

SUPPLEMENTAL STAFF REPORT ON PETITION FOR ZONING ORDINANCE TEXT AMENDMENT

ZOTA 2014-5: AMENDMENT TO THE SPECIAL PROVISIONS OF THE COMMUNITY CENTER (CC) ZONE

REQUESTED BY: A & M Hamburg, LLC

ALTERNATIVE TEXT: (See attached.)

STAFF REVIEW (cont):

A & M Hamburg, LLC, received a postponement recommendation from the staff at the Zoning Committee meeting three weeks ago - in part, because the original proposal increased the complexity of this Article of the Zoning Ordinance. Since that time, the staff has met with the petitioner and has reviewed several alternative text proposals, all of which were designed primarily to simplify the text amendment (agreed to, in principal, by the staff and the appellant). One such draft alternative was circulated to the Commission at their unofficial Work Session just last week.

Due to comments the staff heard at that meeting, still another draft (attached) has been prepared for the Planning Commission hearing. It has only one change from the version distributed at the Work Session – that being the re-insertion of a phrase the petitioner offered at the outset. Under the Special Provisions of the CC zone, only two commercial buildings would be allowed larger than 15,000 or 20,000 square feet in any contiguous CC area.

Under this text amendment draft, the only exceptions to this added building size restriction would be for mixed-use buildings, schools, churches and public buildings. This restriction will include grocery stores and will only allow big-box buildings adjacent to an interstate highway. One CC area, owned and/or controlled by the appellant, is located next to Interstate 75 and is bordered on a second side by Man o' War Boulevard

The staff would not suggest a further postponement of the applicant's text amendment if the one concern offered by the Planning Commission at last week's Work Session has been adequately addressed.

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

1. The proposed text amendment to the special provisions of the Community Center (CC) zone has been simplified from its original form. The staff and applicant are agreeable with the revisions to the proposal that have been crafted and refined over the past few weeks, for CC zones adjacent to an interstate highway.
2. After 18 years, there is a need to alter the base square footage restrictions in the CC zone, so that these areas will still be able to meet the commercial shopping needs of the surrounding neighborhoods.

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23A-9 COMMUNITY CENTER (CC) ZONE

23A-9(k) SPECIAL PROVISIONS

1. At least 25% of the net developable acreage of any development within a CC zone shall be open space.
2. At least 40% of the aggregated floor area of buildings within a development in a CC zone shall be devoted to residential uses as permitted in EAR-3; schools, churches and their accessory structures; and public buildings.
3. No building shall exceed ~~15,000~~ 20,000 square feet in floor area ~~unless, except:~~
 - a. ~~the a~~ a building which contains a mix of residential and non-residential uses; ~~or~~
 - b. ~~the a~~ a building, ~~is~~ designed and intended to be used for a school, church or public building; ~~or~~
 - c. ~~the a~~ a building is designed and intended to be used principally as a store selling food, produce and other grocery items (not primarily general merchandise) and not exceeding ~~50,000~~ 80,000 square feet; and
 - d. ~~up to two one~~ one additional buildings ~~exceeding 50,000 square feet,~~ which are ~~is~~ designed and intended to be used primarily as ~~a~~ stores selling general merchandise, which may include ~~ing~~ food, produce and other grocery items, ~~shall be permitted;~~ but only under the following conditions:
 1. the proposed building shall be located within a CC zone containing at least 30 net contiguous acres, and that has frontage on an interstate interchange;
 2. the building shall be part of an integrated development governed for all contiguously zoned CC land (excluding right-of-way) by a single development plan; and
 3. only one of the additional buildings may exceed 80,000 square feet in size; and
 4. any building exceeding 80,000 square feet in size shall also adhere to the "Design Guidelines for 'Big-Box' Establishments," excluding guideline numbers 6 and 14, which are contrary to other provisions of the CC zone. Such design guidelines shall be met unless waived by the Planning Commission through its approval of a final development plan.
 - e. the maximum number of buildings permitted over 20,000 square feet by subsections c & d (above) shall be two.
4. Parking areas shall be designed so as to minimize the placement of parking between the buildings and the adjoining streets.
5. Each development within a CC zone shall have access to a pedestrian accessway.
6. Each development shall provide suitable facilities for the parking of bicycles.
7. The development shall be screened from adjoining zones as for a business zone under Article 18-3(a)(1).
8. Structures shall be sited to avoid the rear of the building facing a street (other than an alley) to the greatest extent practicable.

NOTE: Text underlined & dashed through indicates an addition or deletion to the Zoning Ordinance.

Text shown in shading indicates an additional change offered by the Planning Staff.

