

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

PC Staff Report  
3/28/11

**ITEM NO. 4      IG AND IL TO RMO; 3.9 ACRES; 800 BLOCK OF LYNN STREET (MJL)**

**Z-2-6-11:** Consider a request to rezone the 800 block of Lynn Street (bounded by Lynn St, Homewood St, Haskell Ave, and Bullene Ave), approximately 3.9 acres, from the IG (General Industrial) and IL (Limited Industrial) Districts to the RMO (Multi-Dwelling Residential-Office) District to implement recommendations in the adopted Burroughs Creek Corridor Plan. *Initiated by Planning Commission on 2/23/11.*

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 3.9 ac, from IG (General Industrial) District and IL (Limited Industrial) to RMO (Multi-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:** The *Burroughs Creek Corridor Plan* adopted in 2006 recommended rezoning the subject property to an office district. Staff is moving forward with the implementation of the plan.

**KEY POINTS**

- The request is part of the implementation of the *Burroughs Creek Corridor Plan*.
- The request is generally in conformance with the *Burroughs Creek Corridor Plan*.
- The proposed district acts as a transition between industrial uses to the north and residential uses to the south.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- None

**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-office request

**ATTACHMENTS**

- Page Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None

**Project Summary:**

Proposed request is to rezone 3.9 acres of vacant property from industrial to multi-dwelling residential-office. The *Burroughs Creek Corridor Plan* was approved by the City Commission on February 14, 2006. At the March 6, 2006 City Commission meeting, the Commission initiated the

“Tier 1” rezonings from the recommendations of the plan. The plan recommends the 800 block of Lynn Street, owned by the Salvation Army, be rezoned under the previous code from M1-A (Light Industrial) and M-2 (General Industrial) District to O-1 (Office) District. With the adoption of the *Development Code*, the O-1 District classification converted to the CO (Commercial Office) District. The rezoning was recommended for denial by both staff and the Planning Commission because of the potential commercial uses that could develop. Commercial uses are not supported by the plan or *Horizon 2020* at that location. The Planning Commission initiated and recommended approval of a rezoning to the RMO (Multi-Dwelling Residential-Office) District.

The City Commission has not taken final action on any of the rezonings because of unresolved issues regarding an unrelated site plan for the property. The rezoning and site plan applications have expired due to lack of action on the applications. The property remains vacant today.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

**Staff Finding** – The *Burroughs Creek Corridor Plan* recommends the subject property be rezoned to the previous code designation of O-1 (Office) District. Upon adoption of the current code, the O-1 District converted to the CO (Commercial Office) District. Commercial land use was not intended as a use at this property. Staff instead recommended rezoning to the RMO District to be consistent with the recommended office uses and also support the plan recommendation for residential infill. Staff believes the RMO District is consistent with the comprehensive plan.

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

Current Zoning and Land Use: IG and IL Districts; undeveloped

Surrounding Zoning and Land Use: North: IG and IL Districts; office-manufacturing-warehouse uses, mini-storage

South: RSO (Single-Dwelling Residential Office) District; single-dwelling residential: IG District; auto repair

East: RS7 (Single-Dwelling Residential) District; single-dwelling residential

West: IG District; contractor offices, warehouse

**Staff Finding** – The surrounding area of the subject property is a mix of residential, office and industrial type uses. Generally the property to the north and west are developed with uses of industrial nature and the property to the south and east are residential uses.



### 3. CHARACTER OF THE NEIGHBORHOOD

**Staff Finding** – The area is a mix of residential and light 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 within the planning area of *Burroughs Creek Corridor Plan* and the proposed zoning is generally in conformance with the plan. The plan recommends rezoning to the previous code designation of O-1 (Office) District. The current code does not have an office only district and staff has recommended rezoning to RMO which would offer the multi-dwelling use in addition to office uses.

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

**Staff Finding** – The subject property is currently zoned for medium- to intense-industrial uses. The subject property is appropriate for these uses as it is a large piece of property, adjacent to a minor arterial street and the property to the north and west are developed with light-industrial uses.

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

**Staff Finding** – The subject property is undeveloped. The property was originally platted and zoned for residential uses, much like what has developed to the south.

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

**Staff Finding** – The subject property is currently zoned for medium- and high-intensity industrial. The proposed rezoning will provide a more appropriate transition between existing industrial and residential uses. The following are uses permitted in the RMO District. Additionally Article 5 of the Code provides standards for certain uses in the RMO District to reduce impacts to adjacent properties. For example: drive-up windows, night drop windows or ATMs are not permitted and multi-dwelling structures are only permitted with at least 25% non residential uses. Staff does not feel the permitted uses would detrimentally affect nearby properties.

The following are uses permitted in the RMO District:

- Attached Dwelling
- Cluster Dwelling
- Duplex
- Multi Dwelling Structure
- Non-Ground Floor Dwelling
- Work/Live Unit
- Assisted Living
- Congregate Living
- Group Home, Limited
- Adult Day Care Home
- Cemeteries
- Funeral and Interment
- Social Service Agency
- Utility, Minor
- Extended Care Facility, General
- Extended Care Facility, Limited
- Health Care Office, Clinic, Center
- Outpatient Care Facility
- Passive Recreation
- Nature Preserve/Undeveloped
- Private Recreation
- Campus or Community Religious Institution
- Neighborhood Religious Institution
- Veterinary
- Administrative Professional Office
- Financial, Insurance & Real Estate Office
- Other Office
- Personal Improvement Sales & Services
- Bed and Breakfast
- Agriculture, Crop
- Communications Service Establishment

The following are uses permitted with a Special Use Permit in the RMO district:

- Detached Dwelling
- Manufactured Home, Residential-Design
- Group Home, General
- College/University
- School
- Cultural Center/Library
- Day Care Center
- Day Care Center Home, Class B
- Lodge, Fraternal & Civic Assembly
- Public Safety
- Temporary Shelter
- Community Meal Program
- Utility and Service, Major
- Active Recreation
- Private Dining Establishments
- Designated Historic Property Adaptive Reuse
- Telecommunications Tower

**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**

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** – The denial of this application will not create a hardship with the property owner as they could develop the property as currently zoned. However, a number of the uses listed above are not permitted in the industrial districts. The previously proposed uses by the property owner are permitted uses in this district. If the property owners wish to resubmit for a similar project, the uses would be permitted. Rezoning provides the potential gain to the general public that this vacant property will be developed and the new uses will be compatible with the residential uses directly adjacent to the subject property.

**9. PROFESSIONAL STAFF RECOMMENDATION**

**CONCLUSION**

The 800 block of Lynn Street is vacant property surrounded to the north and west by light industrial type uses and to the south and east by single-dwelling residential uses. Currently the property is zoned IG and IL District. This property is also within the planning area of the *Burroughs Creek Corridor Plan* which was approved in 2006. This plan recommends rezoning the property to an office district as a transitional use between the existing industrial and residential uses. The RMO District permits the uses the owner, the Salvation Army, had previously contemplated. This request is consistent with the comprehensive plan.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 3.9 ac, from IG (General Industrial) District and IL (Limited Industrial) to RMO (Multi-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.