

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
10/26/2009

ITEM NO. 6: IG TO CS; .063 ACRES; 500-500 ½ LOCUST ST (MJL)

Z-8-13-09: Consider a request to rezone approximately .063 acres located at 500-500 ½ Locust Street from IG (General Industrial) to CS (Strip Commercial). Submitted by Paul Werner Architects for Sunrea Properties LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 2,749 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 better utilize the existing structure and to zone the structure more appropriately than the current industrial zoning.

KEY POINTS

- The property was developed as a mixed use structure over 100 years ago.
- Horizon 2020 supports the redevelopment of existing Inner-Neighborhood Commercial Centers.
- The property is not large enough to redevelop with an intensive commercial use.
- The rezoning is consistent with the neighborhood plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-8-12-09 504 Locust St; IG to CS
- SP-06-46-06 500 Locust Street (approved 8/23/05)
- B-05-15-05 500 Locust Street; site area, lot width, front yard, side yard, parking, # of off street parking

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:

Proposed request is for rezoning of an existing mixed use structure at the southeast corner of Locust and N. 5th Streets. This site is a small, 25' X 110' lot platted in 1869. The existing structure was built around the 1890's and has been a variety of uses. The site was most recently site planned for existing non-conforming residential and permitted office uses in 2005. The site

required 7 variances. The property owner would like to accommodate retail uses where as the current General Industrial District does not permit them. The non-ground floor dwelling unit would remain non-conforming. The area is a mix of residential, industrial and restaurant uses.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 encourages the improvement or redevelopment of existing commercial uses. This building has functioned essentially as a commercial use although currently zoned industrial. To allow some retail sales in this area would be a positive for the area. The commercial center located to the east shows how small commercial structures in the North Lawrence area can function and prosper well. There are structures to both the west that are currently non-conforming commercial centers and a commercial business located in CS already just to the east. We believe Horizon 2020 supports the structures to be used for some commercial uses in this area.*

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 listed in *Horizon 2020*. This area has had a mix of restaurant and retail uses for a long time and this rezoning would help the retention and redevelopment of the center.

Policy 3.3 encourages the redevelopment of existing Inner-Neighborhood Commercial Centers. With the proposed rezoning, this property would be able to have uses similar to the original intent of the structure when it was built. *Horizon 2020* states that the Inner-Neighborhood Commercial Center uses are most likely to develop with uses which may include book stores, coffee shops, food stores, beauty salons, etc. These are uses that are neighborhood oriented uses.

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

Current Zoning and Land Use:	IG (General Industrial) District; retail shop/office/non-ground floor dwelling unit
Surrounding Zoning and Land Use:	North: IG District; Railroad r-o-w West: IG District; restaurant South: RS5 (Single-Dwelling Residential) District; single-family residence East: IG (General Industrial) District; single-family residence

Staff Finding – This area is a mix of uses. The properties directly to the west are commercial uses and the property directly to the east (proposed rezoning to CS also) is developed with a single-family residential structure. The property to the north is railroad right-of-way and the property to the south is a single-family residential structure. This area along Locust Street has been a mix of uses for a long time. This rezoning could open the opportunity for the development of a use that could serve the immediate neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood contains a variety of uses; residential, commercial, industrial, a little bit of everything. With this being an existing building with an apartment above, it seems the variety of uses in the area clearly supports this rezoning request.*

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: *The property has had some limited success under its current zoning, but clearly a slightly expanded number of allowed uses would allow this property to be a more viable option for tenants and/or an owner occupied structure where the owners can live on the second floor and run a business on the first.*

Staff Finding – The property is developed with a small mixed use structure. The most likely use of the structure would be a small office or manufacturing/production use. The majority of the uses within the IG District would not be able to utilize this structure because of the limited size. This rezoning would allow retail, office or restaurant use.

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

Applicant's Response: *The property has been through a few tenants since being redeveloped 4-5 years ago. Locust Street seems to be a good corridor for the small specialty retail/office/consulting businesses. The rezoning would allow this structure to be a more viable option for the future.*

Staff Finding – This property has been zoned industrial (M-3 Intense Industrial District) since the adoption of the 1966 Zoning Ordinance. It has been the home to various businesses over time.

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. The structure at 500 Locust has been improved and the rezoning would only help it prosper. Due to its limited size, we do not believe there could be any negative effects from a slightly more intense use at this location.*

Staff Finding – By rezoning this property to the CS District, it could potentially redevelop with use that would cause an increase in traffic to and from the site. The site has 4 off street

parking spaces and would not be able to provide additional on-site parking. Potentially the site could have a use serving the immediate neighborhood and have more pedestrian traffic. The property could also combine with adjacent properties and redevelop.

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: *I think there is a clear gain to the area and the neighborhood by rezoning this property. The minimal increase in possible tenants will allow the structure to be a more viable option for numerous tenants. This will allow the building to prosper with no negative impacts on the surrounding properties. Clearly leaving the structure in an industrial zoning does not make sense. So, this is the best solution for the existing conditions.*

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 – There is little gain to the public if this site remains as it is today. It could create a hardship to the property owner to deny this application because it has in the past been difficult to rent to tenants within the permitted use groups in the current zoning. The size of the structure doesn't allow for many industrial uses. This rezoning could be a benefit to the neighborhood because it is generally better for the community to have structures that are occupied. The property has been used as a mixed use structure with commercial/ industrial uses since it was built. Additionally there are other commercial uses along the same street in this area. Without this rezoning, the landowner may continue to have a difficult time leasing the space.

9. PROFESSIONAL STAFF RECOMMENDATION

This property is a small, 2,749 square foot lot developed with a mixed use structure. The current IG zoning allows for office and industrial uses. The proposed rezoning would allow for redevelopment of retail and office uses. The surrounding area along Locust Street has a few restaurant and retail establishments in addition to residential uses. By allowing retail at this site, it would not be out of character of the area. This site would not be able to allow for many of the intensive uses allowed in the CS district as there are many site constraints. The previous site plan required 7 variances and all of these variances (site area, lot width, front yard setback, side yard setbacks, parking lot setback) will hold for a change in use except for the parking variance because the parking requirements are based solely on use. No physical changes to the property are proposed at this time. Currently the property to the east (504 Locust) also has a pending rezoning for the CS district. The property further east (508 Locust) is currently zoned CS and developed as a restaurant. This would create a larger CS district to serve the neighborhood.

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