

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2007-66

Property Owner: Dickerson Realty Corp.

Petitioner: Dickerson Realty Corp.

Location: Approximately 1.73 acres located in a wedge area on the north side of Mallard Creek Church Road between David Taylor Road and Claude Freeman Drive

Center, Corridor, Or Wedge Wedge

Request: O-1(CD), conditional office district, to NS, neighborhood services district

Summary

This petition seeks approval to revise an approved plan for 20,000 square feet of office uses by reducing the square footage to 18,000 square feet but allowing up to 33% of the square footage to be used for retail and restaurant uses. The remainder may be for general office or medical uses.

Consistency and Conclusion

This proposal is inconsistent with the *Northeast Area Plan (2000)* since the retail square footage recommended in the plan has already been allocated. However, since the office zoning districts permit some ground floor retail by right, staff believes the limited retail being proposed is appropriate in this location.

Existing Zoning and Land Use

There are offices to the north in O-1(CD) zoning and a mixed-use center to the east in MUDD-O zoning. Across Mallard Creek Church Road to the south and west are offices in the University Research Park, zoned RE-2. There are also several vestige R-3 zoned lots.

Rezoning History in Area

There have been numerous rezonings to commercial, office, and mixed-use districts in this vicinity.

Public Plans and Policies

Northeast Area Plan (2000). The *Northeast Area Plan* recommends a mixture of retail, office, and research land uses for the subject parcels. The plan notes that retail should not exceed 75,000 square feet in this vicinity. Rezoning petition 2002-049 amended this portion of the land use plan to increase the retail square footage from 75,000 square feet to 85,000 square feet. The *Northeast Area Plan* also recommends that the site plan must be integrated and the uses should relate architecturally. The *Northeast Area Plan (2000)* provides general design guidance for the northeast area and should be supplemented with the retail GDP design guidelines.

Proposed Request Details

The site plan accompanying this petition contains these provisions:

- A total of 76 parking spaces are proposed.
- The site plan provides for a “potential” connection to the abutting office site.
- Storm Water improvements have been provided, both for water quality and peak/volume.
- Building heights are limited to 40 feet.
- Detached signs are limited to seven feet in height and 50 square feet in area.

Public Infrastructure

Traffic Impact / CDOT Comments. CDOT had no additional comments on this petition.

CATS. CATS had no comments on this petition.

Connectivity. The potential connectivity to the abutting office development is not a firm commitment and needs to be formalized as an easement.

Storm Water. Storm Water Services is satisfied with storm water provisions on the revised site plan.

School Information. This nonresidential petition will have no impact on the school system.

Outstanding Issues

Land Use. This request is inconsistent with the adopted land use plan since the recommended retail square footage in the plan has already been allocated. However, since the office zoning districts permit some ground floor retail by right, staff believes the limited retail being proposed is appropriate in this location.

Site plan. The site plan accompanying this petition contains the following deficiencies:

- The proposed parking is inadequate. The petitioner should modify the note to provide a parking standard for the range of uses being proposed. In particular, standards for restaurants and medical offices need to be included. Without these, the allowed uses could overwhelm the supplied parking.
- The “potential” connectivity to the abutting office development needs to be formalized as a cross-easement that could be activated by a future abutting owner. The current note has limited potential for ever being used.
- The note regarding doors to the Mallard Creek Church Road side of the buildings needs to be modified to conform to the supplied elevations. The note should clarify that those doors are entrances and must function as entrances/exits.