

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
1/24/11

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 RECOMMENDATION: Staff recommends approval of 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 and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Rezoning is requested in order to operate a feline only veterinary clinic in the existing building on the property.*

KEY POINTS

- The property is currently used and developed as a non-residential use (church).
- Property to the south is currently zoned RSO District and used as an office building.
- An office use is a less intensive use than a church use.
- The RSO District maintains the potential for redevelopment for single-dwelling residential uses and structures.
- The property currently acts as part of transitional area between commercial uses to the south and residential uses to the north.
- The proposal is generally in conformance with the comprehensive plan because it conforms to the transitional policies between uses.

ASSOCIATED CASES/OTHER ACTION REQUIRED

DR-11-137-10: Approved on 1/20/11 and determined it is in accordance with the *Standards for Evaluating the Effect of Projects on Environs* and *Chapter 22 of the Code of the City of Lawrence*, the standards of evaluation, staff recommends the Commission approve the proposed project and make the determination that the proposed project does not encroach upon, damage, or destroy listed historic properties and their environs with the following conditions:

1. Any changes to the approved project will be submitted to the Historic Resources Administrator prior to the commencement of any related work.

This property requires Historic Resources review because it is within the environs of the Eugene F. Goodrich House which is directly to the south and listed on the National Register of Historic Places, and the property on the northeast corner of 17th and Mass., the Edward House House which is listed on both the National Register of Historic Places and the Lawrence Register of Historic Places.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – No 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 from a single-dwelling residential district to a single-dwelling residential office district to allow for the reuse of the existing vacant religious facility into a veterinary office.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The request preserves the mixed-use nature of the neighborhood and repurposes an existing structure to house a small service-oriented business utilized by neighborhood residents.*

Staff Finding – Horizon 2020, Map 3-2 identifies the subject property as low-density residential use. Horizon 2020 discusses transitions and compatibility of those uses between low-density residential and commercial uses. Currently the subject property is a nonresidential use with office uses adjacent. This is an appropriate transition between the residential uses to the north and west of the subject property and the high-density residential and commercial uses to the east and south of the subject property. The proposal is generally in conformance with the comprehensive plan because it conforms to the transitional policies between uses.

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

Current Zoning and Land Use: RS5 (Single-Dwelling Residential) District; developed as a church

Surrounding Zoning and Land Use: North: RS7 (Single-Dwelling Residential) District; single-dwelling structure

South: RSO (Single-Dwelling Residential Office) District; offices

East: RS5 (Single-Dwelling Residential) District; apartment complex

West: RS5 (Single-Dwelling Residential) District; single-dwelling structures

Staff Finding – The surrounding area of the subject property is a mix of residential, office and commercial uses. The general area to the north is a mix of residential and the general area to the south is a mix of office and commercial uses including Dillon's. See map on following page.



3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood is a mixed-use area near downtown.*

Staff Finding – The character of the surrounding neighborhood is a mix of different residential, office and commercial uses. The subject property is on the edge of the commercial area to the south generally around 19th and Massachusetts Streets.

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 adjacent to the Oread and Barker Neighborhoods but not within any formal neighborhood boundaries.

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

Applicant's Response: *The existing structure and site is very suitable for a small religious assembly and somewhat less suitable for a residence.*

Staff Finding – The subject property is currently zoned for a single-dwelling residential use and developed with a church structure. The church is a permitted use in the RS5 District in addition to a single-dwelling structure. As developed, the subject property is a permitted use. A church is permitted in all residential districts.

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

Applicant's Response: *None (Not Vacant)*

Staff Finding – The subject property has been developed as a church since the mid 1900's and has always been zoned a single-dwelling residential district.

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

Applicant's Response: *A cat clinic does not result in noise, bad odor, or high traffic. The rezoning would positively affect nearby properties by utilizing an empty structure while preserving the exterior of the building and site.*

Staff Finding – The subject property is currently developed as a nonresidential use. The proposed use, a feline veterinary office, is considered a less intensive use and has a lesser parking requirement than a religious facility. The office uses, in addition to the residential uses, would generally be less intensive and could potentially have less evening and weekend activity. Additionally, the existing building is proposed to be reused, minimizing the change in the neighborhood character. Less intensive uses, and potentially less evening and weekend activity will not detrimentally affect nearby properties.

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: *Easily accessible veterinary services improve the public health by promoting good care of pet animals that are in contact with people. Denial of the rezoning application prevents the landowner from securing a professional, long-term tenant.*

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 – Denial of the request will maintain the strict single-dwelling residential zoning which permits single-dwelling structures, group homes, public and civic uses, recreation facilities and religious facilities. These uses are uses that have been determined to be compatible with single-dwelling residential uses and maintain that type of neighborhood atmosphere. There would be little gain to the public health, safety and welfare if the application was denied as the proposal would permit uses that are potentially less intensive than the existing use.

9. PROFESSIONAL STAFF RECOMMENDATION

CONCLUSION

The proposal is to rezone 1701 Massachusetts St. from the RS5 District to the RSO District. The RSO District zoning permits office uses in addition to the single-dwelling residential uses. The area is a mix of residential, office, and commercial uses and the subject property is currently developed as and until recently, used for a church. This property is the end of a transitional area from the commercial district at 19th and Massachusetts Street to the residential area to the north. This proposal would be consistent with zoning and office development of the property abutting to the south. The proposal is permit the applicant to reuse the existing structure for a cat only veterinary clinic office use. Additionally, a site plan approval and Historic Resources design review (property directly to the south, Eugene F. Goodrich House, is listed on the National Register of Historic Places and property on the northeast corner of 17th and Mass., the Edward House House which is listed on both the National Register of Historic Places and the Lawrence Register of Historic Places) would need to be submitted and approved before the use can change. The proposed office use would be a less intensive use as compared to a church use and potentially would have less activity on the nights and weekends as a church would. This rezoning would offer an opportunity for reuse of the property as developed and by reusing the existing church structure, help maintain the character of the area.

STAFF RECOMMENDATION: Staff recommends approval of 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 and forwarding it to the City Commission with a recommendation for approval.