

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
7/23/12

ITEM NO. 5 RSO & CS TO CO; 6.87 ACRES; 2000 BLUFFS DR (MJL)

Z-12-00021: Consider a request to rezone approximately 6.87 acres from RSO (Single-Dwelling Residential-Office) District and CS (Commercial Strip) District to the CO (Office Commercial) District, located at 2000 Bluffs Drive. DST Realty of Lawrence Inc, property owner of record.
Initiated by City Commission on 6/12/12.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 6.87 acres, from RSO (Single-Dwelling Residential Office) District and CS (Commercial Strip) District to CO (Commercial 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: *To make the property conforming.*

KEY POINTS

- The change remains consistent with *Horizon 2020*.
- The property has become nonconforming as the result of a new code adoption and not as a result of an action of the property owner.

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 request

ATTACHMENTS

- None

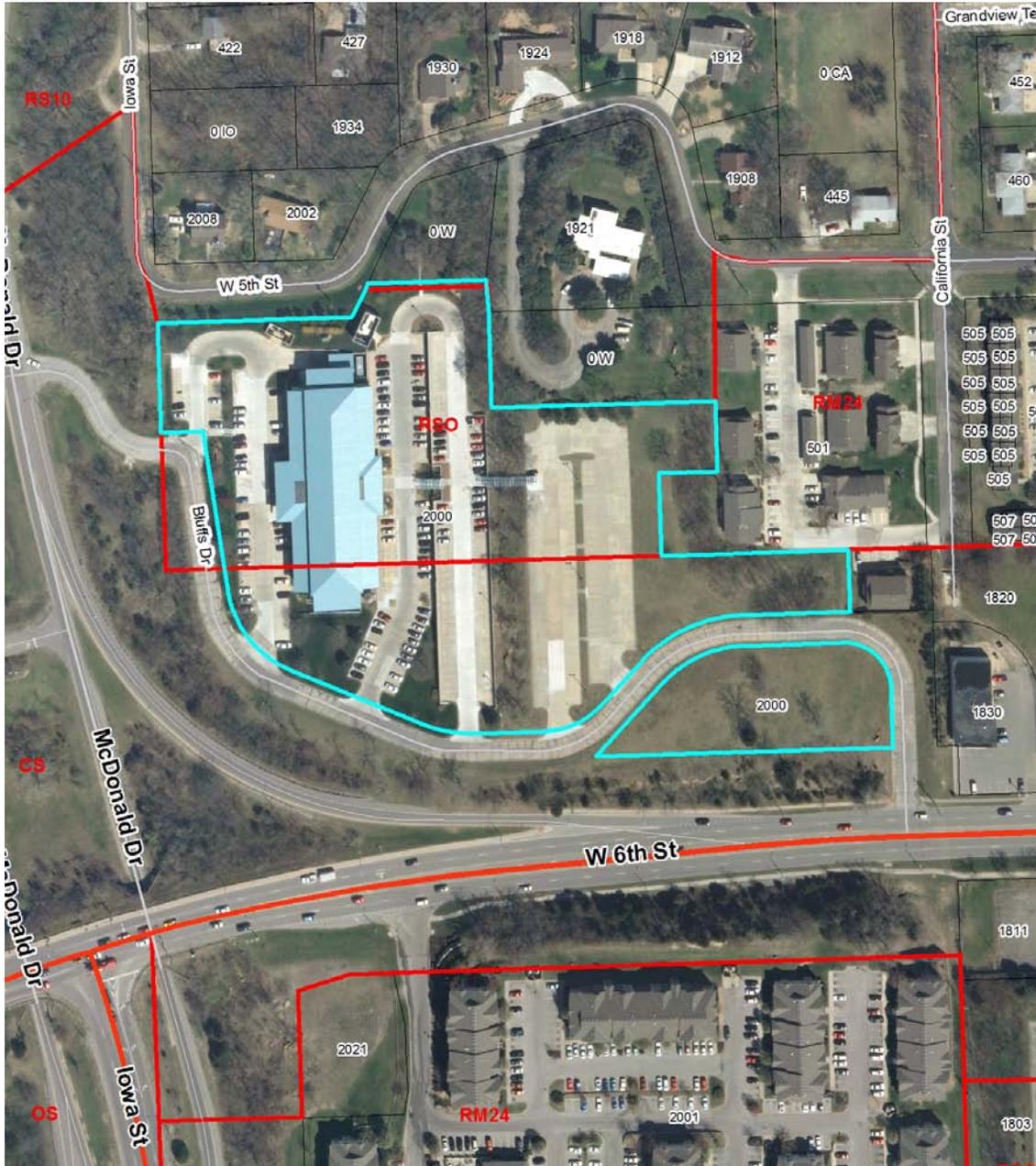
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is to rezone the subject property from the RSO (Single-Dwelling Residential Office) and CS (Commercial Strip) Districts to the CO (Commercial Office) District. The subject property has split zoning and was developed with an office building under the previous code. Under the previous code, the property was zoned RO-2 (Residence-Office) District and C-5 (Limited Commercial) District. The RO-2 and C-5 Districts did not have a use size standard. With the adoption of the *Land Development Code* in 2006 the RO-2 District converted to RSO District and the C-5 District converted to the CS District. The RSO District under the current code has a standard limiting the gross floor area of a building to a maximum of 3,000 square feet. This property became nonconforming under the current code solely because the structure is 25,628

square feet. The proposed CO District does not have floor area maximum and would allow the property to be a conforming use.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 identifies this property as office and/or commercial uses.

Staff Finding – The subject property is currently developed as a large office. This use is not proposed to change at this time. The property owner is trying to make the property a conforming use under the current code.

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

Current Zoning and Land Use:	RSO and CS Districts; office use
Surrounding Zoning and Land Use:	North: RS10 (Single-Dwelling Residential) District; single dwelling structures East: RM24 (Multi-Dwelling Residential) District; apartments CS; Car Quest Auto parts South: CS and RM24; apartments West: CS; hotels

Staff Finding – The nearby properties are generally developed with commercial and high-density residential uses. The property to the north is low-density residential uses and zoning.

3. CHARACTER OF THE NEIGHBORHOOD

The character of the neighborhood is a mix of residential, office and commercial uses. The subject property acts as a buffer to the more intensive uses along W. 6th Street.

Staff Finding – The character of the area is a mix of uses. The proposed zoning change would not change this character as the same type of uses are permitted in the office and commercial zoning districts that exist.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – There are no adopted sector or neighborhood plans for this area.

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

The subject property has been restricted further than it was under the previous code causing a nonconformity in regards to the existing use.

Staff Finding – The property itself is suitable for the uses to which it has been restricted as an office use. The issue is that it was developed legally under the previous code and because of a new code and square footage size standard, the property is now nonconforming.

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

Staff Finding – This property was developed in 1987 as an office building and has been used as such since. This property has been zoned for business uses since early zoning in Lawrence.

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

The property is currently developed and was developed by right under the previous code. There are no proposed changes at this time and the CO District permits similar types of uses as the existing zoning.

Staff Finding – The new zoning will not detrimentally affect nearby properties as the CO District is similar in nature to the existing RSO and CS Districts and the previous RO-2 and C-5 Districts

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.

There would be little gain to the public if the property is not rezoned as the uses are similar and the existing use is not proposed to be changed at this time. The hardship for the landowner could be potential issues with financing a property that is a nonconforming use.

Staff Finding – There would be little gain to the public if the application is denied as the proposed zoning is similar in permitted uses as the existing zoning districts. The hardship imposed on the landowner would be greater as there is the nonconforming use label on the property which happened as a result of a new code adoption and not a result of the landowner actions.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property was developed as a large office structure under the previous code RO-2 and C-5 District regulations. With the adoption of the 2006 code, a portion of the property was rezoned to the RSO District. This district includes a standard that limits office square footage to a maximum of 3,000 sf. The previous code did not have such a restriction. Because of this code change, the subject property has become nonconforming which can cause issues with financing. This nonconforming status is not the result of something the property owner did but the result of code changes. The property owner requested rezoning to bring the property into conformance.

Staff recommends approval of the request to rezone approximately 6.87 acres, from RSO (Single-Dwelling Residential Office) District and CS (Commercial Strip) District to CO (Commercial Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.