

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

**ZOTA 2012-11: AMENDMENT TO THE SPECIAL PROVISIONS OF THE  
COMMUNITY CENTER (CC) ZONE**

REQUESTED BY: A & M Hamburg, LLC

PROPOSED TEXT: (Note: Text underlined is an addition to the current Zoning Ordinance.)

**ARTICLE 23A – EXPANSION AREAS ZONING CATEGORIES AND RESTRICTIONS**

**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 and schools, churches and their accessory structures, and public buildings.
3. No building shall exceed 15,000 square feet in floor area unless:
  - a. the building contains a mix of residential and non-residential uses; or
  - b. the building is designed and intended to be used for a school, church or public building; or
  - c. the 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 square feet.
  - d. One additional building exceeding 50,000 square feet which is designed and intended to be used primarily as a store selling general merchandise, including food, produce and other grocery items, shall be permitted provided it is located within a CC zone containing at least 30 net contiguous acres, provided that the CC zone immediately adjoins and has frontage on an interstate interchange, and provided that such building is part of an integrated development governed by a single development plan.
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.

**STAFF REVIEW:**

A & M Hamburg, LLC, has requested a text amendment to Article 23A-9(k) of the Zoning Ordinance in order to modify the special provisions of the Expansion Area's Community Center (CC) zone to allow buildings larger than the current limit of 50,000 square feet, under certain circumstances. The petitioner proposes that the larger buildings would only be permitted if the CC zoned land is: (1) a minimum of 30 contiguous acres, (2) located adjacent to an interstate interchange, and (3) part of an integrated development governed by a single development plan.

The 1996 Expansion Area Master Plan was intended to establish a new approach to development coordination and regulations than had previously been used in the urban county. Specifically, the Plan encourages new development within the Expansion Area to function as a “community” with a mix of uses, housing types and land for economic development and community facilities. At the time it was adopted, it also created seven new land use categories, including the Community Center (CC) land use category, which is defined to include a mixture of retail, office, residential and civic uses; and cultural and religious institutions integrated around public spaces. Transition areas were also planned adjacent to these CC land uses. Following that planning effort, the Zoning Ordinance was amended to create comparable zoning categories that would only be utilized in the Expansion Areas, including the Community Center (CC) zone.

The intent of the CC zone, as stated in Article 23A-9 of the Zoning Ordinance, is to implement the CC land use category by “providing a mixture of residential uses and non-residential uses which serve the needs of the surrounding neighborhoods.” Commercial retail uses are permitted by right in the CC zone, but buildings are limited to 15,000 square feet in size in general, unless a mixture of uses exist within the building (with no limit to building size) or a grocery store (up to 50,000 square feet in size) is proposed. The original Zoning Ordinance language in 1996 was designed to create a mixed-use neighborhood center with the possibility for a small grocery store. Accordingly, most of the designated CC areas are located internally within areas primarily planned and developed as residential. However, one CC area, located on the applicant’s property, adjoins an interstate interchange and is bordered on a second side by an urban arterial (Man o’ War Boulevard), and on a third side by an expansion area boulevard (Polo Club Boulevard), which functions as a major collector street. The realignment of the CC area through a zone change request in 2009, along with its location on an interchange, makes it a more appropriate location for a large retail use, while still accommodating residential and other non-residential uses that can serve the adjoining ED areas. About three years ago, the Economic Development (ED) zone was amended because after 13 years, no ED land had been developed, and there was a need to alter the zoning parameters as they were too narrowly created. In the case of the CC zone, several locations have been developed, although not to their full potential. These circumstances have produced a desire to modify the existing limitations established 16 years ago for building size in the CC zone.

Other than the three provisions noted above, the applicant proposes no changes to the other special provisions of the CC zone, including the requirement that 40% of the aggregated floor area of buildings within the CC zone be non-commercial in nature. Thus, a mixture of uses will still be required for all CC areas, as recommended by the Expansion Area Master Plan.

After 16 years of very minimal development in the CC zones, the staff agrees that a change to the zoning regulations may now be warranted. The applicant’s proposal does limit the extent by which large commercial buildings would be permitted, thus limiting the creation of regional commercial centers, where a neighborhood-oriented commercial center was planned for in terms of infrastructure as well as land use. The proposed amendment will permit one “big-box” establishment or anchor store, but will maintain the square footage limits as established for other allowable uses. Since a “big-box” building would now be permitted, most of the “Design Guidelines for ‘Big-Box’ Establishments” should apply as they do in other business zones; that is, for buildings that exceed 80,000 square feet. That being said, two of the big-box guidelines are contrary to other special provisions already established for the CC zone and should not be adhered to. The staff would recommend adopting an alternative text which includes this requirement, as well as a formatting change and small grammatical tweak to Article 23-9(k) of the Zoning Ordinance.

**Staff Alternative Text:**

**ARTICLE 23A – EXPANSION AREAS ZONING CATEGORIES AND RESTRICTIONS**

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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; ~~and~~ schools, churches and their accessory structures; ~~and~~ public buildings.
3. No building shall exceed 15,000 square feet in floor area unless:
  - a. the building contains a mix of residential and non-residential uses; or
  - b. the building is designed and intended to be used for a school, church or public building; or
  - c. the 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 square feet; and
  - d. one additional building exceeding 50,000 square feet that is designed and intended to be used primarily as a store selling general merchandise, including food, produce and other grocery items, 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. 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.
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).
9. Structures shall be sited to avoid the rear of the building facing a street (other than an alley) to the greatest extent practicable.

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

1. The proposed text amendment to the special provisions of the Community Center (CC) zone will allow the option for a larger retail use in a CC area that meets the criteria, while still complying with the intent of the zone and the Community Center (CC) land use category.
2. As defined in the 2007 Comprehensive Plan, a mix of uses will still be required in CC areas to meet the needs of the surrounding neighborhoods.

TLW/BJR/WLS

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