

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
03/25/09

ITEM NO. 8: RM24 TO CS; 37,500 SQUARE FEET; 1725 NEW HAMPSHIRE STREET (MKM)

Z-2-2-09: Consider a request to rezone approximately 9,297 square feet at 1725 New Hampshire Street from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip). Submitted by Wally Storey Associates Inc, for Woodoc Investments, LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 9,297 square feet, from RM24 (Multi-Dwelling Residential) to CS (Commercial Strip) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

APPLICANT'S REASON FOR REQUEST

"Dillons Real Estate Companies is buying the property for their parking lot."

KEY POINTS

- The subject property is comprised Lot 30, Block 16 of Babcock's Enlarged Addition located at 1725 New Hampshire Street and owned by Woodoc Investments, LLC.
- The subject property is the site of an occupied, 6-unit multi-dwelling structure.
- The subject property is located immediately north of the existing Dillons store.
- The subject property is located in the Barker Neighborhood and is subject to the goals, policies and recommendations of *Horizon 2020*.
- Portions of the existing Dillons site have recently been approved to be rezoned from RM24 to CS.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The character of the area is comprised of commercial uses to the south and west with multi-dwelling residential uses to the northwest and north, and single-dwelling residential uses to the east.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning conforms to the goals and policies for commercial land uses.

ASSOCIATED CASES

- DR-2-12-09; rezoning and demolition request for subject property.
- Z-12-21-08; a request to rezone portions of the existing Dillons site identified as Lots 4-6 and 29 of Block 16 of Babcock's Enlarged Addition from RM24 to CS. The City Commission approved the rezoning on February 17, 2009.

OTHER ACTION REQUIRED

- Historic Resources consideration of the requested rezoning and demolition on March 26, 2009.
- City Commission approval of the requested rezoning following Planning Commission and Historic Resources Commission action.
- City Commission adoption of rezoning ordinance.
- Publication of rezoning ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff has communicated with two individuals that live in the surrounding neighborhood in an attempt to locate persons the applicant could contact in communicating with the neighborhood regarding the requested rezoning.

GENERAL INFORMATION

Current Zoning and Land Use:

RM24 (Multi-Dwelling Residential) District; 6 unit multi-dwelling structure.

Surrounding Zoning and Land Use:

CS (Commercial Strip) District to the south and west; existing grocery store and parking lot.

RM24 (Multi-Dwelling Residential) District to the north; multi-dwelling structure and associated parking lot.

RS5 (Single-Dwelling Residential) District to the east; residential uses.

SUMMARY OF PROPOSAL

The applicant proposes rezoning the subject property (Lot 30) from RM24 to CS so that the Dillons store parking lot may be expanded onto the property. The 6 unit multi-dwelling structure located on the property would be demolished to make way for the parking lot expansion.

The subject property is within the environs of two historic properties, the Edward House house at 1646 Massachusetts and the Eugene F. Goodrich house at 1711 Massachusetts. The Historic Resources Commission will consider this rezoning request and the proposed demolition at its March 26 meeting.

The Board of Zoning Appeals approved a variance from the minimum parking requirement for Dillons in 1982 to facilitate Dillons floor area expansion into what had previously been Calhoun's Clothing Store and Raney's Drug Store. As a result, the minimum off-street parking requirement was reduced from 213 to 178.

A conceptual plan has been submitted to assist with consideration of the rezoning request. The plan shows that there are 149 existing parking spaces on the existing Dillons site. Based upon the existing store floor area of 30,295 square feet the minimum number of required off-street parking spaces is



Lot 30 proposed to be rezoned from RM24 to CS.
(Lots 4-6 and 29 recently rezoned from RM24 to CS)
(Remainder of Dillons site (Lots 7-10 and 25-28) zoned CS)

152. The conceptual plan shows a parking lot expansion on the subject property proposed to be rezoned which will add 12 parking spaces to the Dillons site for a total of 161.

The parking lot expansion would require the demolition of the existing multi-dwelling structure and formal site plan review and approval prior to development. The area of the parking lot addition exceeds 1,500 square feet in impervious surface; therefore the formal site plan submittal would be reviewed as a Major Development Project. Such projects require the remainder of the Dillons site to be compliant with current city codes.

Staff has identified certain site features such as the on-street parallel parking along Massachusetts Street, parking lot landscaping and street access which are not compliant with current city codes. Under the Development Code interior and perimeter parking lot landscaping is required while none is provided on the existing site. The conceptual plan demonstrates that perimeter parking lot landscaping is feasible along Massachusetts Street, the northern property line and the eastern property line. The plan also shows the inclusion of some interior parking lot landscaping. The applicant has been advised of the need to close one of the existing access points to Massachusetts Street and the reduced parking requirement incentive that is available for such an improvement.

Staff is confident that approval of the rezoning would permit site improvements which meet current city codes while allowing continued use of the site by Dillons.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response – *"In conjunction with current and proposed usage."*

CHAPTER SIX, COMMERCIAL LAND USE

Map 6-1, Existing and Potential Commercial Land Use Location

The commercial development in this vicinity including the subject property is identified by *Horizon 2020* as an existing neighborhood commercial center. (Page 6-45)

Lawrence – Existing Commercial Areas (beginning on Page 6-13)

"The intersection of 19th Street and Massachusetts Street is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially-zoned property. New development and redevelopment proposals for this area shall include plans for the consolidation of curb cuts and provision of cross-access easements to adjoining properties." (Page 6-18)

Commercial Land Use Goals & Policies

Goal 1: Established Commercial Area Development
"Encourage the retention, redevelopment and expansion of established commercial areas of the community."

Policy 1.4: Redevelopment of Existing Commercial Areas
(A) *"Existing commercial areas should be improved and upgraded. Particular emphasis should be given to existing commercial gateways. Overall storm water management, vehicular and pedestrian access, and site maintenance shall be undertaken."*

- Goal 3: Criteria for Commercial Development
"Provide regional, community and neighborhood shopping opportunities to meet the commercial and retail needs of the community."
- Policy 3.5: Criteria for Neighborhood Commercial Centers
(D) *"Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers with a grocery store of 60,001 or more gross square feet may have up to a total of 125,000 gross square feet of commercial space."*
(E) *"No one commercial use in a Neighborhood Commercial Center shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet."*

According to the *2006 Retail Market Study*, the 19th Street and Massachusetts Street Neighborhood Commercial Center comprises 93,892 gross square feet of commercial space within buildings. (Table 2.1, Page 5) The proposed rezoning could result in a small increase in the amount of commercial space as the subject property is currently zoned residential and used for residential purposes and is proposed to be rezoned to CS. The indicated future use (parking lot) is not considered commercial space and therefore would not result in an increase.

While *Horizon 2020* does not recommend the expansion of commercial uses beyond the existing commercial zoning boundaries, the proposed rezoning would encourage the retention, redevelopment and expansion of an existing commercial area as stated in Goal 1 of the Commercial Land Use Goals and Policies.

Staff Finding –The rezoning conforms to the goals and policies for commercial land use in *Horizon 2020*.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding – The zoning of nearby property is CS to the south and west, RM24 to the north and RS5 to the east. The uses of nearby property are a grocery store and parking lot to the south and west, a multi-dwelling structure and parking lot to the north and single-dwelling residential to the east.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response – *"Dillons food store, Family Video, tire shop, hardware store, Kwik Shop, apartment complex. The majority of the block is all retail."*

Staff Finding – The subject property consists of a small lot with a multi-dwelling structure. The subject property is located between a commercial parking lot and commercial uses to the south and a residential parking lot to the north. The neighborhood is comprised entirely of commercial uses to the south and west with a large multi-dwelling residential structure and its associated parking lot to the north. The neighborhood transitions from commercial and multi-dwelling to a predominantly single-dwelling residential character to the east across New Hampshire Street and further north across 17th Street.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – The subject property is located in the Barker Neighborhood. The subject property and adjoining properties are not included in any adopted area and/or sector plans. *Horizon 2020* is the guiding plan for the neighborhood.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response – *"The removal of the subject property will help Dillons clean up their area and give them the extra parking."*

Staff Finding – The subject property is zoned RM24 and is restricted primarily to multi-dwelling residential uses. The subject property is the site of a 6-unit multi-dwelling structure. The subject property is very small and surrounded on three sides by parking lots. Additionally, it does not appear that the required minimum number of off-street parking spaces that are required for the existing multi-dwelling use are provided or may be provided due to the small size of the lot.

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

Applicant's Response – *"The subject property is currently occupied by college students."*

Staff Finding – The subject property is not vacant, it contains a 6-unit multi-dwelling structure that was built in 1950.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response – *"Remove an existing structure that has asbestos and clean up the area for the necessary parties."*

Staff Finding – Approval of the rezoning will allow the demolition of the existing multi-dwelling residential structure and future commercial use of the property. As a result, the Dillons site and parking lot may become more visible from the residential neighborhood to the east. The Dillons site is already quite visible in that the back of the store and a small portion of the parking lot abut the west side of New Hampshire Street. With the exception of the residential structure on the subject property and one detached dwelling structure at 1827 New Hampshire Street, commercial structures or parking lots line the west side of New Hampshire Street between 19th Street and 17th Street.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response – *"The gain is to benefit Dillons and their parking requirements."*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the

owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff Finding – Approval of the rezoning may promote the public welfare by allowing the subject property to become a part of the existing Dillons store property, thus increasing the store's site area. The Dillons store is a primary anchor of the established neighborhood commercial center at 19th and Massachusetts Streets. Increasing the store's site area will provide incentive to the owner to reinvest in the site. The continuing presence of a grocery store and potential for subsequent site improvements may contribute to the vitality and character of the neighborhood commercial center over the long term. Denial of the application restricts the site area which may reduce the likelihood for reinvestment in the site.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff Finding - Staff recommends approval of the rezoning request based upon the findings of fact outlined above.