

**SUPPLEMENTAL STAFF REPORT ON REVISED PETITION FOR ZONING ORDINANCE TEXT AMENDMENT**

**ZOTA 2013-9: FLEX SPACE PROJECTS IN THE WHOLESALE AND WAREHOUSE BUSINESS (B-4)  
AND LIGHT INDUSTRIAL (I-1) ZONES**

REQUESTED BY: The Howser Group, LLC

PROPOSED TEXT: (Note: Underlined text indicates an addition to the current Zoning Ordinance.)

**REVISED TEXT AMENDMENT:**

**ARTICLE 8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE**

8-21(b) Principal Uses

- ...
- 21. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
- 22. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
- 23. Adaptive Reuse Projects, as further regulated in 8-21(o)4.
- ...
- 26. Flex Space Project, as further regulated in Section 8-21(o)5.

8-21(o) Special Provisions:

- ...
- 5. Flex space projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
  - a. The property must be the site of an existing building with substantial lot coverage which does not allow substantial expansion of the building or parking facilities.
  - b. The existing building must remain on the property.
  - c. Principal uses in flex space projects shall include:
    - 1. Any of the principal uses permitted in the underlying zone.
    - 2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater.
    - 3. Churches and private clubs.
    - 4. Establishments for the retail sale of merchandise, food and food products.
    - 5. Restaurants, if under 4,000 square feet in area.
    - 6. Offices.
    - 7. Health clubs, athletic clubs and spas.
  - d. Accessory uses that are clearly incidental and subordinate to the principal uses.
  - e. Conditional uses:
    - 1. Drive-through facilities.
  - f. Prohibited uses:
    - 1. All adult uses, as listed in Section 8-16(e)(14 through 17).
  - g. Parking.
    - 1. Restaurants. As set forth in the B-1 zone.
    - 2. All other uses, one space per 600 square feet.
  - h. Signage, lot, yard and height requirements shall be as set forth in the underlying zone.
  - i. The applicant shall submit a statement with the development plan that shall address the following locational and compatibility factors, as well as other issues the applicant may wish to address:
    - 1. A Flex Space Project shall generally not be located on a major arterial. (If the Project is located on a major arterial, the applicant shall address whether additional parking needs to be provided to accommodate "impulse" customers).
    - 2. The Project shall generally be located in an area of mixed uses and zones.

3. The Project shall generally be located in an area which has historically had a mixture of retail and wholesaling types of uses.
4. The Project shall generally be located in a B-4 or I-1 area in which, due to small lot size, adjacent uses, or condition or status of roads, it would not be appropriate to construct larger B-4 or I-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.
5. The project shall generally not be located in a block front which contains residential zoning.
6. If the Project is proposed to include restaurant uses, the applicant shall demonstrate that any additional parking needed for restaurant uses is available and accessible.

**STAFF REVIEW:**

Since the Zoning Committee in early October, 2013, the staff and the petitioner met to discuss improvements to the proposed text amendment. The petitioner submitted a revised text amendment yesterday for staff review.

The staff identified three issues in our original staff report in early October, all of which have been further researched or been addressed by the petitioner's revised text. After considering other alternatives to the approach originally suggested by the petitioner, the staff believes that the general direction of this text amendment is acceptable and that a definition is not necessary, as the proposed text itself defines the use.

The blurring of zoning lines is not necessarily objectionable to the staff for some parts of the community, but the Zoning Ordinance already permits other mixed-use opportunities inside the defined Infill and Redevelopment Area. Therefore, this opportunity to permit a mixture of business land uses that are nuisance-free and non-hazardous should be available outside of the Infill and Redevelopment Area. This provides for some of the flexibility currently employed inside the Infill and Redevelopment Area, in a different way that the staff believes is more appropriate for outside of the I/R Area. Also, the staff is of the opinion the existing structure should not be required to remain on the property, but can if desired. From the staff perspective, there is a desire to encourage reuse and redevelopment in some B-4 and I-1 zones.

The staff would suggest a few minor refinements and the two more significant changes mentioned above to the petitioner's amended text amendment. The minor refinements include adding some text in to the intent of the B-4 zone, limiting establishments for retail sales to 8,000 square feet, switching the focus from the applicant to the Planning Commission in new Section 8-21(o) 5.h.

Staff Alternative Text

**ARTICLE 8-21 WHOLESALE AND WAREHOUSE BUSINESS (B-4) ZONE**

8-21(a) Intent – This zone is intended primarily for wholesaling, warehousing, storage operations and establishments whose activity is of the same general character as the above. To a lesser extent, this zone is also intended to provide for the mixture of professional offices and warehouses that promote reuse and redevelopment of older warehouses, allowing businesses to combine their entire operation in one building, as recommended for the Office/ Warehouse land use category in the Comprehensive Plan. This zone is also intended to encourage the adaptive reuse of older structures in or adjoining the Infill and Redevelopment Area to promote revitalization of these buildings, and the flexible use of sites outside of the Infill and Redevelopment Area. The Comprehensive Plan should be used to determine the appropriate locations for this zone. Consideration should be given to the relationship of this zone to the surrounding land uses and the adequacy of the street system to serve the anticipated traffic needs.

8-21(b) Principal Uses

- ...
- 21. Office uses, limited to a maximum square footage of 60% of the floor area in the building in which the use is located.
- 22. Office/warehouse mixed-use project, as further regulated by Article 8-21(o)(3).
- 23. Adaptive Reuse Projects, as further regulated in 8-21(o)4.
- ...
- 26. Flex Space Project, as further regulated in Section 8-21(o)5.

8-21(o) Special Provisions:

5. Flex space projects may be permitted by the Planning Commission upon the approval of a final development plan, subject to the following requirements:
- ~~a. The property must be the site of an existing building with substantial lot coverage which does not allow substantial expansion of the building or parking facilities.~~
  - a. The existing building site must be located outside of the defined Infill and Redevelopment Area remain on the property.
  - b. Principal uses in flex space projects shall include:
    - 1. Any of the principal uses permitted in the underlying zone.
    - 2. Schools; libraries; museums; art galleries; studios for work or teaching of fine arts, metal work, photography, dance, drama or theater.
    - 3. Churches and private clubs.
    - 4. Establishments for the retail sale of merchandise, food and food products, if under 8,000 square feet in area.
    - 5. Restaurants, if under 4,000 square feet in area.
    - 6. Offices.
    - 7. Health clubs, athletic clubs and spas.
  - c. Accessory uses that are clearly incidental and subordinate to the principal uses.
  - d. Conditional uses:
    - 1. Drive-through facilities.
  - e. Prohibited uses:
    - 1. All adult uses, as listed in Section 8-16(e)(14 through 17).
  - f. Parking:
    - 1. Restaurants. As set forth in the B-1 zone.
    - 2. All other uses, one space per 600 square feet.
  - g. Signage, lot, yard and height requirements shall be as set forth in the underlying zone.
  - h. The applicant Planning Commission shall, with the approval of any submit a statement with the development plan, consider that shall address the following locational and compatibility factors, as well as other issues the applicant may wish to address:
    - 1. A Flex Space Project shall generally not be located on a major arterial. (If the Project is located on a major arterial, the applicant shall address whether additional parking needs to be provided to accommodate "impulse" customers).
    - 2. The Project shall generally be located in an area of mixed uses and zones.
    - 3. The Project shall generally be located in an area which that has historically had a mixture of retail and wholesaling types of land uses.
    - 4. The Project shall generally be located in a B-4 or I-1 area in which, due to small lot size, adjacent uses, or condition or status of roads the nature of the roadway system, it would not be appropriate to construct larger B-4 or I-1 uses, such as truck terminals, manufacturing facilities or large warehousing facilities.
    - 5. The property is the site of an existing building with substantial lot coverage that does not allow substantial expansion of the building or parking facilities.
    - 6. The project shall generally not be located in a block front which that contains residential zoning.
    - 6. If the Project is proposed to include restaurant uses, the applicant shall demonstrate that any additional parking needed for restaurant uses is available and accessible.

The Staff Recommends: Approval of the Staff Alternative Text, for the following reason:

- 1. The proposed text amendment to create a "flex space project" in the B-4 and I-1 zones addresses a community need to promote more of a mixture of business uses in some appropriate locations outside of the defined Infill and Redevelopment Area.