

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

PC Staff Report  
01/25/10

**ITEM NO. 3: RSO TO RM15; 10.97 ACRES; 4300 W 24<sup>TH</sup> PLACE (SLD)**

**Z-7-11-09:** Consider a request to rezone approximately 10.97 acres, located on SE corner of Inverness and Clinton Pkwy at 4300 W 24<sup>th</sup> Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc, for Inverness Park LP, property owner of record.

**STAFF RECOMMENDATION from September 2009:** Staff recommends approval of the rezoning request [Z-7-11-09] for 10.97 acres from RSO (Single-Dwelling Residential-Office) to RM15 (Multi-Dwelling Residential) 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.

**Findings of Fact Summary Only**

**I. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**Staff Finding** – The ability to provide interconnected access between the subject property and the surrounding development is limited. The property is bounded on three sides by public right-of-way. Vehicular access to Clinton Parkway is prohibited. Non-motorized or pedestrian connection likewise is not feasible because of existing topography, land elevation, and infrastructure. Therefore connectivity of the property with the pedestrian network and surrounding development is limited to 24<sup>th</sup> Place.

Both the RSO and the RM15 zoning district may be used as a transition zone between properties. A key change that would result from approval of the request is the impact on building type. If approved, the building form would not be restricted to dwellings on individual platted lots. The proposed request is consistent with the basic recommendation found in *Horizon 2020*.

**II. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING**

**Staff Finding** -- There are a variety of zoning districts and uses in this area. The property is zoned RSO, a mixed residential/office district that is restricted to detached-dwelling, duplex, and attached dwellings on individual lots, community facilities, and office uses. Approval of the request will increase the amount of land dedicated to multi-dwelling use than originally planned for the area. Approval will also eliminate the opportunity for non-residential uses in this location.

**III. CHARACTER OF THE AREA**

**Staff Finding** -- The property is located in proximity to several existing residential subdivisions and apartment complexes. Lower density residential development is located to the east of Inverness Drive and south of the open space park. The proposed zoning is directly across from "The Grove", an apartment complex zoned as a planned unit development on the south side of

24<sup>th</sup> Street. The area has a mixed character with uses including high-intensity residential development, attached townhomes, and detached single family dwellings.

**IV. 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 not part of a designated neighborhood for which there is an adopted area or sector plan. The guiding document for this property is *Horizon 2020*. The property abuts an arterial street to the north. Access to the property will be limited to the local street, 24<sup>th</sup> Place. The property to the east and south are developed with multi-story apartments. These types of areas are noted in *Horizon 2020* to be suitable for more intensive development.

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

**Staff Finding** -- Development of detached housing in this location will be disconnected from similar housing in the surrounding area. Attached housing as an option in the RSO District requires individual lots. The subject property would be required to be replatted for individual lots and the dedication of right-of-way for public streets. Office use is limited to not more than 5,000 GSF in the RSO District and is suitable at the corners of the area along Clinton Parkway. Approval of the request reinstates the previous multi-family allowance that was allowed in the RO-1B District under the 1966 code with a slightly higher maximum density. Regardless of the change in zoning, development will require site plan approval prior to building.

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

**Staff Finding** – The subject property is undeveloped. The property is part of a larger tract that was annexed and rezoned in 1999 in anticipation of development. The southern portions of the original acreage have been developed with detached and duplex residential uses.

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

**Staff Finding** – Approval of the request will allow for the continuation of multi-family dwelling while maintaining the same base density. Approval of the request eliminates non-residential uses as a development option for the neighborhood.

**VIII. 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**

**Staff Finding** -- Approving the rezoning request would not alter existing benefit to the public health and welfare.