

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
10/26/2009

**ITEM NO. 5: IG TO CS; .189 ACRES; 504 LOCUST ST (MJL)**

Z-8-12-09: Consider a request to rezone approximately .189 acres located at 504 Locust Street from IG (General Industrial) to CS (Strip Commercial). Submitted by Paul Werner Architects, for Michael J. Nunez, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 8,250 SF, from IG (General Industrial) District to CS (Commercial Strip) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** To create a continuous commercial zoning district from the proposed rezoning of the property directly to the west and the currently CS zoned property to the east.

**KEY POINTS**

- *Horizon 2020* encourages the retention, redevelopment and expansion of established commercial areas of the community.
- The property owner has no immediate plans to redevelop the property.
- The rezoning is consistent with the neighborhood plan.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Z-8-13-09 500-500½ Locust St; IG to CS

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

**ATTACHMENTS**

- Page Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None

**Project Summary:**

The subject property is zoned General Industrial and developed with a single-family residential structure. It is located between two commercially developed properties. The property to the east is zoned CS District and developed with a restaurant and the property to the west is zoned IG District (pending CS District zoning) and developed with a mixed use structure. By rezoning this property, it would create a zoning continuity across 3 properties for the inner-neighborhood commercial center. No changes to the property are proposed at this time.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *None*

**Staff Finding** – Goal 1 in Chapter 6 – Commercial Land Use is to “Encourage the retention, redevelopment and expansion of established commercial areas of the community”. This area meets the intent of the Inner-Neighborhood Commercial Centers but the centers are not specifically identified in *Horizon 2020*. This area has had a mix of restaurant and retail uses for a long time and this rezoning would help to expand the inner-neighborhood commercial center to make it one area instead of spots along Locust St. (as long as the property to the west is rezoned).

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

Current Zoning and Land Use: IG (General Industrial) District; detached dwelling

Surrounding Zoning and Land Use: North: IG District; Railroad r-o-w  
West: IG District (pending rezoning to CS District);  
retail shop/office/apartment  
South: RS5 (Single-Dwelling Residential) District;  
single-family dwelling  
East: CS (Commercial Strip) District; Restaurant

**Staff Finding** – The property to the west is currently zoned IG (pending rezoning to CS) and is developed with a mixed use structure. The property to the east is zoned CS and is developed as a restaurant. The property to the north is zoned IG and is railroad right-of-way. The property to the south is zoned RS5 and is developed with a single-family dwelling. If the adjacent property is rezoned, and this property is left at the current zoning, it could redevelop with an industrial use and would be one industrially zoned property in the middle of a commercial district.

## 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood contains a variety of uses; residential, commercial, industrial, a little bit of everything.*

**Staff Finding** – The neighborhood is a mix of residential, commercial and industrial uses.

## 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 within the planning area of *The North Lawrence Neighborhood Plan* adopted December 16, 1981. this plan is 28 years old and has not been updated. The plan identifies this property as Residential/Commercial uses on the future land use map.

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

Applicant's Response: *None*

**Staff Finding** – The property is currently developed with a single-family dwelling in an industrial zoning district. The current zoning makes the existing use a legal non-conforming use by code. By changing the zoning to the CS District, the use would remain a legal non-conforming use but the zoning would be consistent with the surrounding zoning (if the property to the west is rezoned). The property owner should register the non-conforming use in order to rebuild as it currently exists in the event of destruction beyond 60% of the fair market value.

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

Applicant's Response: *None*

**Staff Finding** – This property has been zoned industrial (M-3 Intense Industrial District) since the adoption of the 1966 Zoning Ordinance. It has been a single-family dwelling since 1880.

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

Applicant's Response: *We do not believe there are any detrimentally affects to the surrounding property owners.*

**Staff Finding** – This property could redevelop as a commercial use with an increase in traffic to and from the site, however this site is limited in size.

#### **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: *None*

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** – If denied, this property could potentially redevelop as an industrial use. No hardship upon the landowner would be resulted if the application is denied as there is no proposal to change the site at this time.

#### **9. PROFESSIONAL STAFF RECOMMENDATION**

The subject property is currently developed with a single-family dwelling unit. The properties on either side of the subject property are developed with retail/residential use zoned IG District and restaurant use zoned CS District. The property to the west also has a pending rezoning to the CS District. This rezoning would create continuity across a small, inner-neighborhood commercial district.

Staff recommends approval of the rezoning from the IG District to the CS District.