



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 18, 2021

Re: **Tracts 3 & 4 – John Garry Drive – Rezoning** (Case # 256-2021)

Executive Summary

Approval of this request would rezone portions of Tracts 3 & 4 of an eleven (11) tract rezoning request within the Corporate Lake development, south of Rock Bridge High School, from M-N (Mixed-Use Neighborhood) to M-C (Mixed-Use Corridor). The purpose of the rezoning is to eliminate split-zoning of the tracts.

Discussion

Overall Rezoning Request Background

The applicant is seeking to rezone 11 tracts of land totaling 17.9 acres within the Corporate Lake development. The intent of the rezoning actions is to correct instances of split-zoning and to simplify the zoning on the applicant's property. The majority of the tracts are proposed to be consolidated into M-N zoning and removed from PD (Planned District) zoning. Of the 11 total tracts, 7 are proposed to be rezoned to M-N, 2 to M-C, and 2 to R-MF. It should be noted that Tract 11 was originally proposed to be rezoned to M-C; however, has been amended to be considered as M-N following the Commission's public hearing.

This case was presented to the Planning Commission as a single request with four (4) separate zoning recommendations. However, in preparing for Council action the Law Department requested that individual ordinances be prepared for each group of tracts seeking similar zoning. Given that Tract 11 was proposed to be zoned M-C, but has since been amended a separate report for Council's consideration has been prepared. As such, there will be four individual Council reports associated with this single case number.

To assist in providing clarity as to the tracts which are the focus of each Council report, the attached "Rezoning Locator Maps" have been included to highlight the tracts. Also attached to this report is a "Rezoning Exhibit" which identifies each of the tracts to be rezoned with the tract's current and proposed zoning. Areas shown as "Hatched" on the map are included within the boundary of the subject tracts, but are not included within the area that would be rezoned.

Tract Specific Rezoning Considerations

Tracts 3 & 4 were included in a larger annexation parcel which was permanently zoned C-1 (now M-N, Mixed-use Neighborhood) upon annexation in February 1990. In July 1990, the tracts were split-zoned C-1 and C-3 (now M-C, Mixed-use Corridor). The proposed rezoning would resolve the split-zoned nature of the tracts and bring the existing land use on Tract 3, a construction contractor shop (now defined as "mechanical and construction contractors"), into closer conformity with the current UDC zoning standards.



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The use on Tract 3 is presently a legal non-conformity within the M-N district given that it predates the 1990 annexation and permanent zoning. Furthermore, the use cannot be expanded under the existing zoning; however, if rezoned the use would remain a legal non-conformity, but could expand if a conditional use permit were granted and applicable use-specific standards were met.

The July 1990 rezoning of Tract 4 resulted approximately the northern 75-feet of the tract remaining zoned C-1 (now M-N); however, changed the balance of the Tract to C-3 (now M-C). This zoning changed coupled design revisions over time that included relocation of North Cedar Lake Drive to the north has resulted in an orphaned strip of M-N along the south side of the relocated roadway. While split-zoning is not prohibited by the UDC, the conflicts that such conditions create are not best practice. The rezoning of this tract would eliminate this condition and make the tract more easily developable under a single zoning classification.

The Planning & Zoning Commission considered the rezoning request at their September 9, 2021 meeting. Staff presented their staff report. There were no comments by the Commission. One member of the public spoke on behalf of the Cedar Lake Neighborhood Association, stating no opposition to the proposed M-C zoning on the subject tracts. Commissioners made a motion to approve the request, and voted unanimously in favor (8-0).

A copy of the Planning and Zoning Commission staff report, locator maps, rezoning locator maps, rezoning exhibit, public correspondence, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated.

Long-Term Impact: None anticipated.

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Land Use & Growth Management, Secondary Impact: Economic Development, Tertiary Impact: Mobility, Connectivity, and Accessibility



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Legislative History

Date	Action
07/02/90	Ord. 012663 – Approved C-3 zoning on Tracts 3 & 4 and C-1 zoning on Tract 3
02/19/90	Ord. 012517 – Approved C-1 zoning on Tracts 3, 4, & 11

Suggested Council Action

Approve the rezoning of the portions of Tracts 3 & 4 from M-N to M-C as recommended by the Planning and Zoning Commission.