

ITEM NO. 6: Consider Requests for Rezoning Multiple Properties in East Lawrence. State Law Review and Recommendation to the City Commission.

STAFF PRESENTATION

Ms. Becky Pepper presented the zoning component of the items.

A. DR-17-00113 Zoning Case Z-17-00098 RM24 to RS5

STAFF PRESENTATION

Ms. Zollner presented the item.

NO PUBLIC COMMENT

BOARD DISCUSSION

Commissioner Hernly said having properties zoned in a category that matches their use is a good thing and he supports

Commissioners Bailey & Fry agreed.

Commissioner Buchanan asked about the three exempt properties.

Ms. Pepper said those particular properties- 800 block of New York Street, 826 Rhode Island Street, 801 New Jersey Street, and- have already begun their development process.

Commissioner Buchanan asked what zoning would be in place if they are destroyed.

Ms. Pepper said they will maintain their RM24 zoning district so they would be permitted to rebuild those structures.

Commissioner Buchanan asked if they can add a condition that changes the zoning in the event those structures must be replaced.

Ms. Pepper said no.

Commissioner Hernly asked if a property must change its use if the zoning changes and is nonconforming, such as a duplex being rezoned to RS5.

Ms. Pepper said there are no duplexes being rezoned to RS5- she confirmed that there are no uses in place that would become nonconforming if rezoned to RS5.

Commissioner Fry asked about single family homes subdivided into several rental units.

Ms. Pepper those are zoned multi-family and are not being changed.

Ms. Zollner said the HRC has already approved a duplex for two of the exempt properties.

ACTION TAKEN

Motioned by Commissioner Buchanan, seconded by Commissioner Fry, to approve the State Law Review for DR-17-00113, including the exemption of properties in the 800 block of New York Street, at 826 Rhode Island Street, and 801 New Jersey Street.

Unanimously approved 5-0.

Motioned by Commissioner Bailey, seconded by Commissioner Hernly, to forward comment to the Planning Commission and City Commission that the proposed zoning amendment does not encroach upon, damage, or destroy any identified historic properties.

Unanimously approved 5-0.

B. DR-17-00114 Zoning Case Z-17-00099 RM24 to RM12D

STAFF PRESENTATION

Ms. Zollner presented the item.

PUBLIC COMMENT

Mr. Brent Morrison, 1022 Avalon Road, said he's an owner of 812 Rhode Island Street. He explained the history of the property and why he does not support the rezoning, particularly for his own property, because he could not rebuild as is. He noted that his property is in a historic district.

Mr. Morrison's property falls under the previous agenda item, DR-17-00113.

Commissioner Hernly asked if his property is a 50 ft wide lot.

Mr. Morrison said yes.

Commissioner Hernly clarified the building requirements for each zoning designation.

Commissioner Bailey reminded them that they are determining the historic impact of the zoning on these properties. He asked Mr. Morrison if his primary concern is his ability to rebuild.

Mr. Morrison explained that he's concerned he won't be able to rebuild but is also worried about other properties that would not be able to rebuild as they are now.

Commissioner Hernly suggested he speak at Planning Commission.

Ms. Pam Blackburn, 830 Connecticut Street, said things that are rezoned to RM12D can rebuild as a duplex, but accessory dwelling units cannot rebuild as accessory dwelling units. She said they worked very hard to identify the areas. She hopes they will recommend the rezonings going forward to preserve the neighborhood, primarily because RM24 allows density and taller structures that are not appropriate.

Mr. Jim Slough, owner of 812 Rhode Island Street, said he currently has a building permit and asked if he can rebuild with two units under RM12D zoning.

Ms. Pepper said that's correct, staff will take those properties to the Board of Zoning Appeals (BZA) for a variance on lot area.

Mr. Slough feels the zoning changes will only speed gentrification.

Mr. Peter Shenouda, owner of 804-806 New Jersey Street and 825 Connecticut Street, said parking is a limitation when zoning to RM12D. He feels the neighborhood has improved and is not in jeopardy as is. He feels the neighborhood should only be worried about Pennsylvania Street.

Ms. KT Walsh talked about the North and South Rhode Island Street Historic Districts that saved many homes years ago. She appreciates Mr. Morrison's comments and his preservation efforts, but feels his block has already lost so much and the home next door is culturally significant so she would hate to see it torn down for a duplex. She supports the zoning changes. She asked Ms. Pepper about a property they spoke previously about at 633 Connecticut Street.

Ms. Pepper said she would be sure to get Ms. Walsh the requested information.

Mr. Mike Goins, LPA, said they feel appropriate zoning, for any neighborhood, is the strongest thing they can do to get it on par for its actual use. Since Old West Lawrence was rezoned, there has not been a structure torn down or rebuilt except those damaged by fire. He said the neighborhood is allowed to remain what it was, a single family neighborhood. He explained that the area south of 9th Street between Arkansas Street & Mississippi Street currently has three demolition permits and is no longer a single family area. He feels zoning works, and the effort of the City and the East Lawrence Neighborhood Association is commendable and historically significant.

Mr. Morrison asked for clarification about the variance component.

Ms. Pepper said staff will take the variances to the BZA for a variance on lot area to bring those nonconforming properties into compliance.

ACTION TAKEN

Motioned by Commissioner Buchanan, seconded by Commissioner Hernly, to approve the State Law Review for DR-17-00114.

Unanimously approved 5-0.

Motioned by Commissioner Bailey, seconded by Hernly to forward comment to the Planning Commission and City Commission that the proposed zoning amendment does not encroach upon, damage, or destroy any identified historic properties.

Unanimously approved 5-0.

C. DR-17-00115 Zoning Case Z-17-00100 RSO to RS5

STAFF PRESENTATION

Ms. Zollner presented the item.

They discussed which properties included in the rezoning are listed.

PUBLIC COMMENT

Mr. Barry Shalinski, 1001 West Coral Street, Tampa FL, is the owner of 633 Connecticut Street and 645 Connecticut Street. He supports the item and felt it would be useful to explain the history of the current RSO zoning.

ACTION TAKEN

Motioned by Commissioner Bailey, seconded by Commissioner Hernly, to forward comment to the Planning Commission and City Commission that the proposed zoning amendment does not encroach upon, damage, or destroy any identified historic properties.

Unanimously approved 5-0.

D. DR-17-00116 Zoning Case Z-17-00101 RSO to RM12D

STAFF PRESENTATION

Ms. Zollner presented the item.

PUBLIC COMMENT

Mr. Barry Shalinski, 1001 West Coral Street, Tampa FL, owner of 645 Connecticut Street, feels this is an upzoning. He would like to maintain the option to have offices there and is not in favor of the zoning change.

BOARD DISCUSSION

Commissioner Hernly asked if 645 Connecticut Street is a double lot.

Ms. Zollner said yes.

Commissioner Hernly asked if under RSO (current zoning) it could have a duplex plus an office.

Ms. Pepper said that might depend on parking but she would need to look into it.

Commissioner Hernly asked if RM12D does not support office units.

Ms. Zollner said that is correct.

Commissioner Bailey feels concerns over future use are outside of the Commission's purview.

Commissioner Hernly said the current use has, at some point, included an office use which would not be supported by the change in zoning.

Ms. Zollner said an professional office in a residence is considered a Home Occupation.

Commissioner Hernly asked if a home office component could be possible in the RM12D zoning.

Ms. Zollner said yes. She suggested they could make an additional comment regarding the office component of the property.

They discussed possibilities for that lot based on the proposed zoning.

Commissioner Bailey said he's not comfortable discussing possibilities given the scope of their possible actions on the item.

Ms. Zollner suggested their comment could include concerns for the existing and proposed zoning.

Commissioner Evans asked what staff's rationale was behind the rezoning initiation.

Ms. Pepper said it is intended to align the existing use with an appropriate zoning district.

Commissioner Bailey asked if the proposed zoning will preclude someone from including an office component later down the road.

Ms. Pepper said their avenue would be a Home Occupation, a Special Use Permit for office use in that zoning would not be permitted.

Ms. Zollner said they could have used the adaptive reuse section of the code but it was changed a couple years ago to disallow detached single dwellings from using a Special Use Permit to convert to an office use.

Ms. Katherine Simmons said there are two types of Home Occupations- the type with clients traveling to your home office is a Type B which requires registration through the Planning office.

Commissioner Hernly asked if that would be allowed in RM12D.

Ms. Simmons said yes.

ACTION TAKEN

Motioned by Commissioner Hernly, seconded by Commissioner Bailey, to forward comment to Planning Commission and City Commission that the proposed zoning amendment does not encroach upon, damage, or destroy any identified historic properties.

Unanimously approved 5-0.

E. DR-17-00117 Zoning Case Z-17-00102 RSO to RM24

STAFF PRESENTATION

Ms. Zollner presented the item.

Ms. Pepper said they discovered the property was once multi-family but is being converted to single family so staff will be contacting the property owner to determine their preference in zoning.

Ms. Zollner said this property had an addition and new detached garage.

PUBLIC COMMENT

Mr. Barry Shalinski, 1001 West Coral Street, Tampa FL, said his only objection was rezoning this from a single family to a more dense use would be inappropriate. He hopes this item will be withdrawn.

Ms. KT Walsh said this property formerly had eight apartments that created a lot of problems. She said it was then sold to a family and should be zoned accordingly to single family.

ACTION TAKEN

Motioned by Commissioner Bailey, seconded by Commissioner Fry, to forward comment to the Planning Commission and City Commission that the **current** zoning district does not encroach upon, damage, or destroy any identified historic properties.

Unanimously approved 5-0.

F. DR-17-00118 Zoning Case Z-17-00103 CS to RS5

STAFF PRESENTATION

Ms. Zollner presented the item

Ms. Pepper explained staff's recommendation.

Commissioner Hernly asked if the building on 305 E 7th Street is a house.

Ms. Zollner said it is a house and tax office.

Commissioner Bailey asked if the State Law Review relates to 305 E 7th St.

Ms. Zollner said yes. She continued explaining details of the case.

Ms. Pepper clarified that 747 New Jersey Street is a residential structure that's zoned for commercial.

PUBLIC COMMENT

Ms. Phyllis Payne said she recently inherited the property at 305 E 7th Street. She explained the history of the property.

Mr. James Dunn, 936 Kentucky Street and owner of 705 & 711 Connecticut Street, said he's interested in keeping the CS zoning for both properties.

Ms. KT Walsh supports the office remaining a commercial zoning due to its history and because it shares the lot. She does not support 705 Connecticut Street going to CS zoning.

COMMISSION DISCUSSION

They discussed deferring the State Law Review to April for a revised staff recommendation.

Commissioner Bailey asked

Ms. Zollner said that's correct.

ACTION TAKEN

The State Law Review for 305 E 7th Street is deferred until the April meeting.

Motioned by Commissioner Bailey, seconded by Commissioner Fry, to forward comment to the Planning Commission and City Commission that the proposed zoning amendment for 705 Connecticut Street, 837 Connecticut Street, 839 Connecticut Street, and 845 New York Street, and maintaining the **current CS zoning** for 305 E 7th Street, does not encroach upon, damage, or destroy any identified historic properties.

Unanimously approved 5-0.

G. DR-17-00119 Zoning Case Z-17-00104 CS to RM12D

STAFF PRESENTATION

Ms. Zollner presented the item.

NO PUBLIC COMMENT

ACTION TAKEN

Motioned by Commissioner Buchanan, seconded by Commissioner Evans, to approve the State Law Review for DR-17-00119.

Unanimously approved 5-0.

Motioned by Commissioner Buchanan, seconded by Commissioner Evans, to forward comment to the Planning Commission and City Commission that the proposed zoning amendment does not encroach upon, damage, or destroy any identified historic properties.

Unanimously approved 5-0.