DATE: June 23, 2005

SUBJECTS:

A. Request to Advertise “On the County Board’s Own Motion” a rezoning from “C-2” Service Commercial – Community Business Districts and “RA8-18” Apartment Dwelling Districts to “C-2” Service Commercial – Community Business Districts and “C-O-1.0” Commercial Office Building, Hotel and Apartment Districts; premises known as 3565 Lee Hwy (RPC #05-056-002).

B. Request to Advertise “On the County Board’s Own Motion” a site plan for approximately 51 dwelling units, approximately 8,545 sq ft commercial/retail, with modifications for bonus density; premises known as 3565 Lee Hwy (RPC #05-056-002).

C. M. RECOMMENDATION:

Authorize advertisement of public hearings on the subject rezoning and site plan for the September 6, 2005 Planning Commission and the September 17, 2005 County Board meetings.

ISSUES: None.

SUMMARY: On March 12, 2005, the County Board voted to deny the rezoning and site plan on property located at 3565 Lee Highway. The Zoning Ordinance states that a rezoning application for the same property shall not be considered by the County Board within a period of three hundred sixty (360) days from its last consideration, except on the County Board’s own motion. Additionally, the Zoning Ordinance states that site plan applications are to be filed within one hundred twenty (120) days prior to a public hearing, except on the County Board’s own motion.

The County Board, in its March 2005 decision, provided guidance and suggested that, with appropriate changes to the original proposal, the County Board would consider this application on its own motion. Changes to the application have been made per such guidance. Therefore, it is recommended that the County Board authorize the advertisement for public hearings on the
subject rezoning and site plan for the September 6, 2005 Planning Commission and the September 17, 2005 County Board meetings.

**DISCUSSION:** At its meeting of March 12, 2005, the County Board voted to deny the rezoning from “C-2” and “RA8-18” to “C-2” and “C-O-1.0” and the site plan for property located at 3565 Lee Highway at the northeast corner of the Lee Highway and North Monroe Street intersection. This proposal included a mixed-use building with ground floor retail and residential on the upper floors. In its denial decision, the County Board found that the proposal with the applicant’s conditions neither justified, nor ameliorated the impact of, the increased density through the rezoning and site plan. The project did not sufficiently resolve issues, which included the site design, the building height, the access and the on-street parking.

However, the County Board, in this decision, provided guidance and suggested that, with appropriate changes to the original proposal, the County Board would consider this application on its own motion. Subsequently, the applicant has made changes to the application per this guidance and has requested such consideration per the Zoning Ordinance. Section 36.F.4 of the Zoning Ordinance states: “No application for any change of zoning of the same lot shall be considered by the County Board within a period of three hundred sixty (360) days from its last consideration by the County Board. This provision, however, shall not impair the right of the County Board to propose a change of zoning on its own motion.” In addition, Section 36.H.2 of the Zoning Ordinance, in describing the site plan application process, states: “Every application for a site plan approval or a major site plan amendment shall be filed in writing with the zoning administrator a minimum of one hundred (120) days before the public hearing; however, the County Board may, on its own motion, schedule hearings for a date which is less than one hundred twenty (120) days from the date of filing the application.”

Authorizing the advertisement of a rezoning and site plan does not imply that the County Board supports the proposed change. If the County Board authorizes the advertisement, public hearing dates for the rezoning and site plan by the Planning Commission and the County Board shall be scheduled September 6, 2005 and September 17, 2005, respectively. During this time, staff would initiate an analysis of land use and zoning issues related to the proposed site plan proposal, based on which a final recommendation would be developed and presented to the County Board at the public hearing. Therefore, it is recommended that the County Board authorize the advertisement for public hearings on the subject rezoning and site plan for the September 6, 2005 Planning Commission and the September 17, 2005 County Board meetings.