

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
04/24/2017

ITEM NO. 6: RSO TO RM32; .464 ACRE, 1816 & 1822 W 24TH ST (BJP)

Z-17-00083: Consider a request to rezone approximately .464 acre from RSO (Single-Dwelling Residential-Office) District to RM32 (Multi-Dwelling Residential) District, located at 1816 and 1822 W 24th St. Submitted by Paul Werner Architects, for Cherry Hill Properties LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .464 acre, from RSO (Single-Dwelling Residential-Office) District to RM32 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in this staff report.

Reason for Request: *To incorporate this property with the adjacent residential units under the same ownership.*

KEY POINTS

- Existing underutilized property.
- Property located in predominantly RM32 zoned area.
- Intent of the rezoning to facilitate redevelopment of this property.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- No other active cases.

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

- Location map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary:

Proposed request is for rezoning the property to accommodate possible redevelopment of the site as a multi-dwelling residential development. There are no specific development concepts for this property available at this time.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The requested zoning surrounds this property on three sides. The fourth side is CS; therefore it seems RM32 is much more consistent with the area.*

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

Key Features of the Plan (Chapter 3, page 3-1)

- "The Plan supports infill development and redevelopment which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding area."
- "The Plan encourages the development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area."

The subject properties are located in an established neighborhood. The properties have historically been used for residential purposes. According to the Douglas County Appraisal records, both single-family homes were built in 1955. Rezoning the properties facilitates redevelopment to accommodate housing similar to the surrounding land use pattern of multi-dwelling units.

Staff Finding – The proposed request is consistent with the purpose and intent of the comprehensive plan as it pertains to infill development and neighborhood conservation.

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

Current Zoning and Land Use:	RSO (Single-Dwelling Residential-Office) District, existing detached dwelling structures that are currently vacant.
Surrounding Zoning and Land Use:	RM32 (Multi-Dwelling Residential District to the north, east, and south. Existing multi-dwelling residential uses in all directions. CS (Commercial Strip) District to the west. Existing residential uses along Murphy Drive and retail uses along Iowa Street.

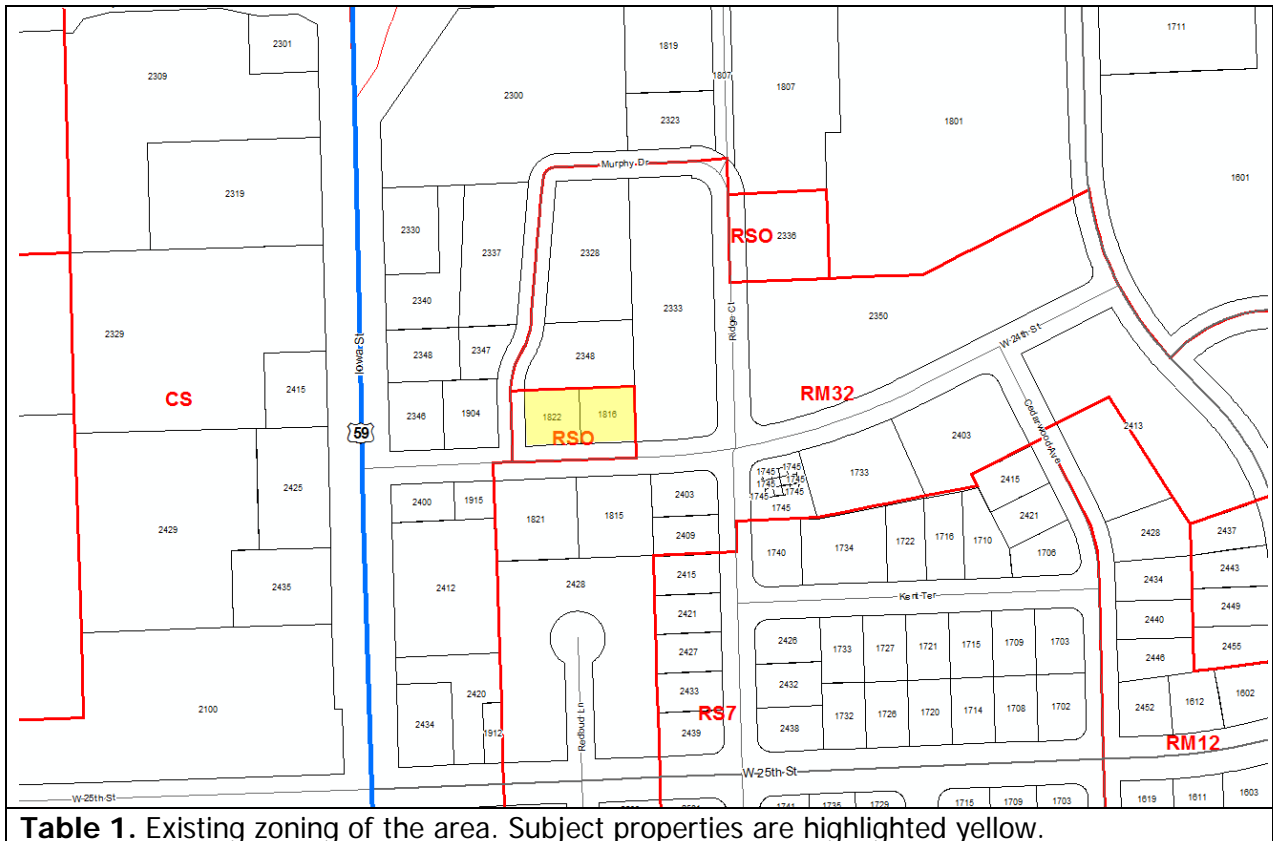


Table 1. Existing zoning of the area. Subject properties are highlighted yellow.

Staff Finding – The subject properties are located in an existing RSO District surrounded by multi-dwelling residential development.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Mainly multifamily with some commercial and offices.*

Staff Finding – There are multi-dwelling residential land uses surrounding the subject properties. To the west of the property, along Iowa Street, there are commercial land uses present. The intent of the rezoning is to prepare the properties for multi-dwelling development. This type of development would align with the existing land uses that surround the properties.

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

Staff Finding – No area or neighborhood plans have been adopted for this area. *Horizon 2020* is the guiding plan for this area.

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

Applicant's Response: *The RSO zoning was converted from a previous zoning in 2006. The restrictions do not make much sense for office or duplexes.*

The subject properties are developed with single-dwelling residences that have been vacant for at least 10 years. The current state of the existing structures requires substantial rehabilitation or demolition to accommodate a more efficient use of the property.

The purpose of the RSO zoning *"is to accommodate low to medium-intensity administrative and professional offices that are compatible with the character of low and medium-density residential neighborhoods. The district is also intended to be used as a transition zoning district between higher intensity commercial areas and residential neighborhoods. This district allows detached dwellings, duplexes, attached dwellings and administrative and professional office uses which may be combined in the same structure."*

The subject properties are surrounded by multi-dwelling residential land uses and they do not function as a transitional use between commercial and residential parts of the neighborhood. The existing zoning is a function of the adoption of the 2006 Development Code that converted the prior RO-2 District to RSO. There was no deliberate attempt to zone this property RSO. The current zoning represents a "spot" of RSO zoning within an established high-density residential zoning district within the neighborhood.

Staff Finding – These factors support a position that rezoning the property to a comparable or same district as the surrounding area is suitable.

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

Staff Finding – The subject properties are developed with single-dwelling residential development; however, the properties have been vacant for at least 10 years.

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

Applicant's Response: *Due to similar zoning there are no detrimental effects to nearby property owners.*

The subject properties are surrounded by multi-dwelling residential development. The surrounding density includes medium and high-density development within an established RM32 zoning district. Rezoning the properties to RM32 will not result in a detrimental affect for nearby properties. Redevelopment of this property should anticipate full compliance with the required density and dimensional standards, off-street parking and landscape requirements of the Land Development Code to mitigate any impacts to nearby properties.

Staff Finding – Rezoning the property to the same RM32 district as the surrounding properties will not detrimentally affect the surrounding area.

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: *Currently the structures are uninhabitable. The gain is to return this property back into a viable use. The property has not been habitable for several years.*

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.

The subject properties are currently developed with single-dwelling residences that have been vacant for at least 10 years and as such, have deteriorated. Approval of the request will facilitate redevelopment of the site and reinvestment in the property.

If denied, the property could be redeveloped with detached housing or office uses.

Staff Finding – Approval of the request will facilitate redevelopment of the property for residential purposes and exclude office uses.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the request to rezone approximately .464 acres from RSO District to RM32 District as it is an appropriate zoning district for the property subject.