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ORDINANCE NO. O-1718-53

ITEM NO. 3b

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	S&S Family Properties, L.L.C.
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: C-2, General Commercial District East: A-2, Rural Agricultural District South: R-1, Single Family Dwelling District West: C-1, Local Commercial District and C-2, General Commercial District
LOCATION	Southwest Corner of Rock Creek Road and Pendleton Drive
SIZE	0.7808 acres, more or less
PURPOSE	One single-story retail building
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Legacy Business Park East: Rock Creek Road Overpass South: Single Family West: Vacant
LAND USE PLAN DESIGNATION	Commercial

**SYNOPSIS:** The applicant, S&S Family Properties, is proposing a rezoning for the 0.7808 acres of land located at the southwest corner of West Rock Creek Road and Pendleton Drive.

**BACKGROUND:** In June of 2009 City Council approved an agreement with S&S Family Properties, LLC to solidify the acquisition of property necessary for the completion of the Rock Creek Road Overpass on the west side of I-35. There were a number of components to the agreement, including language that committed the City to consent to closing the public street portion of the then existing Rock Creek Road that would no longer be needed west of Pendleton Drive. The agreement also provided that S&S Properties could seek to develop the

remaining parcel after the closure west of Pendleton Drive provided some conditions were met. The conditions were set forth in the agreement as follows:

- The development plan must be for a single-story commercial retail store with parking west of Pendleton Drive;
- The remaining parcel east of Pendleton Drive can be utilized only for drainage and open space requirements for the tract west of Pendleton Drive;
- A Restrictive Covenant must be filed of record evidencing the use restriction;
- City maintenance requirements for any open space, drainage and parking must be satisfied;
- No curb cuts will be allowed on Rock Creek Road; and
- Access to the parcel shall be allowed only on the southeast corner of the west parcel.

The NORMAN 2025 Land Use and Transportation Plan was amended with the 2009 agreement removing this tract of land from the Low Density Residential Designation and placing it into the Commercial Designation.

**ANALYSIS:** S&S Properties is now ready to move forward with the request to rezone the property from A-2, Rural Agricultural District to C-2, General Commercial District, with a Short Form Plat considered at a later date, but required prior to any development. Any development of the property will conform to the above noted development restrictions.

**ALTERNATIVES/ISSUES:**

- **IMPACTS** Staff has received a protest for the rezoning of the tract from an adjacent property owner, with the understanding additional protests are in the works. Neighbors have expressed concern with commercial uses locating adjacent to single-family homes with possible menu boards, loud speakers and other possible nuisances.
- **SITE PLAN** The approved site plan will be based on the above agreements for development of the site. Access to the site will be restricted to Pendleton Drive.

**OTHER AGENCY COMMENTS:**

- **PARK BOARD** There are no park requirements for commercially zoned property.
- **PUBLIC WORKS** The property is not platted. The applicant plans to move forward with a Short Form Plat once the zoning has been established.
- **FIRE** Subject to the submittal of a required site plan with a Short Form Plat, a fire hydrant may be required for fire protection. The remaining required public improvements are existing.

**STAFF RECOMMENDATION:** Based on the previous agreements for development and use of the site staff supports Ordinance No. O-1718-53.