



The North Lamar Combined Neighborhood Planning Area

Zoning Workshop 4, September 14, 2009

Meeting Notes

The fourth zoning workshop was intended to provide stakeholders with zoning recommendations based upon the feedback staff has received throughout the planning process.

The evening began with a process update given by Jacob Browning; he provided a review of the planning process and gave stakeholders a tentative timeline regarding the implementation of the neighborhood plan. Jacob also presented updates to the NLCNPA future land use map. Meeting attendees agreed with those changes discussed at the previous workshop.

Mark Walters, then, provided a brief zoning education including zoning principles, zoning district definitions, and other zoning terminology. Once the educational background was presented, Mark discussed staff's zoning recommendations for properties throughout the NLCNPA. Those areas and their proposed zoning can be found in the meeting's presentation.

During Mark's presentation, many questions were asked. They and their answers can be found below.

Q. What zoning district would be applied to a business being run out of a single-family house?

A. The zoning doesn't matter so much as the business having its home occupation status and following the rules applied to this status. But, LO (limited office) zoning could be an applicable zoning district to home occupation.

Q. How intense is LO?

A. LO is typically neighborhood scale, no more than 3 stories.

Q. Under which zoning districts are drive-thru businesses allowed?

A. Drive-thru's are allowed in all commercial zoning districts.

Q. Would a change in a conditional overlay generate a notification for a public hearing at Planning Commission and City Council?

A. Yes, it would.

Q. In addition to fast food restaurants, would a conditional overlay prohibit a drive-thru at a pharmacy such as Walgreen's?

A. Yes, it would apply to both types of drive-thru's. If a drive-thru was made a conditional use, they would be examined on case by case basis when the site plan went before Planning Commission. If they were prohibited by the conditional overlay, no drive-thru's could be constructed and cannot be appealed by Planning Commission or City Council.

Q. How high can a building go in a typical zoning district?

A. That depends entirely on the zoning district--different zoning districts allow for different heights. Also, the heights of buildings depend on surrounding uses--compatibility standards may limit the height of a building.

Q. What does a conditional overlay do?

A. It makes certain uses on a property conditional or prohibited. It triggers a public hearing at Planning Commission if a developer wants to develop a use that has been made conditional on his property.

Q. How is a "prohibited use" used?

A. Much like a conditional overlay, a prohibited use is an overlay on the existing zoning of a property. In essence, it lets you tweak the property's zoning.

Q. In reference to the area near Braker and I-35: When making auto-related businesses conditional, including car sales and washing, would the Enterprise Rent-A-Car fall under those categories of the proposed conditional overlay? Would it be grandfathered in? **[SLIDE 17 in presentation.]**

A. There is no need to grandfather in Enterprise because it does not fall into the proposed conditional overlay. It is a rental center, not a sales center.

Comment: (In reference to the area near Braker and I-35) This is a good example of the first principle Mark presented: that zoning should result in equal treatment of compatible properties in the area.

Comment: Staff is upzoning certain properties for them to become compatible to adjacent properties (in the northeastern corner of the NLCNPA, near Braker and I-35).

Q. Is there a way to prohibit excessive street parking near the auto-related businesses in the northern portion of the area?

A. Yes, to limit the intrusion of commercial parking into the residential neighborhood, there is a residential parking permit program that the neighborhood can opt into. The program will limit excessive parking at certain times of the day and week. We can provide more information on this later if anyone is interested.

Q. (In reference to Ferguson Drive) We should be thorough in limiting uses on these properties. Are there other uses allowed under the proposed zoning (CS-MU-CO) that we should make conditional or prohibited? **[SLIDE 20 in presentation.]**

A. We don't have an exact list of allowed uses in this zoning district. We can bring the list next time and decide on other potential conditional/prohibited uses.

Q. Should the three properties on Ferguson east of Turner be included in the CS-MU-CO proposed zoning?

A. Yes, all neighborhood mixed-use properties on the FLUM should have the CS-MU-CO proposed zoning.

Q. Can we recommend lot size changes? Can they be further subdivided through this process?

A. The City cannot change the legal size of any lot as set forth and approved by the County.

Q. How do we enforce illegal operation on properties?

A. Call 311.

Q. If the property is being leased and illegal operations are occurring, who is fined: the one leasing the property or the property owner?

A. The user of the property should be the one fined for illegal operations.

Q. (In reference to Provines Drive) The Mockingbird Hill neighborhood wants to limit commercial encroachment into the neighborhood, especially along Provines. What else can you propose to limit this? **[SLIDE 21 in presentation.]**

A. What we have proposed for the three properties on the north side of Provines at the intersection of Motheral is: LR-MU (neighborhood commercial - mixed-use).

Q. What about NO (neighborhood office) for less intensity?

A. That should be acceptable. So, for the three properties moving east from Motheral, the zoning should be: LR-MU, LO-MU (limited office - mixed-use), and NO-MU.

Q. Can the owners of these properties set up an arrangement with the City to change the zoning to small-lot residential while they continue to try to sell the properties?

A. We don't know how this could be implemented. A City Council policy would have to be in place for this to occur.

Q. (In reference to large vacant lot on Rundberg) We proposed urban home residential infill option last time for this property. Under the proposed zoning (SF-6, Townhouse & Condominium Residence), townhomes are allowed. Is there a difference in density between an urban home and a townhome? **[SLIDE 23 in presentation.]**

A. There really is no difference in density between the two. It just depends on the design of the development.

Q. (In reference to large vacant lot on Rundberg) If this is developed, could Brownie Drive be connected to Longspur Blvd.?

A. It could potentially be connected if the developer desires it so, but people in this area may not want to see this connection made because of Brownie being such a problematic portion of the neighborhood.

Q. Do the suite hotels (i.e., weekly rental hotels) fall under the "hotel/motel" definition?

A. Yes, they do. These types of hotels will also be made conditional under the proposed overlay for I-35 and North Lamar.

Q. (In reference to properties at Grady and Middle Fiskville) Can we add a condition to prohibit access off of Grady Drive? **[SLIDE 26 in presentation.]**

A. Yes. The proposed zoning for those properties at Grady and Middle Fiskville will be LR-CO (Neighborhood Commercial-Conditional Overlay) to prohibit access to/from Grady Dr. The remaining neighborhood commercial properties on the FLUM will get the proposed LR zoning.

Q. (In reference to multifamily properties on I-35) What is the conditional overlay on the northernmost MF-4 property? **[SLIDE 28 in presentation.]**

A. We don't know but will look into it and let you know next time. The CO may be applicable to the other multifamily properties, so we'll need to look into it. We'll also look at the current density of the each multifamily property to see if MF-4 zoning is appropriate.

Q. Could there be a conditional overlay that provides a buffer between the apartments and adjacent single-family homes? What about lighting or fencing?

A. These could be included in a conditional overlay for these multifamily properties.

Q. (In reference to the vacant lots at the end of Oertli Ln.) What is the difference between SF-5 (proposed zoning) and SF-6? I would like to SF-6 there. **[SLIDE 31 in presentation.]**

A. The difference is in the density allowed in each zoning district. We will look further into this and come back with an answer. But, we don't really foresee a problem with proposing SF-6 here.

Mark asked stakeholders if drive-thru's should be a conditional or prohibited use. Stakeholders decided to make them conditional.

Comment: (In reference to properties on Applegate west of Motheral) The neighborhood would prefer NO zoning to limit encroachment into the residential portion of the neighborhood. **[SLIDE 36 in presentation.]**

Staff Comment: Change the SF-3 property on Powell. (?)

Q. What is the proposed conditional overlay for the southern end of the NLCNPA? **[SLIDE 37 in presentation.]**

A. Auto-related businesses, same as North Lamar and the Braker Lane areas.

Q. The current zoning for Brownie Drive is MF-2. Is the current density appropriate for this zoning district?

A. Yes, the density is in accordance with the current zoning district.

The meeting ended with a reminder of the next meeting. We adjourned at approximately 8:35 p.m.