

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
10/22/2012

ITEM NO. 3 CS TO RS5; .1 ACRE; 833 CONNECTICUT ST (MJL)

Z-12-00147: Consider a request to rezone approximately .1 acre from CS (Strip Commercial) to RS5 (Single-Dwelling Residential), located at 833 Connecticut Street. Submitted by Leslie Soden, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4,679 SF from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) 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: *Zone to current use.*

KEY POINTS

- The proposal is consistent with the comprehensive plan and the neighborhood plan.
- The proposal is zoning to the current use.
- Residential zoning would help to maintain existing housing stock.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- DR-12-00149: Design Review, administratively approved and to be confirmed by the HRC on October 18, 2012

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

- Zoning map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is for the rezoning of property located at 833 Connecticut Street.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Identified as low density residential*

Staff Discussion: The future land use map identifies this property as low-density residential. Chapter 6 – Residential Land Use, Goal 3: Neighborhood Conservation, Policy 3.2: Protect Existing Housing Stock speaks to preserving existing dwelling units.

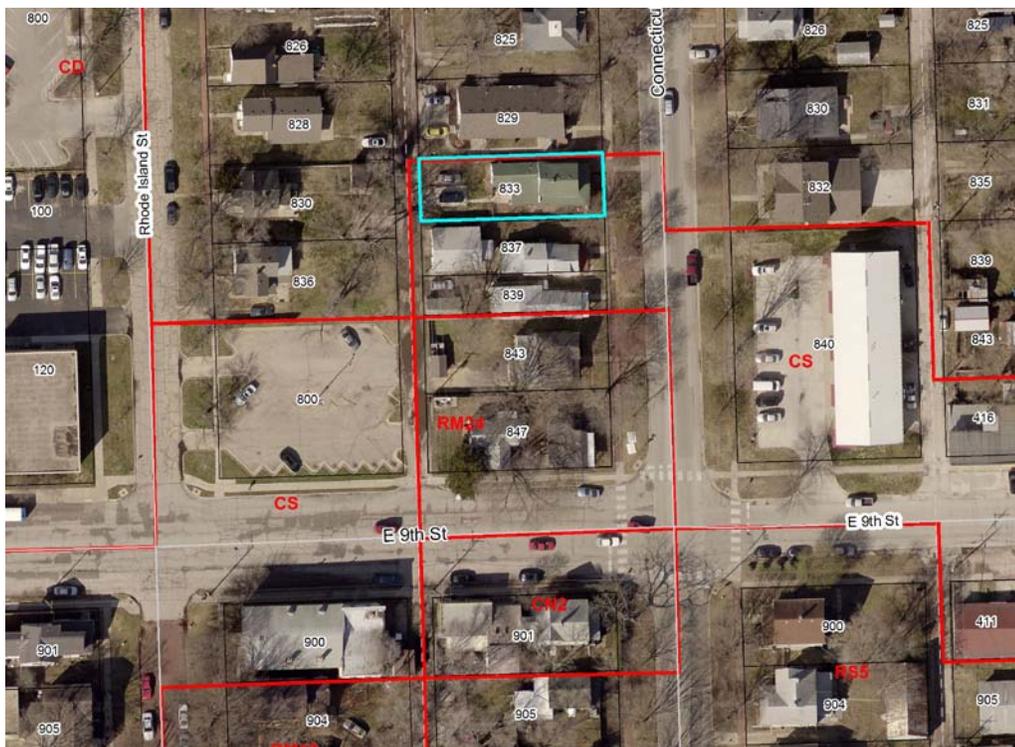
Staff Finding – The subject property was originally developed with a single-dwelling in the late 1890's and has been maintained as such to date. Chapter 6 discusses protecting low-density residential neighborhoods and preserving existing dwelling units. This rezoning is in conformance with the comprehensive plan.

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

Current Zoning and Land Use: CS (Commercial Strip) District; Developed with a single-dwelling residential

Surrounding Zoning and Land Use:

- North: RM24 (Multi-Family Residential) District; Developed with a duplex
- East: RM24 District; Developed with a duplex and a single-family residence
CS District; strip center with office/commercial uses
- South: CS District; Developed with a single-family home
- West: RM24 District; developed with single-family homes and a duplex



Staff Finding – The zoning and use of the surrounding properties are a mix of multi-dwelling residential and commercial strip zoning. The land uses are a mix of commercial/office and single-family and multi-family residential.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *single-family residences*

Staff Discussion: The neighborhood is a mix of uses and zonings. The closer to Massachusetts Street, the more mix there is. The lots are generally small with homes built in the late 1800's or early 1900's.

Staff Finding – The neighborhood character is a mix of residential densities with some small scale commercial/office mainly along the east/west streets.

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

This property is within the East Lawrence Neighborhood Association boundaries and within the boundaries of the East Lawrence Neighborhood Revitalization Plan.

Staff Finding – The neighborhood plan speaks to maintaining appropriate land use and zoning, and protecting residential zoning, especially single-family uses. Though the subject property is not currently zoned residentially, it is developed with a single-family residence. The area where the subject property is located, the surrounding land use is single-family residential and could be considered the appropriate land use. In order to protect the land use, the zoning should match the use and be changed to a single-family residential zoning district.

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

Applicant's Response: *Currently zoned as CS, the lot size is too small to develop as CS, has always been used as residential.*

Staff Discussion: The property is zoned commercial and developed with a single-family structure. This lot is 4,679 square feet and would need many variances or to be combined with surrounding lots in order to redevelop commercially.

Staff Finding – The subject property is not suitable for the uses to which it has been restricted. The lot is small for commercial development and sits in the middle of residential structures.

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

Applicant's Response: *built in approximately 1880 and always used as residential.*

Staff Discussion: This property was developed in 1880 with a single-family residence.

Staff Finding – The subject property has not been vacant for over 100 years and has remained as developed, as a single-family residence.

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

Applicant's Response: *None - no change in use.*

Staff Discussion: The properties on either side of the subject property are residentially developed. The use is not proposed to change at this time and will allow for the protection of the existing structure.

Staff Finding –Approving the rezoning will not detrimentally affect nearby properties. The rezoning will help to protect the existing use and prevent the demolition of the existing housing stock to redevelop commercial uses as it is zoned. Approval of the proposed change would be beneficial for those properties currently used for single-family housing in the immediate area. The proposed changes will also act as protection against encroachment of non-residential uses into the adjacent residential neighborhood. Regulations added as a result of this rezoning would include the review and regulations applicable to any parcels used as rental housing.

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: *Correct zoning of actual usage helps property owner in obtaining mortgages, rebuilding in case of disaster, helps protect neighborhood plan in promoting/protecting single family residences*

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 Discussion: There would be no public gain if the proposed rezoning was denied verses it being approved. The hardship to the landowner could be difficulty selling the property since the zoning does not match the land use. The use is a registered nonconforming use as it was established before zoning regulations were adopted in the city. This registration offers certain protections though lenders sometimes do not look favorably on nonconforming use situations such as this.

Staff Finding – The hardship imposed on the landowner as a result of the denial of this application could be greater than the gain to the public. The public would have no gain regarding health safety or welfare if the application were denied. The property is developed as a single-family structure and would remain as such. Approval of the rezoning would be consistent with the use, could help to maintain existing housing stock in the neighborhood, and assign an appropriate land use designation to the property for its current and intended land use as a single-family home.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property is currently developed as a single-family structure and zoned for commercial use. The property owner would like to zone the property to the existing use to help maintain the existing housing stock in the neighborhood. The surrounding properties are a mix of different residential densities and a small amount of commercial/office uses. The properties directly

adjacent are developed with residential uses. The property is currently a registered nonconforming use and is for sale. Even with the registered status, it may be difficult to sell the property as developed with the commercial zoning. The property is a small lot and would be difficult to redevelop as a commercial use without variances and/or assembling nearby properties. The neighborhood plan supports maintaining appropriate land use and zoning, and protecting residential zoning, especially single-family uses. Rezoning the property to the RS5 District would protect the existing use remove the nonconforming use status and help to implement the neighborhood plan.

Staff recommends approval of the request to rezone approximately 4,679 SF from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.