

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
4/21/2014

ITEM NO. 1: RSO TO CN1; .126 ACRES; 512 & 514 LOCUST ST (DRG)

Z-14-00056: Consider a request to rezone approximately .126 acres from RSO (Single-Dwelling Residential-Office) to CN1 (Inner Neighborhood Commercial) District, located at 512 & 514 Locust Street. Submitted by Quentin Cole, property owner of record. Initiated by City Commission on March 25, 2014.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 5,500 SF, from RSO (Single-Dwelling Residential-Office) District to CN1 (Inner Neighborhood Commercial) 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: “Under the current zoning of the property as a RSO zone, the proposed land use as a nonprofit community based market and café would be restricted. Rezoning the property as a CN1 zone would permit the proposed use.”

KEY POINTS

- The property was developed with single-dwelling residential homes over 100 years ago.
- *Horizon 2020* supports the expansion of established commercial areas in the community.
- The character of the area consists of a mixed land use pattern ranging from intensive industrial uses to commercial, office and low density residential development.
- The property is not large enough to redevelop with an intensive commercial use.
- The rezoning is consistent with the neighborhood plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-3-4-87: 508 Locust St; M-3 to C-4
- Z-02-04-04: 512 to 546 Locust St; M-3 to RO-2
- Z-8-12-09: 504 Locust St; IG to CS
- Z-8-13-09: 500 Locust St; IG to CS
- B-05-15-05: 500 Locust Street; site area, lot width, front yard, side yard, parking, # of off street parking
- B-12-00169: 508 Locust St; front yard, parking spaces, parking setbacks
- Submittal of site plan to the Planning Office if any physical alterations to the site or a change of use are proposed.
- A building permit shall be obtained from Development Services prior to structural changes.

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 this request because of the project size

ATTACHMENTS

- Page map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is for rezoning of two adjoining lots which are both currently developed with residential structures. Both properties are small (25' X 110' = 2,750 sq. ft.) lots that were platted in 1869. The existing residential structure on 512 Locust Street was built around the 1880's and it has approximately 818 square feet of living area. The applicant intends to continue using this dwelling structure as a residence.

The applicant wants to establish a nonprofit community based market and café in the structure at 514 Locust Street. This structure is much smaller than the one next door, having only 434 square feet of living area according to records obtained from the Douglas County Appraiser's Office.

The current zoning of the property as RSO (Single-Dwelling Residential Office) District does not allow personal convenience services to be established, which include uses such as neighborhood grocery stores, drugstores, laundromats/dry cleaners and barbershops. The RSO District also does not permit accessory restaurants such as a grocery store café. The site is adjacent to other commercially zoned and developed property on the west and there is industrial zoning and uses found on the north side of Locust Street. The area offers a mix of residential, industrial, commercial and restaurant uses.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Just west of the property under proposal is a CS zone with a small strip of commercial businesses. The proposal would allow local commercial growth from this commercial center while adding a buffer as CN1 zone before the residential dwellings to the east.*

Staff Finding – Goal 1 in Chapter 6 – Commercial Land Use is to “Encourage the retention, redevelopment and expansion of established commercial areas of the community”. This area meets the intent of an Inner-Neighborhood Commercial Center but the intersection area near N. 5th Street and Locust Street is not specifically listed in *Horizon 2020*. This area has had a mix of restaurant and retail uses for a long time and this rezoning would help the retention and redevelopment of the area.

Goal 3 in Chapter 6 addresses the need to “provide regional, community and neighborhood shopping opportunities to meet the commercial and retail needs of the community.” Policy 3.3 includes criteria and standards for existing and new Inner-Neighborhood Commercial Centers. With the proposed rezoning, this property could be redeveloped for low intensity neighborhood oriented commercial uses. *Horizon 2020* states that the Inner-Neighborhood Commercial Centers are most likely to develop with uses which may include book stores, coffee shops, food stores, beauty salons, etc. These are considered to be examples of neighborhood oriented uses. The applicant intends to renovate the existing residential structure at 514 Locust Street to a small food market with a café. Retention of the existing structure will help maintain the existing character and appearance of the neighborhood.

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

Current Zoning and Land Use:	RSO (Single-Dwelling Residential-Office) District; two detached single-dwelling residential structures on separate platted lots
Surrounding Zoning and Land Use:	North: IG (General Industrial) District; Union Pacific Railroad Right-of-Way West: CS (Commercial Strip) District; Frank's North Star Tavern and ancillary off-street parking lot South: RS5 (Single-Dwelling Residential) District; single-family residences East: RSO District; vacant lot immediately to the east and single-family residences

Staff Finding – This area has a mix of different land uses. The properties to the west extending over to the intersection of N. 5th Street are developed with commercial uses and a single-family residential structure is found in between these commercial uses. The property to the north of Locust Street is Union Pacific Railway right-of-way. To the south of the alley behind the subject property there are single-family residential homes. East of the site is a vacant lot, residential dwellings and other commercial uses around the intersection of N. 7th and Locust Street. This area along Locust Street has historically been developed with a mix of land uses of various type and intensity. Rezoning the two lots for limited intensity inner neighborhood commercial use could open an opportunity for the development of a use that could serve the immediate neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Historic downtown commercial district. High traffic flow for North Lawrence district. Adjacent to commercial strip. Heavy foot traffic for North Lawrence Neighborhood.*

Staff Finding – The neighborhood is a mix of residential, commercial and industrial uses. Locust Street carries a collector street designation in the City's transportation plan; it also is identified as a truck delivery route. Within the immediate area of this rezoning request there are heavy industrial uses, commercial uses of various intensity, and low density residential housing. These mixed uses have co-existed for many years.

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 located within the planning area of *The North Lawrence Neighborhood Plan* adopted December 16, 1981. This plan is 32 years old and has not been updated. The plan identifies this property area as Residential/Commercial uses on the future land use map.

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

Applicant's Response: *Located in the commercial center of the inner North Lawrence Neighborhood, this small scale, locally oriented community initiative will act as public space for*

nonprofit commerce. Targeting specific needs of the community in healthy food access will help vitalize this business center as well as the surrounding neighborhood.

Staff Finding – The property is currently developed with two small detached single-dwelling structures. Single-dwelling residential use is an allowed use in the RSO District. The development code standards require a minimum lot area of 5,000 square feet for which neither of these two properties meet. Because of the lot size limitations presented by these platted lots, the majority of uses allowed in the RSO District would not be able to locate on this property due to the noncomplying lot size. The most likely use for the property and existing structures is a continuation of the existing residential use or possibly a small professional office. In addition to the current residential uses and office uses permitted in the RSO District, this rezoning to CN1 District would allow retail sales and service uses, or restaurant uses.

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

Applicant's Response: *Less than a year. Approximately 9 months.*

Staff Finding – The property has been zoned RSO (Single-Dwelling Residential-Office) District since the adoption of the Development Code in 2006. The subject property as well as other properties to the east were zoned RO-2 (Residence-Office) District under the old code and that zoning classification rolled over to the RSO zoning with the new Development Code. The entire south side of the 500 block of Locust Street was zoned M-3 (Intensive Industrial) District when the 1966 Zoning Ordinance was adopted by the City. The zoning remained unchanged on the subject property and all other properties over to the intersection of N. 6th Street until the City adopted Ordinance 7792 in 2004 which rezoned them to the former RO-2 District.

Both lots are developed with detached residential homes. According to information obtained from the Appraiser's Office, the dwelling at 512 Locust was built around 1880 and the dwelling at 514 Locust was built around 1900.

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

Applicant's Response: *Little to no detrimental affect should be experienced by approving this proposal. The space is small with more than adequate off street parking available. The proposed use is meant to serve the specific community members living in nearest proximity.*

Staff Finding – By rezoning this property to the CN1 District, it could potentially redevelop with a use that would cause an increase in traffic to and from the site. However, the applicant's immediate plan is to keep the property at 512 Locust Street a single-dwelling residence and use the structure at 514 Locust Street for a community based nonprofit food market with a possible small café inside the building. Based upon the reported building square footage of the 514 Locust Street structure, the code will require 2 off-street parking spaces for the retail use and 2 parking stalls for the residential use. These parking stalls can be provided on-site from the alley. It is possible the intended use will draw customers from the neighborhood that may choose to walk or ride a bike to the business rather than drive.

The applicant will be required to submit a site plan for the proposed change of use. The site plan will consider issues related to where off-street parking stalls are provided, landscape and

screening standards, solid waste storage, etc. Building permits for code required building upgrades based upon the change in use for the structure may also be required.

Due to the limited size of the property and site development standards that restrict the structure size in the CN1 District to not exceed 3,000 gross square feet, staff does not believe there will be any negative effects from a slightly more intense use at this location. Locust Street seems to have historically served as an area of commerce for the neighborhood which is still evident by the existence of small specialty retail/office/consulting businesses. The rezoning would allow these two properties with the existing structures to have more viable options for the future.

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: *Affordable access to healthy food. Community revitalization. Living wages and support for local food growers.*

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 – There is little gain to the public if this site remains as it is today. The dwelling at 512 Locust Street is occupied but 514 Locust Street is vacant. The size of the residential structure at 514 Locust Street is quite small (434 sq. ft.) and the lot size is below minimum standard for the zoning classification. These existing site conditions severely limit the continued residential use as well as potential for other residential-office uses that could utilize the property.

This rezoning could be a benefit to the neighborhood because it is generally better for the community to have structures that are occupied. The same site conditions that limit uses of the property allowed in the RSO District also limit many potential commercial uses allowed in the proposed CN1 District. A small food market with a café could fill a need that exists in the neighborhood.

9. PROFESSIONAL STAFF RECOMMENDATION

The two lots combined total 5,500 square feet. Each lot is developed with a small single-dwelling residential structure. The current RSO zoning allows office and low density residential uses. The proposed rezoning could allow development of retail and office uses. The development pattern along Locust Street is a mix of industrial uses, restaurants, retail establishments and residential uses. Allowing low intensity retail use at this site will not be out of character of the area. This site would not be able to allow for many of the intensive uses allowed in the CN1 district as there are many site constraints.

Staff recommends approval of the rezoning from the RSO District to the CN1 District.