

**ITEM NO. 3 RS5 TO RSO; .36 ACRES; 1701 MASSACHUSETTS ST (MJL)**

**Z-11-15-10:** Consider a request to rezone approximately .36 acres from RS5 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office), located at 1701 Massachusetts Street. Submitted by Jennifer O'Driscoll, for First Church of Christ Scientists, property owner of record.

**STAFF PRESENTATION**

Ms. Sheila Stogsdill, Assistant Planning Director, presented the item.

Commissioner Harris inquired about the use of accessory parking that was allowed in the RSO District but not allowed in Residential.

Ms. Stogsdill said that would be a parking lot such as a separate lot. She said if the church wanted to expand and purchase property adjacent they might rezone to RSO so they could have an additional parking lot. She gave the example of the parking lot directly north of Castle Tea and directly south of the mortuary. She said that was an accessory parking lot developed after the mortuary was built and purchased to be supplemental parking for that use.

Commissioner Harris asked if it was a separate lot but accessory to a use on another lot.

Ms. Stogsdill said yes.

Commissioner Harris said she noticed that the RSO District could have a homeless shelter or community meal program.

Ms. Stogsdill said they would require Special Use Permits.

**APPLICANT PRESENTATION**

Ms. Jennifer O'Driscoll said she has been a veterinarian for about 7 years. She said it was her dream to have a specialized all cat veterinary hospital. She said she wanted to open an all cat facility because it was a calmer environment for cats to be in without barking dogs.

Commissioner Harris inquired about the possibility of conditioning the zoning to exclude the uses of a transitional shelter and a community meal program. She asked if Ms. O'Driscoll would object to that.

Ms. O'Driscoll said she would not object to the conditional zoning.

Commissioner Blaser asked if she would be leasing the property.

Ms. O'Driscoll said she would not be the owner of the property.

Mr. George Paley said he was the potential property owner (currently under contract) and he did not object to the conditional zoning.

**PUBLIC HEARING**

No public comment.

**COMMISSION DISCUSSION**

Commissioner Harris said Massachusetts Street was a gateway to the community and that there were also a lot of single-family homes in the area and she felt it would not be healthy to have the two uses of homeless or transient shelter and community meal program at that location.

Commissioner Finkeldei said he was not a fan of conditional zoning. He asked if it could be tracked.

Mr. McCullough said yes. He said the temporary shelter and community meal program would require Special Use Permits if they were the primary uses on the property. They would also be allowed as accessory uses to the religious institutions. He asked if the intention was to restrict out the accessory shelter and community meal program from a religious use as well. He said there were two different categories of use, the primary use and accessory use. He said the primary use would require a Special Use Permit and the accessory use would be allowed by right with a church located there.

Commissioner Harris said she did not know the difference but that she would be okay with the temporary smaller accessory use in that area, but not a larger facility as a primary use.

Commissioner Hird asked if the use went back to a religious institution would the restrictions apply.

Commissioner Harris said no because it would be an accessory use to the primary use of a church and the impact would be much smaller.

### **ACTION TAKEN**

Motioned by Commissioner Harris, seconded by Commissioner Dominguez, to approve the request to rezone approximately .36 ac, from RS5 (Single-Dwelling Residential) District to RSO (Single-Dwelling Residential Office) District based on the findings presented in the staff report, with the condition to exclude the primary uses for temporary shelter and community meal program and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 10-0. Student Commissioner Davis voted in the affirmative.