



Date: November 2, 2010

### STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: ZONING AMENDMENT ZP #573 Pnacek

APPLICANT: F/A Pnacek LTD

LOCATION: 800 Commerce Drive

PROPOSED: RC – Regional Commercial

AREA: approximately 4.72 acres

CURRENT: Residential (Larkin Township Zoning)

ADJACENT ZONING: North: Larkin Twp. RA, single family  
East: Larkin Twp. RA, single family  
South: Larkin Twp. RA, single family  
West: Regional Commercial/LCMR

ADJACENT DEVELOPMENT: North: Agricultural/Vacant  
East: Agricultural/Vacant  
South: Agricultural/Vacant  
West: Agricultural/Vacant

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### REPORT

Zoning Petition No. 573 is being initiated by Pnacek LTD for property located at 800 Commerce Drive. The request is to change the current Larkin Township Residential zoning to the City of Midland's Regional Commercial (RC). This property was annexed into the City on August 31, 2010.

### BACKGROUND

The property is a triangular shaped lot located north of Commerce Drive between Eastman and Jefferson Roads.

Rezoning this parcel to Regional Commercial would permit, either by right or by special or conditional use permit, construction of most types of commercial facilities that are permitted in the city, including retail, wholesale, distribution and drive through establishments.

## **ASSESSMENT**

In accord with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

### **1. Is the proposed amendment consistent with the City's Master Plan?**

Yes. The Future Land Use map of the City's Master Plan identifies this property as Commercial. This designation includes all commercial uses permitted in the City as well as small nodes of neighborhood development, commercial centers and larger suburban commercial centers. High intensity commercial uses are intended to be buffered from low density residential uses with medium or high density residential uses.

### **2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?**

Yes. In staff's opinion, the proposed rezoning would promote the intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's zoning code.

#### **Section 1.02 B INTENT**

*It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.*

**3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?**

Yes. Physical conditions on this parcel have not changed since the zoning ordinance was adopted however the parcel was recently annexed into the City. Immediately adjacent to this parcel there is commercial zoning with commercial development gradually filling Commerce Drive to the west.

**4. Will the amendment merely grant special privileges?**

No. The adjacent area has been planned for commercial uses since the Master Plan was adopted in 2007 and the Larkin Township Master Plan also shows this area as planned for commercial uses.

**5. Will the amendment result in unlawful exclusionary zoning?**

No. The rezoning would allow the permitted uses of the requested zoning classification.

**6. Will the amendment set an inappropriate precedent?**

No. The area is planned for commercial uses and with proper site planning, has sufficient infrastructure to accommodate this development.

**7. Is the proposed zoning consistent with the zoning classification of surrounding land?**

It is consistent with surrounding land uses for parcels that are in the City immediately to the west. The surrounding land to the north, east and south remains in Larkin Township with a single family zoning designation.

**8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?**

Yes, The Future Land use Plan shows this area and all surrounding areas to the south as Regional Commercial or LCMR. The Larkin Township Master Plan shows the land to the north and south as Commercial and to the east as Townhouse, which the Larkin Township Plan describes as attached single family and duplexes.

**9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**

Yes. The parcel could meet all the Regional Commercial (RC) zoning requirements.

**10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?**

The surrounding land uses are commercial to the west and vacant to the north, south and east. There is active commercial development and a clear trend toward this type of development to the west and southwest of the parcel. Land that remains in Larkin Township to the north, east and south does not show a trend toward commercial development, however, there is a large area of multiple family zoned property to the south of the parcel within the City limits. See attached zoning map for the location and proximity of this area.

**STAFF RECOMMENDATION**

Upon careful review of the requested zoning change, staff recommends approval of the rezoning petition as presented.

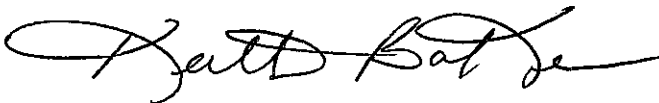
No public comments either in support of or in opposition to the petition has been received to date.

**PLANNING COMMISSION ACTION**

We anticipate that on November 9, 2010 the Planning Commission will hold a public hearing on the petition and on November 23, 2010 will formulate a recommendation to City Council. On December 6, 2010 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for January 10, 2011, at which time a decision will be made on the proposed zoning change.

Please note that these dates are preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

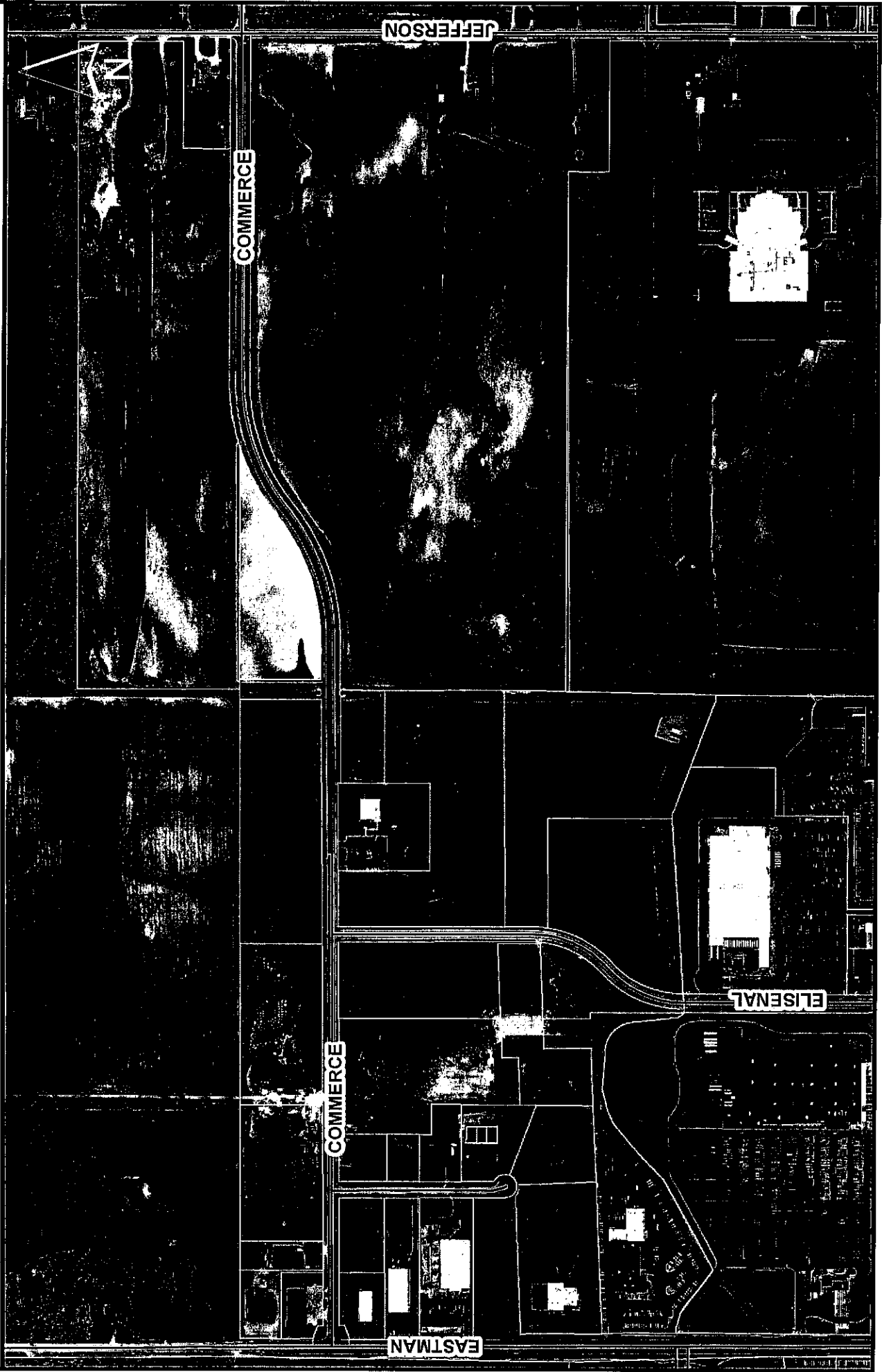
Respectfully Submitted,



Keith Baker, AICP, CFM  
Director of Planning and Community Development

KB/cw

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# Midland

ZONING MAP

- RA-1 RESIDENTIAL
- RA-2 RESIDENTIAL
- RA-3 RESIDENTIAL
- RA-4 RESIDENTIAL
- RB RESIDENTIAL
- RD MOBILE HOME PARK
- OS OFFICE SERVICE
- COM COMMUNITY
- AG AGRICULTURE
- NC NEIGHBORHOOD COMMERCIAL
- C CIRCLE DISTRICT
- D DOWNTOWN DISTRICT
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- LOWR LIMITED COMMERCIAL
- IA INDUSTRIAL
- IB INDUSTRIAL



ADOPTED: 1/1/2005

