

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/20/06

ITEM NO. 14 : **RS10 TO RS5; .954 ACRES; 523-543 ROCKLEDGE (MKM)**

Z-11-28-06: A request to rezone a tract of land approximately .954 acres, from RS10 (Single-Dwelling Residential) to RS5 (Single-Dwelling Residential). The property is located at 523-543 Rockledge. Submitted by Paul Werner Architects, for LC Anuff, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the approximately .954 acres from RS10 (Single-dwelling Residential) District to RS5 (Single-dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report and subject to the following conditions:

1. Staff recommends conditioned zoning to ensure the development will be compatible with existing, established, neighborhood along Rockledge Road;
2. Recording of a final plat prior to publication of the rezoning ordinance.

Applicant's reason for request:

"The request arises from the desire to provide more appropriate single family residences than what the current property is currently platted and/or planned. While our proposal increases the density slightly it is consistent with the adjacent properties in use and addresses the need for a buffer to the commercial property across Rockledge. Our Proposal also addresses a potential increasing problem along Rockledge by minimizing the required curb cuts."

KEY POINTS

- Property is currently platted with 3 lots. Rezoning is being requested to allow the property to be replatted and developed with 6 lots.
- The property was final platted as part of the Country Club Terrace Final Plat; recorded in September of 1935.
- Two rezonings have been approved recently for the lots on the east end of this block (lots 18-21 of Country Club Terrace Subdivision). These rezonings were from RS10 (Single Dwelling Residential) to RMO (Multi-Dwelling Residential-Office) and RSO (Single-Dwelling Residential-Office) Districts.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The property lies approximately 1/8 of a mile north of US Hwy 40/ 6th Street; a major arterial. There are a variety of uses in this area including a golf course, large lot single-family homes, high density apartments, several hotel/motels, professional offices, auto dealership, and a service station with the Greyhound bus station. There is a mix of uses in this area with the predominate uses being

commercial/office and residential. The general area also has substantial open space in the form of a private golf course and a 35 acre community park.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request conforms to land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval of this rezoning request by the City Commission and Ordinance publication.
- Submittal of Public Improvement Plans before final plat can be recorded.
- Recordation of Final Plat at the Register of Deeds Office.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Two neighboring property owners, Dick George and Dan Simons, called for information on the proposal. They both expressed concerns over the proposed lot sizes and the type of development being proposed.
- Dan Simons, 444 Country Club Terrace wrote in opposition to the rezoning request based on concerns that the smaller lots would increase the density of the area considerably and the development would be incompatible with the character of the neighborhood.

GENERAL INFORMATION

Current Zoning and Land Use:

RS10 (Single-dwelling Residential) District; undeveloped land with an in-ground pool servicing the house to the west (under common ownership).

Surrounding Zoning and Land Use:

RS10 (Single-dwelling Residential) District to the north; large lot single family homes and Lawrence Country Club with golf course.

RS10 (Single-dwelling Residential) District to the west; large lot single family homes.

CS (Commercial Strip) District to the east; motels and apartments.

RS10 (Single-dwelling Residential) and CS (Commercial Strip) District to the south; large lot single-family homes and motel.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

Staff Finding -- The surrounding properties are zoned RS10 (Single-dwelling Residential) and CS (Commercial Strip) Districts. Large lot (10,000 to 74,000 sq. ft.)

single-family residences are located in the RS10 Districts and a motel is located in the CS District.

II. CHARACTER OF THE AREA

This area is bounded on the east by US Hwy 59/McDonald Drive and on the south by US Hwy 40/W 6th Street. Several land uses converge in this area. Large lot, single family homes are located in the RS10 Zoning District bordering the Lawrence Country Club Golf Course and a 'peninsula' of RS10 Zoning with single-family homes extends south along Rockledge Road and Country Club Terrace to W 6th Street.

A node of development including motels, an apartment complex, offices, and an auto service station is located at the intersection of Hwy 59/McDonald Drive and Hwy 40/W 6th Street. Development along W 6th Street to the west includes apartment complexes, offices, multi-family dwellings, motels, and commercial uses. Land uses within an approximately 1/8 mile radius of the subject property include single-dwelling residences, office/residential, apartments, motels, offices, auto service and repair, and green space.

Staff Finding -- This is a high activity area, being located just to the northwest of a major arterial intersection (Hwy 40/6th Street and Iowa Street) with a mixture of uses. The most intensive uses are to the east of the subject property across Rockledge Road and to the south along the W 6th Street corridor. This area serves as a transition between the higher intensity uses along W. 6th Street and Rockledge Road and the single-family uses to the north. There is quite a bit of development in the area balanced with a large amount of open space.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"The property is unique in that as Rockledge runs to the Northeast the property gets deeper. Therefore the current lots are fairly large, in fact existing Lot 15 is almost half an acre. While it seems single family residences are appropriate due the adjacent properties, the current configuration is not. The current configuration does not help minimize potential curb cuts, which as Rockledge's uses has increased, this has a potential for creating traffic issues. For these reasons it does not seem the current configuration of the property is appropriate."

The purpose of the RS Districts is to accommodate predominantly single-dwelling detached units on individual lots. The districts are intended to create, maintain and promote housing opportunities for individual households. The differentiation between the different RS Zoning Districts is the size of the lots allowed. The RS10 requires a minimum lot size of 10,000 sq. ft. while the RS5 requires a minimum lot size of 5,000 sq. ft. The requested zoning change would not alter the type of use merely the lot size and, consequently, the density.

Staff Finding -- The site is suitable for single-dwelling residential uses; however, smaller lots may be preferable given the intensity of use on adjacent properties.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"There has never been any development associated with this property."

Staff Finding – The property was platted in 1935 and has been zoned for single-family residential since that time; although the zoning classifications have changed with the adoption of the 1966 Zoning Ordinance and the 2006 Development Code. The property has never been developed, with the exception of an in-ground swimming pool which serves an adjacent property under common ownership, but outside this rezoning request.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's response:

"The request will not detrimentally affect the nearby properties. In fact this development will enforce the current zoning of single family homes, at a slightly increased density. I feel it is more important to be consistent with the single family use as opposed to other uses which may be proposed along this street, due to its higher traffic volume and the commercial uses across the street."

This rezoning request is for Lots 13, 14, and 15 of the Country Club Terrace Subdivision. These lots are not addressed as they are vacant, but are located between 545 and 521 Rockledge Road. The property to the east, across Rockledge Road, is zoned CS (Commercial Strip) District and is occupied by offices and motels. The adjacent properties to the north, west and south are all zoned RS10 for Single-dwelling Residential.

The rezoning request would make 6 lots possible in this area. If each lot had an individual access point on Rockledge Road, the increased number of curb cuts in this small area could have a negative impact on traffic and the streetscape; therefore, Staff recommends shared access points be required for this development when the property is platted. The applicant has indicated it is their intent to provide shared access points for these properties.

The property is located in a transitional area with a variety of uses. Rezoning to a higher density residential use would allow a buffering use while retaining the residential character, rather than office or commercial. RS5 zoning permits single-dwelling residences on smaller lots than the RS10 zoning. The rezoning would allow 6 houses to be built, where only 3 are possible today. The additional 3 residences would result in additional trips on Rockledge Road.

If these lots are developed without attention being paid to compatibility with the neighborhood, they may detract from the character and quality of the existing neighborhood.

Staff Finding – The rezoning would allow 6 residences to be constructed rather than 3, which would result in a slight increase in the traffic volume on Rockledge Road. However, Rockledge Road is classified as a ‘minor arterial’ street so it is expected that the impact of the additional traffic from 3 additional residences would be slight. Possible negative impacts on the character of the neighborhood could be caused due to the higher density. These negative impacts could be mitigated or avoided with shared access points and conditions requiring compatible design.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant’s Response:

“There is gain to the general public in several ways. By approving the proposed development the owner will provide single family residences, however their access will be limited to two points along Rockledge. This will better serve the proposed residents as well as the general public who use Rockledge everyday.

The construction of single family homes will complete a portion of Rockledge which is currently in transition. Since there are single family homes on both sides we feel that is the appropriate use, however there is an argument for more intense uses, which may be appropriate, but not as desirable for the adjacent properties. Slightly more dense single family homes seem to provide an appropriate use for the subject property.”

Evaluation of this criteria involves comparing the effect of the denial of the application; both the gain, if any, to the community and the hardships imposed upon the landowner. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

The denial of the rezoning would prohibit smaller lots in this area and maintain the 3 platted lots as opposed to the 6 proposed. Upon development, the residences in this area would have the same setbacks and similar lot sizes as the neighboring properties, which would help maintain the character of the neighborhood.

This property has been platted as 3 lots and zoned for single-family residence since 1935 but has not been developed with residences to this time. The intensity of commercial and residential/office uses in the nearby area may act as deterrents to the development of large-lot, low density, single family homes.

Rezoning to RS5 would allow smaller lots, although the configuration of the property would prevent 5,000 sq. ft. lots. Given the depths of the lots and the required street frontage, the average lot size would be about 6,800 sq. ft. The impact of the narrow street frontage allowed in the RS5 District could be mitigated with a requirement for shared access.

Staff Finding – Denial of this rezoning request might benefit the community by helping maintain the character of the neighborhood, in keeping the density standard. The hardship to the landowner is that, as the land has remained undeveloped as zoned since 1935 it is likely the properties could not be developed and sold as low density residential properties.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The request conforms with the Horizon 2020 as proposed for several reasons. The proposal is consistent with the current adjacent uses, single family homes. While the proposal does increase the density slightly, the proposed zoning is still classified as low-med density, which is the identified land use for this area. The RS5 actually helps with the lot widths more than the actual density. The average lot size is just under the RS7 zoning district with is classified as low density, which is consistent with this area and Horizon 2020.

The ability to combine and minimize curb cuts is predominant goal throughout H2020. The ability to do this is helped by the slight increase of density along this stretch of Rockledge and therefore should be seen as beneficial to the neighboring properties and the city in general."

The proposed development would be both infill and transition. It would function as 'infill' as it is vacant property in a developed area, and as 'transition', as it is located between low-density residential and higher intensity land uses. *Horizon 2020* encourages infill development as a means of providing a variety of compatible housing types within a neighborhood and encourages design regulations to ensure compatibility. (Policy 3.3; page 5-14)

Strategies for residential development listed on page 5-1 of *Horizon 2020* include:

"A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments."

"The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods."

The comprehensive plan recommends that infill development should conform to lot size, housing type, scale and general architectural style of the area in which it is proposed. (Policy 3.3; page 5-14) However, the Plan also recommends using medium-density residential areas as a transition between low-density residential and more intensive land uses with compatible design. (Policy 3.2; page 5-26)

Policy2(d) of Compatible Transition recommends designing a medium-density area which is adjacent to a low-density residential area to continue the visual appearance of the streetscape through building massing, height, and orientation of structures. (page 5-26)

As the property's location allows the development to serve as both infill and transition, some blending of the recommendations is necessary. Both infill and transition recommendations in *Horizon 2020* emphasize compatible design.

Horizon 2020 recommends the following principles to maintain the form and pattern of established neighborhoods:

1. Building orientation should reflect the predominant neighborhood pattern and existing streetscape.

Buildings will be oriented toward Rockledge Road and will be consistent with the existing pattern.

2. Continuity of vehicular and pedestrian circulation patterns should be considered.

Vehicular circulation patterns may be altered if additional curb cuts were provided. Shared access, allowing a maximum of 3 curb cuts onto Rockledge Road, would maintain the vehicular patterns.

3. Open space patterns and front, side and rear yards characteristic of the neighborhood should be maintained.

The RS5 Zoning District allows slightly smaller setbacks than the RS10. However, these lots could observe the existing front yard setback on Rockledge Road, which is about 25' given the depths of the lots.

The front yard area shown on the concept plan does not maintain the open space patterns of the neighborhood. The shared driveway creates a paved area in the required front yard, with minimal greenspace. Shared access points with 2 driveways each would allow landscaped front yards which would be in keeping with the established patterns.

4. Building height should be compatible with the average height of homes in the neighborhood, especially adjacent residences.

The adjacent residences are split-level to the south, and single story to the north. Code does not provide the regulatory tools necessary to regulate housing styles, though conditions could be placed on the zoning which would require the housing to be compatible in regards to height and style.

The proposed rezoning is in conformance with *Horizon 2020* as an Infill/Transition use; however, *Horizon 2020* recommends that the design of the houses and the open space pattern and landscaping should be compatible with the adjoining neighborhood and streetscape.

Horizon 2020 Policy 3.1: Access to Low Density Residential Areas discourages fronting low-density residences on collector streets and recommends that driveway access be from a local street. (page 8-13) The Plan recommends that higher-density residential developments be located adjacent to arterial roads (Policy 1.6; page 5-22). Consolidated or shared access points are recommended for access to land use along arterials on page 8-2. The subject property is located on Rockledge Road, which is a minor arterial. The proposed rezoning would allow a medium-density residential development to be located adjacent to an arterial street, in conformance with *Horizon 2020*.

As this property is to be located partially within a residential area it is important that the development be designed to provide effective transition and also to maintain the neighborhood character along Rockledge Road. Care must be taken to ensure that this development is compatible with the nearby residential properties; especially given the increase in density which is required for the transition. Conditioned zoning should be utilized to achieve compatible design.

Staff Finding -- The proposed development is in general conformance with *Horizon 2020* with the exception of insuring compatible design with the adjacent neighborhood. The zoning should be conditioned to include guarantees that the development will be compatible as recommended in the comprehensive plan.

STAFF REVIEW

The low density residential use for which the property is currently zoned is not appropriate given the proximity of the highway and the intensity of adjacent land uses. This increase in density may provide a more 'mixed' neighborhood in lot sizes and perhaps a variety in home types as is recommended in *Horizon 2020* for infill or transition development. Minimizing the number of access points onto Rockledge Road, and providing lots that are larger than required by Code for the RS5 District will help make the development compatible with the adjacent neighborhood.

Landscaping should be utilized to maintain the existing streetscape and design regulations should be placed on the development, through conditioned zoning, to ensure housing which is compatible with the existing properties along Rockledge Road. Staff recommends approval of this zoning request with conditioned zoning. Integration with the neighborhood is one of the criteria for applying conditioned zoning.

The Planning Commission may condition the zoning and Staff would offer these suggestions:

1. Require a front yard setback equal to that of the established neighborhood. A 25' front yard setback is typical of the area. The 25' setback should be noted and the building envelopes shown on the final plat.
2. Require shared access points on Rockledge Road, with a maximum of 3 curb cuts possible. This should be noted on the face of the final plat and the access points shown with dimensions.
3. Provide elevations of proposed residences to Planning Office. The existing residences along Rockledge Road are single-story or 1 and ½ stories and many have brick or limestone accent features. 50% of the new structures, or more, should include brick or limestone accent features and building scale is limited to single story or 1 ½ stories.
4. Require additional landscaping along Rockledge Road to soften the impact of the higher density. A 15' wide street planting yard should be provided along Rockledge Road with a planting rate of 3 ornamental or understory trees and 15 shrubs per 100 linear feet. (This planting rate is consistent with the bufferyards required between areas zoned CS and residential in Section 20-1005(e) the Development Code.) Native grasses, forbs, bushes, and trees should be utilized to minimize maintenance with 1/3 of the plantings being evergreen species.



Figure 1. The view across Rockledge Road. From left to right are views to the northeast, the east, and the southeast.



Figure 2. The neighboring residences to the south of the subject property.



Figure 3. The neighboring residence to the north of the subject property.