



## PLANNING AND ZONING COMMISSION STAFF REPORT

**PROJECT:** 15705 University Avenue – Rezoning

**PREPARED BY:** Andy Kass AICP, Senior Planner

**REPORT DATE:** June 19, 2020

**MEETING DATE:** June 23, 2020

### GENERAL INFORMATION

**Applicant:** Andy Rowland

**Owner:** MDBB1, LLC

**Owner’s Representative:** Wally Pelds, P.E. – Pelds Design Services

**Request:** The applicant is requesting approval of a rezoning for an office / commercial development.

**Location and Size:** Property is generally located north of SE University Avenue and west of SE Waco Place, containing approximately 4.36-acres.

### AREA MAP



**ABOVE LEFT:** Aerial of Property identifying the area proposed to be rezoned. The area outlined in **BLUE** is proposed to be zoned C-4. The area outlined in **RED** is proposed to be zoned C-1A.

**LAND USES AND ZONING**

Location	Existing Land Use	Comprehensive Plan	Current Zoning
Property in Question	Vacant Property	Single Family Residential	C-4 (Office Park Commercial District) / PD-1 (Planned Development Overlay)
North	Vacant – Undeveloped	Single Family Residential	R-2 (One & Two Family Residential District)
South	Vacant – Undeveloped	Community Commercial	C-1 (Community & Highway Service Commercial District) / PD-1 (Planned Development Overlay)
East	Fox Creek Estates Plat 9	Single Family Residential	R-2 (One & Two Family Residential District)
West	Vacant - Undeveloped	High Density Residential	R-2 (One & Two Family Residential District)

**BACKGROUND**

The subject property is located north of SE University Avenue and west of SE Waco Place. The property is 4.36-acres in area and has an existing storage shed located on it. The property has been the subject to a number of rezoning requests over the years with the most recent request being in 2017. The request in 2017 was to rezone the property to allow a senior living center. The senior living project was never built and the previous owner has since sold the property to the applicant.

The applicant has submitted the necessary consent to the rezoning with consent from 58% from neighboring property owners for the area proposed to be rezoned. The rezoning sign was placed on the property on June 15, 2020. Notification to adjacent property owners was mailed on June 15, 2020. To date, staff has not received any correspondence either for or against the proposed rezoning.

**PROJECT DESCRIPTION**

A 0.92-acre portion of the property in the southwest corner of the site is proposed to be zoned C-1A (Neighborhood Commercial District). The Zoning Ordinance describes the Neighborhood Commercial District as, space for development that routinely assists the daily needs of the local traveling public while promoting scale and harmony with adjacent residential land uses. The remaining 3.44-acres is proposed to be zoned C-4 (Office Park Commercial District). The Zoning Ordinance describes the Office Park Commercial District as providing certain areas of the City for the development of professional and business offices. The bulk regulations for the C-4 and C-1A zoning districts are summarized below.

**Table 1: Standard C-4 requirements.**

Category	Standard C-4 (minimum)
<b>Lot Area</b>	No minimum
<b>Lot Width</b>	No Minimum
<b>Front Yard Setback</b>	40 feet
<b>Rear Yard Setback</b>	30 feet
<b>Side Yard Setback</b>	30 feet

**Table 2: Standard C-1A requirements.**

<b>Category</b>	<b>Standard C-1A (minimum)</b>
<b>Lot Area</b>	No minimum
<b>Lot Width</b>	No minimum
<b>Front Yard Setback</b>	30 feet
<b>Rear Yard Setback</b>	30 feet
<b>Side Yard Setback</b>	30 feet

The concept plan provided indicates four (4) buildings on the site and associated parking areas. Two of the buildings are shown to have underground parking. The largest building shown is 17,400 square feet in area and is located within the area proposed to be zoned C-1A. Sizes of buildings will be determined based on setbacks, required parking, and proposed uses within the buildings. The buildings shown are conceptual at this point and no users of the property have been identified at this time. As part of the development, a 30-foot landscape buffer will be required along the north, west and east sides of the property to screen the commercial and office development from the existing residential neighborhoods that surround the property. Access to the property is provided from SE University Avenue. The access is an existing full access point that is not signalized. A storm water retention pond is shown on the north side of the property to provide detention for the development.

**COMPREHENSIVE PLAN**

The Imagine Waukees 2040: Comprehensive Plan identifies the subject property as Single Family Residential which is defined as traditional forms of single family housing with lot sizes ranging from 8,000 square feet to 0.50-acres in area with an average density of 2 to 4 units per acre.

While the Comprehensive Plan identifies the property for single family residential, the proposed rezoning of the property is consistent with the definitions of the land use classifications of Neighborhood Commercial and Business Park within the Comprehensive Plan. The Comprehensive Plan defines Neighborhood Commercial as areas intended to serve surrounding residential neighborhoods and located along collector roadways or at the intersection of a collector and arterial roadway. The Business Park classification is defined as office or related uses arranged in formal business park settings or in smaller concentrations located throughout with proximity to major roadways being an important locational factor.

The subject property is located adjacent to existing single family and multi-family residential development and it is located along SE University Avenue which is classified as a minor arterial street. The proposed C-1A zoning is consistent with the definition of Neighborhood Commercial due to its proximity to existing residential development and its location along a major road. The proposed C-4 zoning is consistent with the definition of Business Park due to its location along a major roadway corridor and it being a small concentration of office development.

**STAFF RECOMMENDATION**

The proposed rezoning is in general conformance with the Comprehensive Plan as discussed above. In addition, the location of the property is suitable for office and neighborhood commercial development because of its location along SE University Avenue and the existing full access point. Buffering measures will be installed as development occurs to screen the development from adjacent residential uses. In addition, the architectural requirements within the Site Plan Ordinance will help ensure that appropriately designed buildings compatible with surrounding development are constructed on the property. Staff recommends approval of the rezoning for 15705 University Avenue.