

## **PLANNING COMMISSION REPORT**

### **Regular Agenda – Public Hearing Item**

PC Staff Report  
02/22/17

**ITEM NO. 3: PCD TO CS; 1.07 ACRES; 3215 OUSDAHL RD (MKM)**

**Z-16-00545:** Consider a request to rezone approximately 1.07 acres located at 3215 Ousdahl Rd from PCD-[Pine Ridge Plaza] (Planned Commercial Development) District to CS (Commercial Strip) District. Submitted by Paul Werner Architects on behalf of Jayhawk Acquisitions LLC, property owner of record.

**STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning request for approximately 1.07 acres from PCD-[Pine Ridge Plaza] (Planned Commercial Development) District to CS (Commercial Strip) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

**REASON FOR REQUEST**

Applicant's Response:

*"This lot is being redeveloped with Lot 1 (1700 W. 31<sup>st</sup> Street) and Lot 3 (1717 W. 31<sup>st</sup> Street) of Colt Subdivision to the North which are both zoned CS. The rezoning is being requested so the entire storage development will be under the same zoning designation which allows the same criteria to apply to all lots."*

**KEY POINTS**

- The subject property is currently included in the Pine Ridge Plaza Planned Commercial Development Zoning District. This rezoning will remove the property from the Planned Development District; however, the property is not needed to meet any density or open space requirements of the Planned Development.
- The subject property is located within the boundaries of the *Revised Southern Development Plan*. The proposed zoning is consistent with the recommendations of the plan.
- Infrastructure to accommodate the proposed development is immediately available.

**OTHER ACTION REQUIRED**

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and approval of a site plan application for any proposed site improvements.
- Submittal of construction plans to Development Services for processing of building permits. Building Permit must be obtained prior to construction activity.
- Floodplain Development Permit obtained prior to development on parcels containing floodplain.

**PUBLIC COMMENT**

No public comment was received prior to the printing of this staff report.

### Project Summary

The subject property is within the City limits and is currently a part of the Pine Ridge Plaza Planned Commercial Development. Approval of this rezoning request will remove this property from the Planned Development. This removal should not impact the Planned Development as the property does not provide any required open space for the planned development.

The rezoning will accommodate the expansion of the storage use at 1717 Ousdahl on to the subject property. The new storage use will consist of both boat storage and enclosed mini-storage. A concept plan and a graphic indicating the the current development are included in Figure 1.

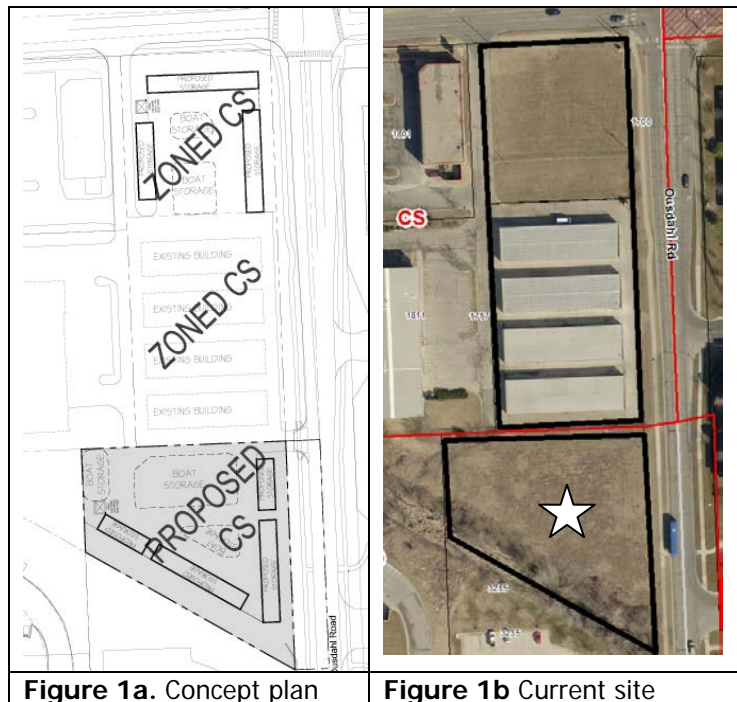


Figure 1a. Concept plan

Figure 1b Current site

The mini-storage use is classified in the Development Code as a *Mini-Warehouse* use and Boat Storage is classified as *RV and Boat Storage*. Both uses are permitted in the CS Zoning District with site plan approval. Rezoning the subject property to the CS District will allow the site to be developed under the same standards as the two lots to the north and will result in a more consistent development pattern and streetscape. The concept plan shows mini-storage buildings along the exterior of the site with the boat storage occurring within the interior.

The proposed uses are permitted under the current zoning as well as the proposed zoning. The property was zoned PCD prior to the adoption of the 2006 Development Code. This zoning designation converted to PD-[Pine Ridge Plaza] with the adoption of the 2006 Code; however, the standards of the PCD District remain applicable. A Final Development Plan for the subject property was approved in 2008 for a contractor's shop with exterior storage. The plan listed the permitted use groups and noted the specific uses which were not permitted. Uses which had a parking ratio of 1 space per 100 to 300 net sq ft of building area were excluded. The proposed uses were included in Use Groups 13 and 14 in the pre-2006 Code. The *Boat Storage* use had a parking requirement of 1 space per 500 sq ft of floor area and the *Mini-Warehouse* use required parking based on the number of storage units provided.

The proposed development is possible under the current zoning; however, rezoning to the CS District will provide one consistent zoning district for the three lots included in the project. The applicant indicated that a Minor Subdivision will be submitted to combine the three lots into one. The rezoning will provide one uniform zoning district for the proposed development.

## REVIEW & DECISION-MAKING CRITERIA

### 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

*"The Revised Southern Development Plan shows the area at the southwest corner of 31<sup>st</sup> and Ousdahl as Commercial Use on the Future Land Use Map located on Page 22."*

Recommendations in *Horizon 2020* are discussed below, with staff comments in red.

The land use recommendations for this area are provided in the *Revised Southern Development Plan*, which will be discussed in Section 4 of this report.

While the South Iowa area contains a variety of commercial zonings, it functions as a Regional Commercial Center. The Comprehensive Plan notes, "*S. Iowa Street is considered an existing Regional Commercial Center. S. Iowa is a strip development that is intensely developed between 23<sup>rd</sup> Street and K-10. ...*"

*Horizon 2020* identifies commercial development goals in Chapter 6. Goals for established commercial areas include the retention, redevelopment and expansion of established commercial areas in the community. (Page 6-24)

The area is identified for commercial zoning and land uses in the comprehensive plan and is currently zoned for commercial uses. The request is to update the zoning to a current commercial zoning district so it can develop under the standards of the 2006 Development Code.

**Staff Finding** – The proposed rezoning and development of the property is compliant with the recommendations of the Comprehensive Plan.

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

Current Zoning and Land Use: PD-[Pine Ridge Plaza] (Planned Commercial Development) District: *Undeveloped*

Surrounding Zoning and Land Use: To the north:  
CS (Commercial Strip) District; *Mini-Warehouse and Active Recreation*

To the west:

PD-[Pine Ridge Plaza] (Planned Commercial Development) District: *General Retail Sales*

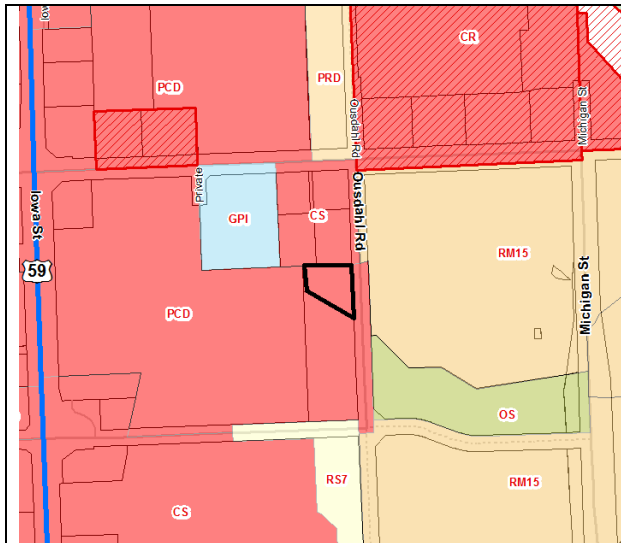
To the east:

RM15 (Multi-Dwelling Residential) District; *Multi-Dwelling Structure*

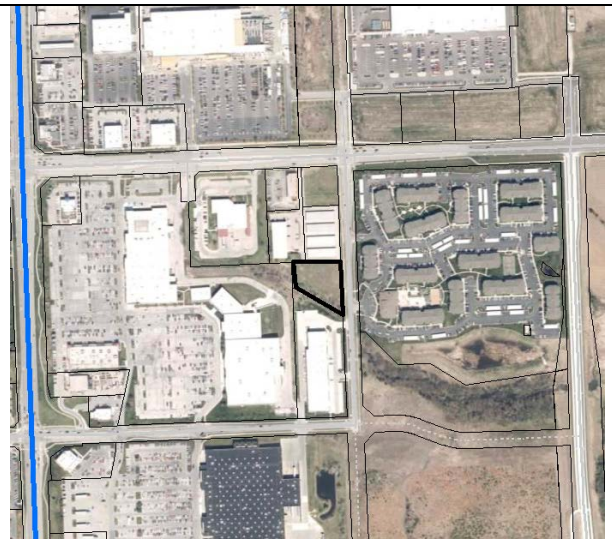
To the south:

PD-[Pine Ridge Plaza] (Planned Commercial Development) District: *Office and Wholesale Storage and Distribution, Light*  
(Figure 2)

**Staff Finding** – The area contains a mix of uses with retail, warehousing, and apartments being the predominate uses. The retail uses are located west of the subject property and are oriented toward the west, away from the subject property. The properties along Ousdahl Road are primarily office and warehouse uses which serve as a buffer between the more intense retail uses to the west and the multi-dwelling residential use to the east. The proposed rezoning and uses are compatible with the zoning and land uses in the area.



**Figure 2a.** Zoning in the area. The subject property is outlined.



**Figure 2b.** Land use/development pattern in the area.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

*"The neighborhood consists of a commercial and multi-family area. To the north is mini-storage and a kids sport training business, to the south is a large drainage ditch that drains the area to the west. On the south side of the drainage area is an electrical supply company. To the east are apartments and to the west is the loading area for the Pine Ridge Plaza retail area."*

The term 'neighborhood' refers to the area surrounding the subject property. The neighborhood is located near the southern border of the city and contains a mix of uses. Iowa Street and W 31<sup>st</sup> Street have been developed with intense commercial uses such as a shopping center, department stores, and car dealerships. Ousdahl Road marks the eastern boundary of the commercial development south of W 31<sup>st</sup> Street. The west side of Ousdahl Road is partially developed with a mini-storage facility and an electrical equipment supply and apartments are located east of

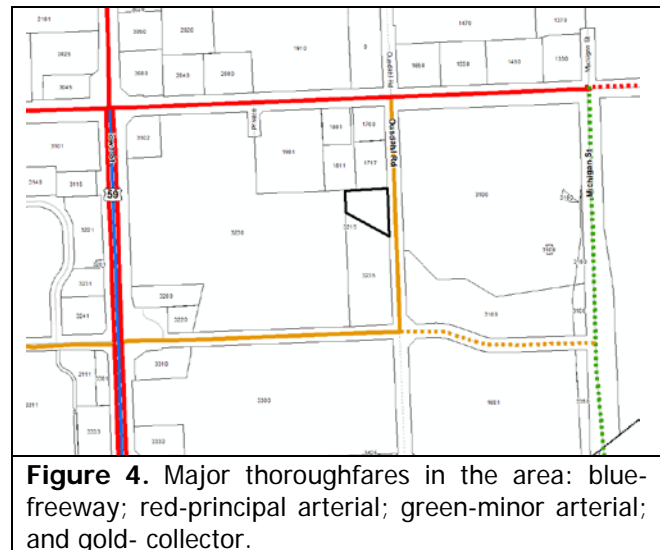


**Figure 3.** Neighborhood Area.

Ousdahl. The area east of Ousdahl is partially developed with retail and apartment uses. Undeveloped properties include vacant pad sites associated with the Menards Store and a second phase of the apartments. The proposed rezoning would remove the restriction on the uses which was applied with the PCD Zoning; however, the zoning requested matches the zoning designation of the lots to the north which will be included with this lot in the proposed storage development.

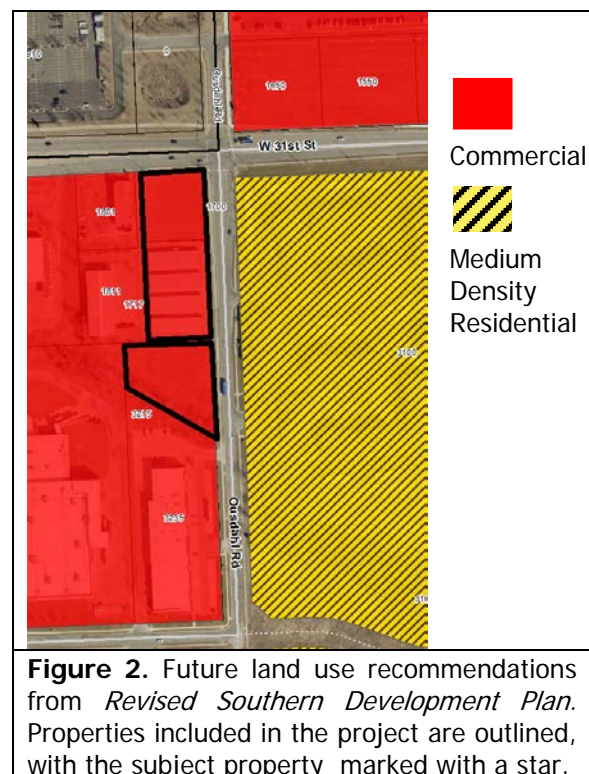
The neighborhood is well served by a network of higher classification roads. Iowa Street, on the west, is classified as a 'Principal Arterial/Freeway' in the City Future Thoroughfares Map. W 31<sup>st</sup> Street, a principal Arterial, provides connection through the area. The subject property is located on Ousdahl, a Collector Road. The road network is illustrated in Figure 4.

**Staff Finding** – This is a mixed use neighborhood with the predominate uses being retail, warehouse, and apartments. In addition, the neighborhood contains a mix of higher classification roads. The proposed rezoning and use is compatible with the character of the neighborhood.



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

The property is located within the boundaries of the *Revised Southern Development Plan*. The plan recommends 'Commercial' as the future land use on the subject property. (Figure 5) The plan notes that the commercial area is intended to "allow for retail and service type uses geared toward the community as a whole and auto-related uses geared toward traffic from Hwy 10." (Page 20, *Revised Southern Development Plan*) The plan recommends CC and PD zoning for the commercial uses; however, as the adjacent properties are zoned CS and PCD, the undeveloped lot would not be a suitable candidate for CC zoning. The CC zoning is intended for development of a Community Commercial Center and is expected to occur at the intersection of Collector/Arterial Streets or Arterial/Arterial Streets. The subject property is not suited for CC zoning, but the CS zoning complies with the intent of the plan to have commercial uses in this area. The overall commercial development, with the mix of



commercial zonings, functions as a commercial center. The proposed rezoning and development is compliant with the recommendations in the *Revised Southern Development Plan*.

**Staff Finding** – The proposed rezoning and development comply with the land use recommendations of the *Revised Southern Development Plan*.

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

Applicant's Response:

*"The subject property has been part of PCD for many years. However, this property has not developed likely due to the PCD restrictions placed on the property which greatly limit the available uses for development."*

The property is well suited to many of the uses permitted within the PD-[Pine Ridge Plaza] (Planned Commercial Development) District and the proposed use would also be permitted within this district. The rezoning request seeks to provide a uniform zoning designation for the three lots under common ownership and proposed to be developed as one project. The applicant indicated a Minor Subdivision application to merge the three lots into one will be submitted shortly. The rezoning will provide one zoning designation for the property rather than having a Planned Development on the southern portion and Commercial Strip zoning on the northern portion. The unified zoning designation will provide one set of standards for the development of the property.

**Staff Finding** – The subject property is well suited to the uses to which it is restricted with the current zoning. The proposed use is a permitted use in the zoning district. The rezoning request is not intended to add additional uses to the site, but to provide one zoning district for the overall project being proposed.

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

Applicant's Response:

*"The property has never been developed."*

**Staff Finding** – There are no records of development on this property.

## **7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

Applicants Response:

*"Approving this zoning will allow the vacant site to develop appropriately by removing from the PCD which has currently been a detriment to allowing the property to develop."*

The storage uses which are being proposed are also permitted in the PCD District. The permitted uses in the CS District may vary from those permitted in the PCD District; however, the permitted uses will match those of the adjacent properties to the north.

The removal of restrictions will allow the subject property to develop under the design standards of the 2006 Development Code, rather than the standards of the Planned Development included in the previous Code. The 2006 Development Code provides additional measures to insure compatibility with adjacent properties; therefore, Planned Development

Overlays are needed less frequently. Features included in the Development Code to insure compatibility between commercial development and nearby properties include:

- A landscaped bufferyard between properties that are zoned commercially and those that are zoned residentially; therefore, a bufferyard will be required along the Ousdahl frontage.
- Compliance with the Commercial Design Guidelines which are intended to insure aesthetically pleasing developments in the Commercial districts.
- Additional measures may be applied by the Planning Director as determined to be necessary to insure compatibility with nearby residential properties.

**Staff Finding** – The removal of the restrictions will allow the property to be developed with site plan approval in compliance with the design standards of the 2006 Development Code. The design standards and other requirements in the Development Code, implemented through the site plan review should result in compatible development which would 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**

Applicants Response:

*"The gain would be the site could be developed per the Southern Development Plan. The hardship imposed upon the owner would be the continued vacancy of the property."*

When determining the benefit to the health, safety, and welfare of the public by the denial of a rezoning request the negative impacts that would be avoided are evaluated. As discussed in Section 7 of this report, this development is not expected to negatively impact the area. If the application were denied, the property would remain undeveloped. The rezoning will allow a simpler approval process of a site plan rather than the two-step development plan which includes a public hearing before the Planning Commission, City Commission approval, and recording of the approved plan with the Register of Deeds. Rezoning will provide a more direct approval process and will also allow the property to be developed under the same standards as the other property in this project.

Denial of the request would not provide any benefit to the public health, safety, or welfare as the proposed use is permitted under the current zoning and the Development Code provides design standards which, when implemented with site plan review, result in compatible development.

**Staff Finding** – Denial of the rezoning request would have no public benefit as the proposed uses would be permitted under the existing zoning. Denial may deter the project as it would be difficult to plan the project under two zoning districts which require compliance with two separate codes.

**PROFESSIONAL STAFF RECOMMENDATION**

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 1.07 acres from the PD-[Pine Ridge Plaza] (Planned Commercial Development) District to the CS (Commercial Strip) District based on the findings of fact listed in this report.