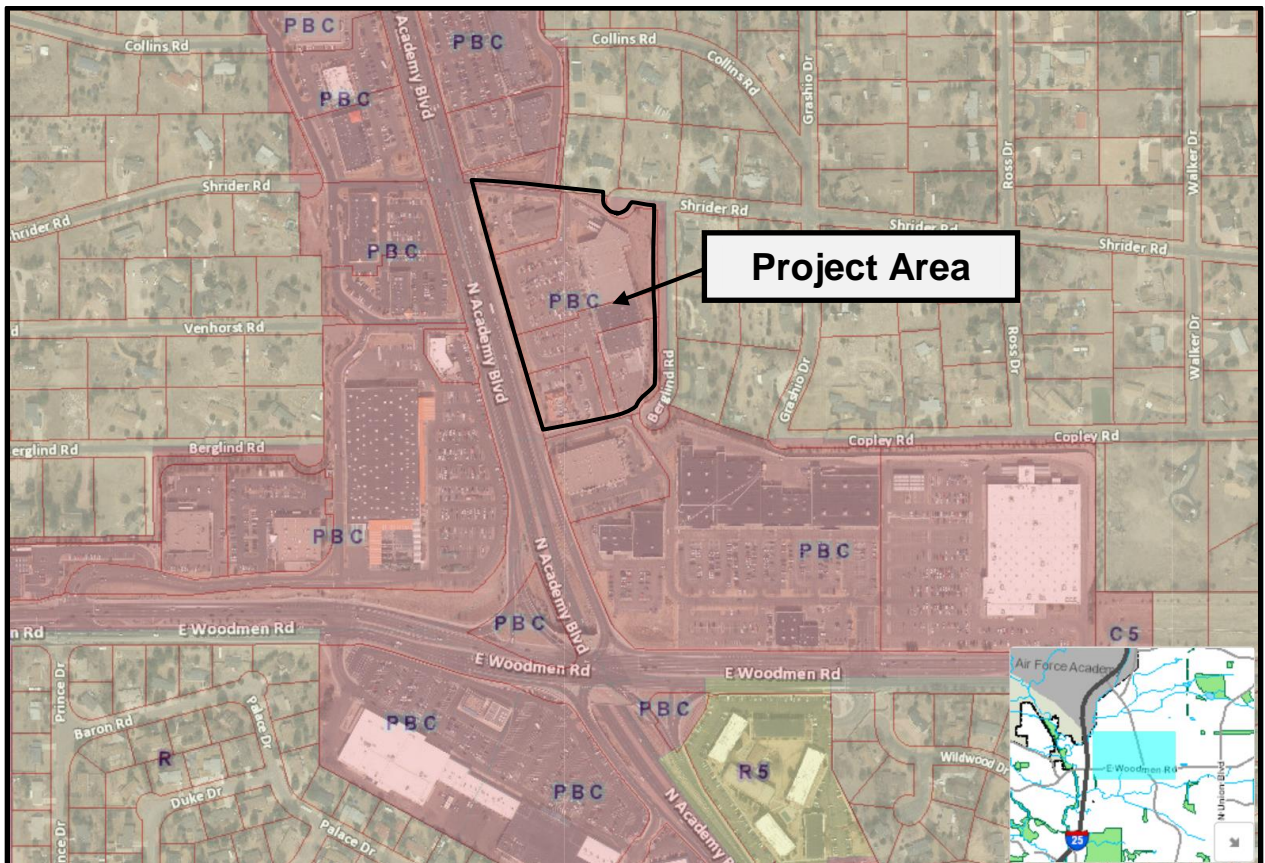


CITY PLANNING COMMISSION AGENDA
March 21, 2019

STAFF: DANIEL SEXTON

FILE NO(S):
CPC ZC 18-00178 – QUASI-JUDICIAL
CPC DP 99-00215-A5MJ18 – QUASI-JUDICIAL

PROJECT: NORTH ACADEMY REZONE
OWNER: SHOOTING STAR ENTERPRISES
DEVELOPER: SHOOTING STAR ENTERPRISES
CONSULTANT: N.E.S., INC.



PROJECT SUMMARY:

1. **Project Description:** The project includes concurrent applications for a zone change and major development plan amendment for 8.43 acres of land. The project is herein referred to as “North Academy Rezone”. The properties associated with this project are located along the eastern side of North Academy Boulevard within the developed commercial strip. The project is also within a very visible segment of the Falcon, Columbine, & Yorkshire Estates Master Planned area.

The proposed rezone will change the current zoning for the subject properties from PBC/cr (Planned Business Center with Conditions of Record) to PBC/cr (Planned Business Center with Conditions of Record). More specifically, the applicant’s proposal modifies the current conditions of record to allow certain previously prohibited land uses and to prohibit a number of currently permitted land uses within the PBC zone district. **(FIGURE 1)**

The major amendment to the BSK Subdivision Filing No. 1 development plan illustrates updated site data and revises development and operational stipulations applied to the development. **(FIGURE 2)**

2. **Applicant’s Project Statement:** **(FIGURE 3)**
3. **Planning and Development Team’s Recommendation:** City Planning staff recommends approval of the applications as proposed.

BACKGROUND:

1. **Site Address:** The properties associated with this project are addressed as 7133, 7149, 7165, 7207, and 7239 North Academy Boulevard.
2. **Existing Zoning/Land Use:** The properties are currently zoned PBC/cr (Planned Business Center with Conditions of Record) and fully developed with commercial land uses.
3. **Surrounding Zoning/Land Use:** North: PBC/cr (Planned Business Center with Conditions of Record) and is commercially developed.
East: R/cr (Estate Single-Family Residential with Conditions of Record) and is residentially development.
South: PBC/cr (Planned Business Center with Conditions of Record) and is commercially developed.
West: PBC/cr (planned Business Center with Conditions of Record) and is commercially developed.
4. **Annexation:** The subject property was annexed into the City on October 11, 1994, per the F C Y Estates Annexation Plat (Ord. 94-183).
5. **Master Plan/Designated Master Plan Land Use:** The Falcon, Columbine & Yorkshire Master Plan, which is implemented, identifies the 8.43 acres of the project site as O-C (Office and/or Commercial Redevelopment).
6. **Subdivision:** The properties were subdivided under BSK Subdivision Filings No. 1 and No. 2.
7. **Zoning Enforcement Action:** None
8. **Physical Characteristics:** The project site is developed with a mix of commercial land uses and associated site improvements. As developed and currently operating, the site complies with the conditions of record and stipulations set forth on approved development plan.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 75 property owners on three occasions: during the internal review stage, prior to a neighborhood meeting and prior to the Planning Commission hearing. The site was also posted during the three occasions noted above. During the internal review notification, City

Planning staff received comments from three residents in opposition to the project. On February 5, 2019, a neighborhood meeting was held at the request of the Falcon Estates Homeowners Association (HOA), with approximately 27 residents in attendance and another 10 residents submitting comments in writing. The general position of the HOA and residents towards the project was that of opposition. The concerns and issues raised revolved around increased crime, homelessness, cut-through traffic, and, in general, any changes to the current conditions of record. Copies of the written comments received by staff are attached for reference (**FIGURE 4**). The applicant provided a written response, dated February 15, 2019, which responds to the comments/concerns raised by residents to date. (**FIGURE 5**)

Staff's analysis of the proposed applications is outlined in the following sections of this report. In terms of internal and external agency reviews, staff only sent the applications to Council of Neighbors and Organizations (CONO) for comments. When the project was processed for in-take, it was determined that no other internal or external agencies had regulatory oversight based on the project scope. All agency comments have been addressed.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

a. Background

In 1994, the developed neighborhoods of Falcon Estates 1 and 3, Columbine Estates, and Yorkshire Estates (F C Y) were annexed into the City, per the F C Y Estates Annexation Plat (Ord. 94-183). Concurrently, City Council adopted placeholder zoning and the Falcon, Columbine & Yorkshire Estates Master plan. (**FIGURE 6**) The master plan established a baseline vision for the protection of existing residences, vehicular circulation, buffers between land uses, and considered what properties adjacent to North Academy Boulevard were appropriate for commercial redevelopment. City Planning staff notes that the Falcon, Columbine & Yorkshire Estates Master plan was determined implemented.

Over the next few years, developers assembled properties on both sides of North Academy Boulevard for different commercial projects. In most cases, each developer negotiated independently with City Planning staff, F C Y residents and the Falcon Estates HOA to establish adequate buffering, site designs and layouts that respect the adjacent residential uses and the prohibition of certain land uses as appropriate. Based on project records, residents also raised concerns regarding traffic and ancillary impacts (i.e. trash collection, lighting, noise, etc.). Ultimately, common ground was found and each project was approved and developed.

Concerning the BSK Subdivision Filing No. 1 project, the initial developer submitted concurrent applications in 1999 to develop the property in question. With these applications, the developer sought to establish a commercial center with a multi-tenant commercial building and a couple standalone out-lots. Throughout the entitlement process, the developer negotiated with F C Y residents and the Falcon Estates HOA to refine the site design and layout to mitigate off-site impacts and to develop an acceptable list of prohibited uses within the proposed PBC zone district. This project was ultimately approved with conditions and developed. Based on staff's review of the commercial properties, the development appears to be operating in accordance with the approved entitlements.

b. Application Summaries

i. Zone Change

The requested change of zone of 8.43 acres of land (**FIGURE 1**), located east of North Academy Boulevard, will rezone the project site from PBC/cr (Planned Business Center with Conditions of Record) to PBC/cr (Planned Business Center with Conditions of Record) to allow for additional permitted land uses. The current PBC zone district, as conditioned, allows for all permitted and conditional

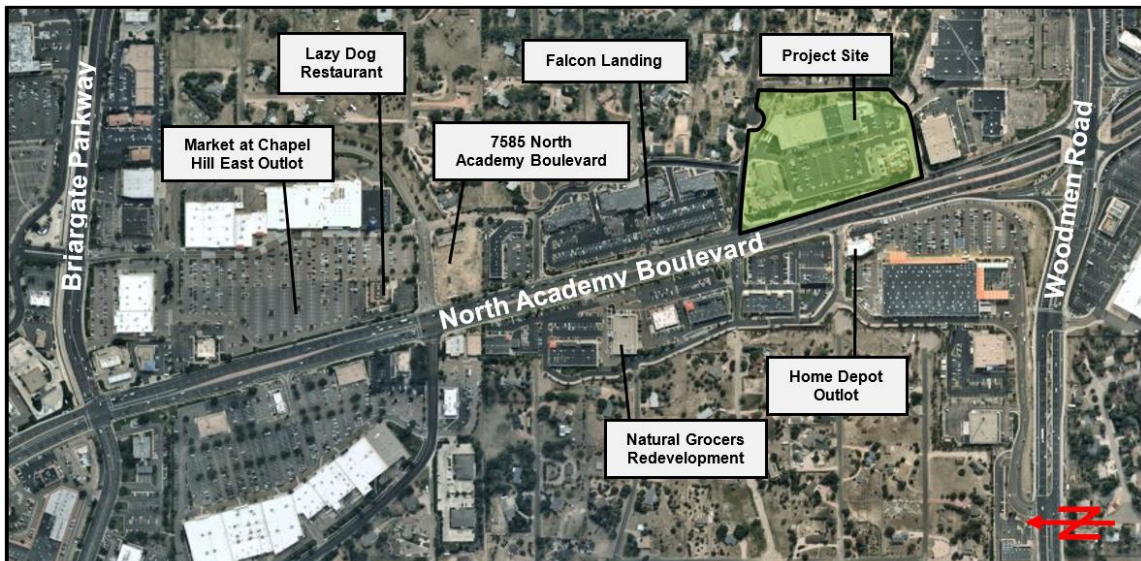
land uses within the standard PBC zone district with the exception of the following prohibited uses (**FIGURE 7**):

- A. SEXUALLY ORIENTED BUSINESSES
- B. NIGHT CLUBS
- C. MOVIE THEATERS
- D. BARS
- E. AUTOMOTIVE AND EQUIPMENT SALES AND SERVICES
- F. GENERAL FOOD AND CONVENIENCE FOOD SALES
- G. DRIVE-IN OR FAST FOOD RESTAURANTS
- H. LIQUOR SALES
- I. TEEN OR YOUNG ADULT CLUBS
- J. FUNERAL SERVICES

The applicant has proposed changes to the list of prohibited land that would allow Liquor Sales and Convenience Food Sales, and prohibit Convenience Food Sales with Fuel Sales (i.e. Gas Stations) and Methadone Clinics (**FIGURE 8**). The proposal also does not change any of the established density and dimensional controls set forth in City Code Section 7.3.2 *Commercial Districts* for the base PBC zone district. All previously established controls on the BSK Subdivision Filing No. 1 development plan remain in effect.

To understand the context of the applicant's proposal with regards to the surrounding commercial zone districts, staff examined each adjacent commercial zone district and the presence of prohibited land uses. To the west of North Academy Boulevard, staff found each of the PBC zone districts contained conditions of record prohibiting slightly different lists of land uses. To the north and south of the project, staff found PBC zone districts with no prohibited land uses.

Although the applicant's proposed changes deviate from the original mix of land uses negotiated in 1999, staff notes that the North Academy Boulevard commercial corridor has changed significantly during the intervening 20-years. For example, properties that were initially developed in the late 1990s are now being redeveloped, such as the Falcon Landing and 7585 North Academy development. City staff recognizes the concerns of the Falcon Estates HOA and F C Y residents and understands the depth of negotiations that were previously had regarding this project site; however, land use patterns and zoning are constantly evolving with changing market conditions.



Based on the above analysis, the commercial landscape along North Academy Boulevard continues to evolve and zoning throughout the corridor appears to have been inconsistently applied. As such, staff recommends approval of the applicant's request as proposed.

ii. Major Development Plan Amendment

The applicant's proposed amendment of the BSK Subdivision Filing 1 development plan (**FIGURE 2**) illustrates updated site data to reflect the developed land uses and eliminates certain construction related stipulations. Additionally, the applicant updated the list of prohibited land uses on the plan to correlate with the applicant's zone change application. In updating the plan, the applicant retained all previously established site design and operational controls for the development to ensure the project continues mitigate off-site impacts.

Since the project did not include any site changes, no internal or external agencies were solicited for comments. Should future uses propose site changes, staff will ensure all applicable regulatory requirements and standards are met.

2. Conformance with the City Comprehensive Plan:

The applications submitted for this project were accepted when the City's previous Comprehensive Plan, adopted in 2001, was still in effect. In January 2019, City Council adopted a new city-wide comprehensive plan (herein referred to as "PlanCOS"). Staff has evaluated the proposed applications for conformance with PlanCOS and not the previous comprehensive plan.

According to PlanCOS, the applications appear to be consistent with the envisioned land use patterns for the subject parcels and larger commercial corridor. From the Vibrant Neighborhoods chapter of PlanCOS, the project site is identified as an Established Suburban Neighborhood typology. For this neighborhood typology, which is generally seen as predominantly built-out, the City expects infill and redevelopment to occur on undeveloped or underdeveloped properties. When new development is proposed, projects are encouraged to ensure safe connections into and within neighborhood.



As previously discussed, the commercial properties in the F C Y neighborhood along North Academy Boulevard have seen renewed commercial interest in recent years. With each change, the F C Y neighborhood has worked with developers to improve the commercial/residential boarder, and sought to make pedestrian and vehicular connections safer. These and other measures have helped to maintain the neighborhood's unique character and sense of place. In terms of the North Academy Rezone project, pedestrian connections are already established on the north and south sides of the project. In 2016, the owners of Lots 2 and 3 of BSK Subdivision Filing No. 2 secured City approvals to enhance the landscape treatments along Berglin Road. City staff are actively monitoring impacts from the commercial developments along North Academy Boulevard on the adjacent residential areas. Specifically, the City's Traffic Engineering Division is considering measures that would further minimize cut-through traffic into the neighborhood. With renewed interest in this and other existing neighborhoods, the City's ability to encourage livable communities and neighborhoods is only enhanced.

From the Thriving Economies chapter of PlanCOS, the project site and larger North Academy Boulevard commercial corridor are identified under the Life and Style typology. This topology encompasses already developed properties with much of the City's large retail and service sector businesses. A recommendation of this typology is to strengthen each area through the integration of more varied land uses. The applicant's proposed introduction of additional permitted uses on the project site is in-line with this recommendation. The proposed applications also enhance PlanCOS's direction for strengthening corridors and centers through the promotion of neighborhoods that meet the daily needs of residents and businesses alike.

As indicated above, staff finds the amended North Academy Rezone project and its associated applications to substantially conform to PlanCOS and its guidance.

3. Conformance with the Area's Master Plan:

The project site is part of the Falcon, Columbine & Yorkshire Estates Master Planned area, which identified the parcel for development with O-C (Office and/or Commercial Redevelopment) uses. While the applicant has proposed changes to the PBC zone district, these changes do not warrant an amendment of the approved master plan, as the project site will continue to be used commercially. Staff finds the North Academy Rezone project to be consistent and in substantial compliance with the Falcon, Columbine & Yorkshire Estates Master Plan as amended.

STAFF RECOMMENDATION:

CPC ZC 18-00178 – CHANGE OF ZONING TO PBC/CR

Recommend approval to City Council the zone change of 8.43 acres from (PBC/cr) Planned Business Center with Conditions of Record to (PBC/cr) Planned Business Center with Conditions of Record, based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B).

CPC DP 99-00215-A5MJ18 – MAJOR DEVELOPMENT PLAN AMENDMENT

Recommend approval to City Council the major development plan amendment for the BSK Subdivision Filing No. 1 project, based upon the findings that the amended development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E).