

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
04/26/2017

ITEM NO. 10A-10G

The majority of this staff report was provided to the Historic Resources Commission for the March 16, 2017 meeting. Modifications made to the staff report since that meeting are reflected in **bold blue**.

ITEM NO. 10A

Z-17-00098: Consider the rezoning of 82 properties from RM24 (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District. The properties are generally located north of E 9th Street between Rhode Island and New Jersey. The properties are identified in Attachment A. Initiated by the City Commission on December 6, 2016. **(Modifications to this initiated rezoning are recommended. See page 2)**

ITEM NO. 10B

Z-17-00099: Consider the rezoning of 22 properties from RM24 (Multi-Dwelling Residential) District to RM12D (Multi-Dwelling Residential) District. The properties are generally located north of E 9th Street between Rhode Island and New Jersey. The properties are identified in Attachment A. Initiated by the City Commission on December 6, 2016. **(A modification to this initiated rezoning is recommended. See page 2)**

ITEM NO. 10C

Z-17-00100: Consider the rezoning of 10 properties from RSO (Single-Dwelling Residential – Office) District to RS5 (Single-Dwelling Residential) District. The properties are generally located north of E 9th Street between Rhode Island and New Jersey. The properties are identified in Attachment A. Initiated by the City Commission on December 6, 2016.

ITEM NO. 10D

Z-17-00101: Consider the rezoning of 2 properties from RSO (Single-Dwelling Residential – Office) District to RM12D (Multi-Dwelling Residential) District. The properties are generally located north of E 9th Street between Rhode Island and New Jersey. The properties are identified in Attachment A. Initiated by the City Commission on December 6, 2016.

ITEM NO. 10E

Z-17-00102: Consider the rezoning of 1 property from RSO (Single-Dwelling Residential – Office) District to RM24 (Multi-Dwelling Residential) District. The property is generally located north of E 9th Street between Rhode Island and New Jersey. The property is identified in Attachment A. Initiated by the City Commission on December 6, 2016. **(A modification to this initiated rezoning is recommended. See page 2)**

ITEM NO. 10F

Z-17-00103: Consider the rezoning of 5 properties from CS (Commercial Strip) District to RS5 (Single-Family Residential) District. The properties are generally located north of E 9th Street between Rhode Island and New Jersey. The properties are identified in Attachment A. Initiated by the City Commission on December 6, 2016. **(A modification to this initiated rezoning is recommended. See page 2)**

ITEM NO. 10G

Z-17-00104: Consider the rezoning of 1 property from CS (Commercial Strip) District to RM12D (Multi-Dwelling Residential) District. The property is generally located north of E 9th Street between Rhode Island and New Jersey. The property is identified in Attachment A. Initiated by the City Commission on December 6, 2016.

STAFF RECOMMENDATION: Staff recommendations for items 1A-1G are listed below.

1. ITEM 10A: Staff recommends approval of the rezoning of 79 properties from RM24 (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-1)
This recommendation specifically excludes the following 3 properties:
 - a. 800 Blk New York Street, Stanley Schaake
 - b. 801 New Jersey, Mastercraft Corp
 - c. 826 Rhode Island, Slough, James, A.

2. ITEM 10Bi: Staff recommends approval of the rezoning of ~~22~~ **21** properties from RM24 (Multi-Dwelling Residential) District to RM12D (Multi-Dwelling Residential) District and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-2a).

ITEM 10Bii: Staff recommends approval of the rezoning of 1 property, located at 715 New York Street, from RM24 (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District based on:

- a. **The Lesser Change Table in Section 20-1303(c) of the Development Code, and**
- b. **the conversion of the property to a single-family residence.**

Staff recommends forwarding this item to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-2b).

3. ITEM 10C: Staff recommends approval of the rezoning of 10 properties from RSO (Single-Dwelling Residential – Office) District to RS5 (Single-Dwelling Residential) District and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-3).
4. ITEM 10D: Staff recommends approval of the rezoning of 2 properties from RSO (Single-Dwelling Residential – Office) District to RM12D (Multi-Dwelling Residential) District and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-4).
5. ITEM 10E: Staff recommends approval of the rezoning of 1 property, **located at 627 Connecticut Street**, from RSO (Single-Dwelling Residential – Office) District to ~~RM24 (Multi-Dwelling Residential)~~ **RS5 (Single-Dwelling Residential)** District **based on:**
 - a. **The Lesser Change Table in Section 20-1303(c) of the Development Code, and**

b. the conversion of the property to a single-family residence.
Staff recommends forwarding this item to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-5).

6. ITEM 10F: Staff recommends approval of the rezoning of **4** properties from CS (Commercial Strip) District to RS5 (Single-Family Residential) District and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-6).

This recommendation specifically excludes the following 2 properties:

- a. 305 E 7th Street, Phyllis Payne
- b. 747 New Jersey, Domino LC

7. ITEM 10G: Staff recommends approval of the rezoning of 1 property from CS (Commercial Strip) District to RM12D (Multi-Dwelling Residential) District and forwarding this item to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-7).

KEY POINTS

- City Commission initiated the rezonings at their December 6, 2016 meeting.
- The subject area is developed with a variety of residential land uses including *Detached Dwellings, Duplexs, and Multi-Dwelling Structures.*
- The subject area contains multiple zoning districts including RSO (Single-Dwelling Residential - Office), CN1 (Inner Neighborhood Commercial), and CS (Commercial Strip) Districts; however, a large portion of the subject area is zoned RM24 (Multi-Dwelling Residential) District.
- The intent of the rezoning is to align residential land uses with a corresponding zoning district.

ASSOCIATED CASES/OTHER ACTION REQUIRED

No associated active cases

OTHER ACTION REQUIRED:

- City Commission approval of rezonings and adoption of ordinances.
- Publication of rezoning ordinances.

PLANS AND STUDIES REQUIRED

- | | | |
|---|--------|----------------------------|
| • <i>Traffic Study</i> | Public | Not required for rezoning. |
| • <i>Downstream Sanitary Sewer Analysis</i> | | Not required for rezoning. |
| • <i>Drainage Study</i> | | Not required for rezoning. |
| • <i>Retail Market Study</i> | | Not required for rezoning. |

PUBLIC COMMENT

General inquiries from the public regarding scope of the proposed rezoning requests as well as, discussions with specific property owners regarding their disapproval of the proposed rezoning as it relates to their property (Attachment C).

ATTACHMENTS

1. Attachment A :
Legal Description List
2. Attachment B 1-7:
Zoning Case Maps
3. Attachment C :
Public Comment List

Project Summary:

On December 6, 2016, the City Commission initiated the rezoning of multiple properties in the East Lawrence neighborhood, identified as the "subject area" in Figure 1. This area is generally bound by 9th Street to the south, Rhode Island Street to the west, various streets to the east but no farther than the alley between New Jersey Street and Pennsylvania Street, and the Kansas River to the north.

The initial rezoning request was made by representatives of the East Lawrence Neighborhood based on a desire to protect the existing residential character of the neighborhood. Many of the residential land uses within the subject area contain *Detached Dwellings* (single-family homes); however, the zoning associated with the majority of these properties does not accurately align with their existing land use. With the exception of one lot*, all the residential properties in the subject area are zoned RM24 (Multi-Dwelling Residential), RSO (Single-Dwelling Residential – Office), or CS (Commercial Strip) Districts. The intent of the proposed rezonings is to rezone these residential properties to a zoning district that better corresponds with the existing use.

*The property at 833 Connecticut contains a *Detached Dwelling*. The City Commission approved a request (Z-12-00147) to rezone the property from CS District to RS5 District on November 13, 2012 (Ordinance 8818).

The scope of the rezoning initiated by the City Commission includes:

1. Rezoning *Detached Dwellings* in the RM24, RSO, and CS Districts to the RS5 District.
2. Rezoning *Duplexes* in the RM24, RSO, and CS Districts to the RM12D District.
3. Including a provision with the rezoning ordinance that rental properties within the RS5 District would have a three year period to comply with the 3 unrelated occupant standard of the RS5 District (reduced from 4 in the RM24 District).
4. Directing staff to submit nonconforming lots to the Board of Zoning Appeals for lot size and setback variance considerations.
5. Registering known *Accessory Dwelling Units* as legal nonconforming uses.

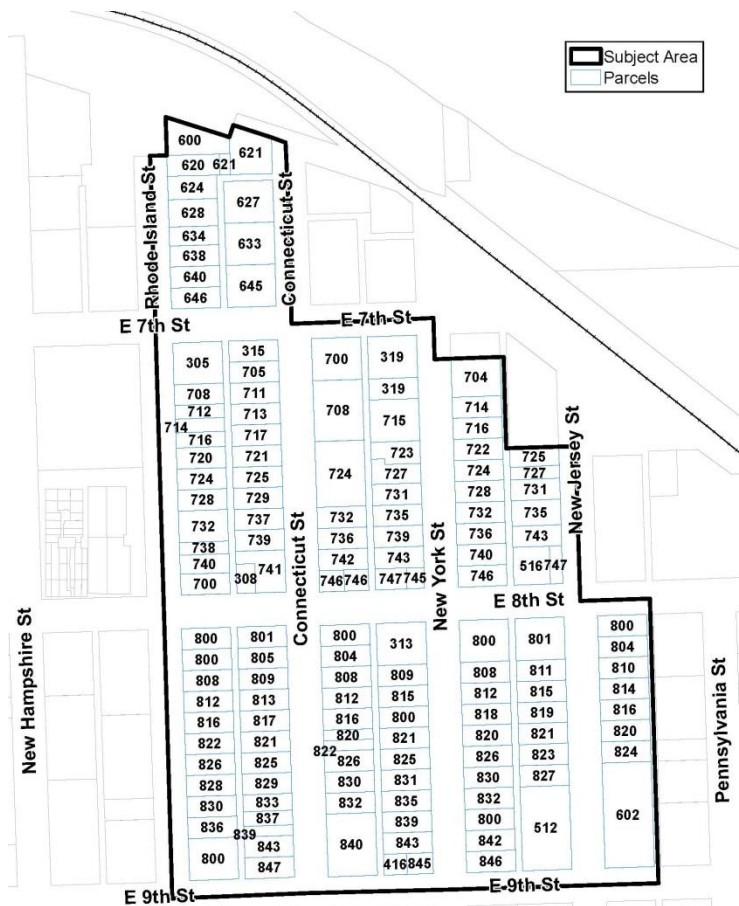


Figure 1. Subject area outlined in black.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The following sections of *Horizon 2020* relate to these proposed rezonings (staff comments are in red):

Chapter 5 – Residential Land Use:

- Strategies: Residential Development
“The character and appearance of existing residential neighborhoods should be protected and enhanced.” (page 5-1)
- Goal 3: Neighborhood Conservation
Policy 3.2 Protect Existing Housing Stock
 - a. Preserve existing dwelling units. (page 5-15)

The purpose of the proposed rezonings is to protect the existing land uses developed in the neighborhood. The residential development in the subject area includes detached dwellings as well as, duplexes and multi-family structures. The existing zoning, however, provides an opportunity for the neighborhood to be developed with more intense uses than those that currently exist in the neighborhood, thus changing the character of the neighborhood. The requests propose to rezone properties so that the existing land use aligns with a corresponding zoning district. The result would reduce potential for denser development and will protect the character of the neighborhood.

- Neighborhood Concept
Mixed Housing Types: “Different types, styles, sizes, densities, and price ranges should be incorporated.” (page 5-2)

The area is developed with a mixture of housing types. The area contains detached dwellings, duplexes, and multi-family structures, and the proposed zoning reflects those uses. A property that currently contains a *Duplex* use would be zoned RM12D District. Likewise, a property with a *Multi-Dwelling Structure* use would retain its zoning of RM24 District. As such, these properties will be able to maintain these uses in the future and the neighborhood will not lose the variety of housing types that exist in it today.

- Low-Density Residential Development
“Low-density residential development, reflecting a density of six or fewer dwelling units per acre, would continue to be the predominant land use in the city. While this classification includes densities that would encompass duplex and some townhouse development, emphasis is placed on single-family detached development.” (page 5-4)

The subject area is developed with primarily low-density development. However, properties in this area that contain low-density residential development are zoned either RM24 District, RSO District, or CS District (with the exception of 833 Connecticut as noted in the Project Summary above). Rezoning the properties that contain low-density residential development to a zoning district that aligns with the existing land use will protect the character of the neighborhood and retain low density uses as the predominate land use in the area.

Staff Finding – The proposed rezonings conform to goals and policies in Chapter 5: Residential Land Use.

2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The existing zoning within and surrounding the subject area is shown in Figure 2 below. The zoning districts within the subject area are color coded to aid identification.

The zoning districts surrounding the subject property include:

- GPI (General Public and Institutional Use) District
- GPI-UC (General Public and Institutional Use-Urban Conservation Overlay) District
- IG (General Industrial) District
- IG-UC (General Industrial-Urban Conservation Overlay) District
- OS (Open Space) District
- CD-UC (Downtown Commercial District-Urban Conservation Overlay) District
- RS5 (Single-Dwelling Residential – 5,000 square feet) District
- RS7 (Single-Dwelling Residential – 7,000 square feet) District
- RM12 (Multi-Dwelling Residential – 12 dwelling units per acre) District
- CN2 (Neighborhood Commercial Center) District

Figure 3 provides information on the land uses within and surrounding the subject area. The subject area is surrounded by downtown Lawrence to the west, automotive uses and the Lawrence train depot to the northeast, various commercial and industrial uses to the east, and residential uses to the south.

Staff Finding – The zoning surrounding the subject area is compatible with the proposed zoning within the subject area because the intent of the rezoning is to match existing land uses with a corresponding zoning district. The rezoning does not represent a change to the existing land uses.



Figure 3. Land use within and surrounding the subject area as provided to the City Commission on December 6, 2016 for the rezoning initiation.

3. CHARACTER OF THE AREA

Existing Land Uses

The subject area is a residential neighborhood with some commercial uses located near street intersections and along Connecticut Street. A breakdown of the residential uses found in each of the zoning districts is provided below.

RM24 District		
Housing Type	Number of Properties	Percentage
<i>Detached Dwelling</i>	79	69%
<i>Duplex</i>	22	20%
<i>Multi-Dwelling Structure</i>	8	7%
Vacant	4	4%
Total	113	100%

RSO District		
Housing Type	Number of Properties	Percentage
<i>Detached Dwelling</i>	8	67%
<i>Duplex</i>	2	17%
<i>Multi-Dwelling Structure</i>	1	8%
Vacant	1	8%
Total	12	100%

CS Zoning District		
Housing Type	Number of Properties	Percentage
<i>Detached Dwelling</i>	5	56%
<i>Duplex</i>	1	11%
<i>Multi-Dwelling Structure</i>	0	0%
<i>Non-Ground Floor Dwelling*</i>	2	22%
Vacant	1	11%
Total	9	100%

*The *Non-Ground Floor Dwelling* use is permitted in the CS District, therefore the CS zoning associated with these properties is not proposed to change.

Historic Environs

The subject area was principally developed between the 1850s and the 1920. As such, it is a historic area with six properties listed on the Lawrence Register, and a National Register Historic District located on Rhode Island Street (the North Rhode Island Historic District). As a result, the majority of the properties in the area are included in the local environs of one of the listed

properties or are located within the National Register District. For the affected properties, review by the Historic Resources Administrator or Commission is required prior to issuance of any City permits.

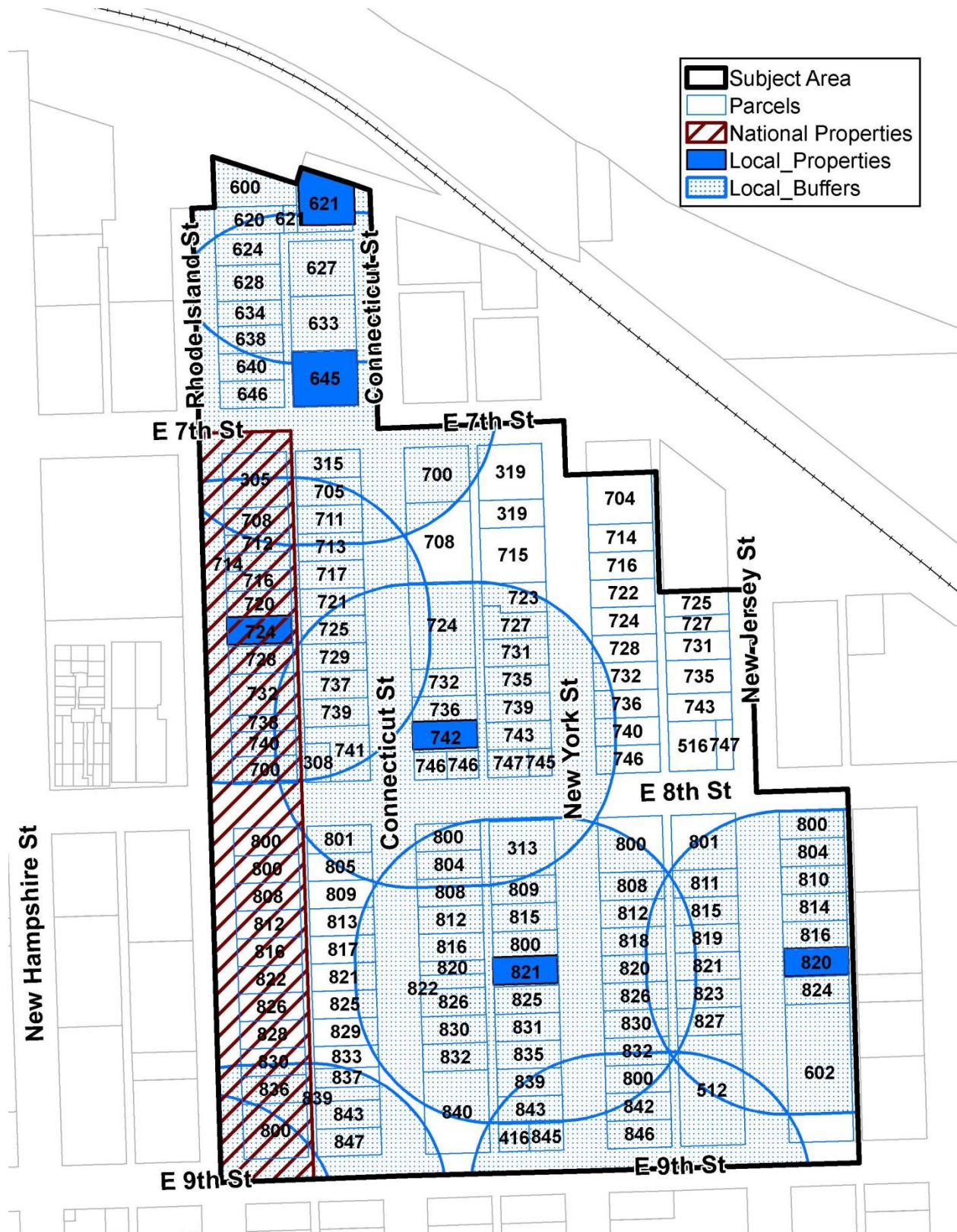


Figure 4. Historic environs located in the subject area

Staff Finding – The East Lawrence Neighborhood was principally developed between the 1850s and the 1920s, with renovations and new development throughout the history of the neighborhood. The established neighborhood is developed with single-family, multi-family, and commercial uses. The rezonings are consistent with the existing land development in the subject area.

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

There are two plans that have been created for the East Lawrence neighborhood. The first plan, the *East Lawrence Neighborhood Plan*, was adopted by the Lawrence-Douglas County Planning Commission on December 19, 1979. This plan was created to guide development in the neighborhood. The plan designates the majority of the East Lawrence neighborhood for low density residential development.

Chapter 2 of the Plan lists general goals and policies as well as those related to land use and transportation. The first general goal listed states “To maintain and rehabilitate East Lawrence as a low to medium density residential neighborhood that provides affordable housing for low and moderate income families and individuals.” In the Land Use section, the first goal listed states, “Lessen the impact of high and medium intensity land uses (commercial, offices, and high density residential) on low density residential areas.” In the Land Use Policies section, the Plan also discusses evaluating the present zoning classifications to determine whether a zoning change should be initiated.

The second area plan, the *East Lawrence Neighborhood Revitalization Plan*, was adopted by the City Commission on November 21, 2000. The plan states that it is “not a land use plan but a preservation and social action strategy to maintain features that are most important to the homeowners, property owners, business owners, and tenants.” The plan does not discuss rezoning as a potential implementation option; however, it does recommend the creation of a task force that would work with the City to limit illegal conversions of single-family houses into multi-family.

Staff Finding – The proposed rezonings are consistent with the *East Lawrence Neighborhood Plan* and the *East Lawrence Neighborhood Revitalization Plan*.

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

The subject area is an established neighborhood developed with a large number of detached dwellings. The detached dwellings that are currently zoned RM24 and CS Districts are considered a nonconforming use because the *Detached Dwelling* use is not a permitted use in those districts. The existing land uses in the subject area were established many years before the adoption of the Land Development Code and the existing zoning classification. Rezoning the properties with the *Detached Dwelling* use to the RS5 District will correct the nonconforming use issues for those properties.

The proposed rezoning also corrects nonconforming land use issues in the CS District. There are some *Detached Dwelling* and *Duplex* uses currently zoned CS within the subject area. These residential uses are not permitted within this zoning district; therefore the rezonings could correct these nonconformities.

Staff recommends that the following properties not be included in the proposed rezonings for the specific reason listed below.

Z-17-00098; RM24 to RS5

- **800 Blk New York Street**

The property owner inquired about the possibility of developing the vacant lot with a duplex in 2015. The property owner submitted a Design Review application on December 9, 2016 and the Historic Resource Commission approved the application at their February 16, 2017 meeting. The owner showed intent to develop the property with a *Duplex* use prior to initiation of the rezoning, and has begun the development review process; therefore staff recommends denial of the proposed rezoning to RS5 District for this property and recommends that the site retain its RM24 designation.

- **801 New Jersey Street**

The property owner has expressed the desire to develop this property with a multi-family use. The property is located along the E 8th Street corridor and is adjacent to medium to high intensity land uses. To the west of the property is a 5 dwelling unit multi-family structure and duplex structures are located to the east. There are also commercial uses located on the north side of E 8th Street. Given the surrounding land uses, multi-family zoning is appropriate for this property. Staff recommends denial of the proposed RS5 zoning for this property and recommends that the site retain its RM24 designation.

- **826 Rhode Island**

Development of this property for a *Duplex* use has begun. A demolition permit for the existing structure was issued in February 8, 2017 and a building permit for the *Duplex* use was issued on March 3, 2017. If the property were rezoned to RS5 District, the zoning would not align with the new *Duplex* use; therefore staff recommends denial of the proposed RS5 zoning for this property and recommends that the site retain its RM24 designation.

Z-17-00103; CS to RS5

- **305 E 7th Street**

In the Initiation Memo provided to the City Commission on December 6, 2016, staff recommended that this property be zoned to RS5 District based on the existing residential structure on the property. However, through discussions with the property owner, staff discovered that the proposed zoning recommendation was made in error. Aside from the residential structure, there is also a second structure on the property that contains a commercial business. Therefore, the proposed RS5 zoning would not be suitable because it would create a nonconforming use for the commercial structure. It is appropriate that the property maintain its CS zoning because of the existing commercial land use and the adjacent commercial zoning of the properties to the east and west. The residential structure should be registered as a nonconforming use. Staff recommends denial of the proposed rezoning to RS5 District for this property and recommends that the site retain its CS designation.

- **747 New Jersey Street**

This property contains a residential use but is adjacent to commercial uses to the west and north, and industrial uses to the east. The property is under the same ownership as the adjacent property to the west, which contains a commercial use and is retaining its commercial zoning. The property owner indicated that they would like to maintain the CS zoning for the property at 747 New Jersey Street to allow for expansion of the existing commercial business in the future, if needed. Given the intent of the owner, the surrounding land uses, and the

size of the parcel (approximately 2700 square feet), staff recommends denial of the proposal to zone the property to the RS5 District and recommend that the site retain its CS designation.

This section may be updated prior to the Planning Commission meeting as staff continues to hear from property owners who provide a more detailed explanation of their existing land use.

Staff Finding – Excluding the five properties discussed above, the properties within the subject area are suitable for the proposed rezonings. The rezonings will result in districts that are aligned with existing uses.

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

The area was principally developed between the 1850s and 1920, with renovation and new development occurring throughout the history of the neighborhood. The neighborhood was primarily developed with low density development, with some commercial and multi-family development also occurring.

Six parcels in the subject area are vacant and the remaining have primarily been used for residential uses or neighborhood commercial uses at one time.

Staff Finding: Use of the properties within the subject area has been consistent since the initial neighborhood development timeframe.

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

Approval of the rezonings would protect the surrounding area from high-density residential development. This offers protections to nearby property owners, as well as the entire East Lawrence neighborhood. The rezonings would preserve the existing character of the neighborhood.

Approval of the rezonings would also remedy the nonconforming land uses that exist for the properties currently zoned RM24 that contain the *Detached Dwelling* use. Nonconforming land uses in the CS District would also be corrected.

Staff Finding – The purpose of the rezonings is to align the existing land uses in the subject area with a corresponding zoning district. The character of the neighborhood will be preserved through the rezonings. There should be minimal detrimental effects on 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

Evaluation of these criteria includes weighing the benefits to the public versus the benefits for the owners of the subject properties. Benefits are measured based on the anticipated impacts of the proposed rezonings on the public health, safety, and welfare.

If the rezonings were denied, the subject area would retain its predominately multi-family zoning classification. With a large portion of the subject area currently zoned RM24 District, there is an opportunity for higher density redevelopment in the area. Existing structures could be demolished and lots consolidated to accommodate larger infill projects. This could potentially lead to a change in the character of the neighborhood.

Staff Finding – Denial of the rezonings would have no public benefit as few negative impacts to the public health, safety, and welfare are expected. Approval of the rezonings would preserve the character of the neighborhood.

PROFESSIONAL STAFF RECOMMENDATION

There are existing nonconforming land uses and nonconforming lots that will be corrected through the rezonings. There are also some nonconforming land uses, nonconforming lots and occupancy limit issues that will be created. Further explanation is provided below.

EXISTING NONCONFORMITIES

Nonconforming Land Uses

The existing nonconforming land uses include properties that contain a *Detached Dwelling* use that are currently zoned RM24 District or CS District. Also, properties containing a *Duplex* use in the CS District are nonconforming land uses.

Nonconforming Lots

Many properties zoned RM24 District are nonconforming lots because their lot area does not meet the minimum lot area requirements for the RM24 District (6,000 square feet). The subject area is platted as Original Townsite, Oread Addition and the principal lot area size is 5,850 square feet (50' X 117').

CREATED NONCONFORMITIES

Nonconforming Land Uses

Rezoning properties with the *Detached Dwelling* use to the RS5 District will correct the nonconforming land use issue, with the exception of two properties that contain *Accessory Dwelling Units* (ADU). The RS5 District does not permitted ADUs.

Staff attempted twice to amend the code to allow ADUs in the RS5 District but was met with opposition from neighborhood groups. Therefore, staff would not recommend changing the code to accommodate this condition. Instead, staff recommends maintaining those uses as nonconforming in the RS5 District by registering their use. Under the current code, the use would cease if the structures are damaged past 60% of their fair market value.

Nonconforming Lots

The rezoning of properties from RM24 to RS5 will correct the majority of the nonconforming lot issues. The majority of the lots will meet the minimum lot area requirements of 5,000 square feet. Of the 97 properties included in the RS5 zoning cases, all but 13 would meet the minimum lot area requirement.

There are three nonconforming lot issues associated with the properties proposed to be zoned RM12D. First, the minimum lot area requirement for the RM12D District is 6,000 square feet. Of the 25 properties that would be rezoned to the RM12D District, 21 of the properties would not meet this requirement. Second, these same properties also do not meet the minimum lot width requirement of the RM12D District, which is 60 feet. Third, the 21 nonconforming lots do not have the lot area to support the density of the *Duplex* use. The lot area per dwelling unit required for the RM12D District is 3,630 square feet, while the majority of the parcels would have a lot area per dwelling unit of 2,925 square feet.

To remedy these created nonconforming lots, staff recommends administrative submission of the nonconforming lots to Board of Zoning Appeals for considerations of lot area, lot width, and

lot area per dwelling units. The variances granted by the Board of Zoning Appeals would remain with the land. There would not be a loss of nonconforming status if the property was sold or the existing structure were damaged or demolished.

Occupancy Limits

Per Section 20-601(d) of the Development Code, the maximum number of unrelated occupants per dwelling unit permitted in an RM district is 4, while the maximum number permitted in an RS district is 3. There are currently 32 active rental licenses in the subject area associated with *Detached Dwellings*. Rezoning these properties to the RS5 district will lower the occupancy limits from 4 unrelated occupants to 3 and will potentially reduce income for these owners. There is precedent for reducing occupancy. In 2001, the city reduced occupancy limits in the RS districts from 4 unrelated occupants to 3 and provided three years for owners to comply with the new standard.

Staff recommends the inclusion of a provision with zoning ordinance for a 3-year period to comply with occupant standard of RS5.

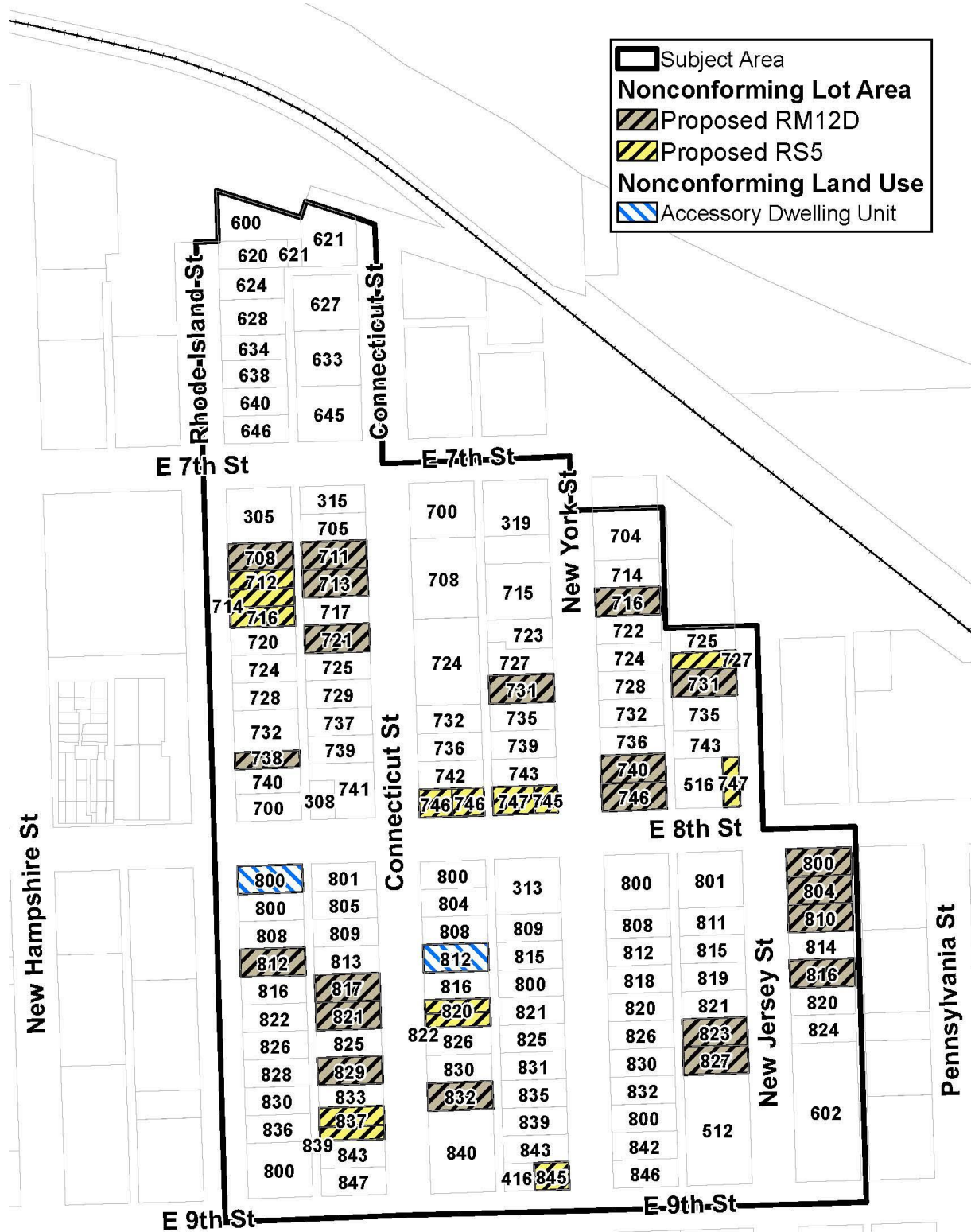


Figure 5. Nonconforming Land Use and Lots Created with Proposed Rezonings

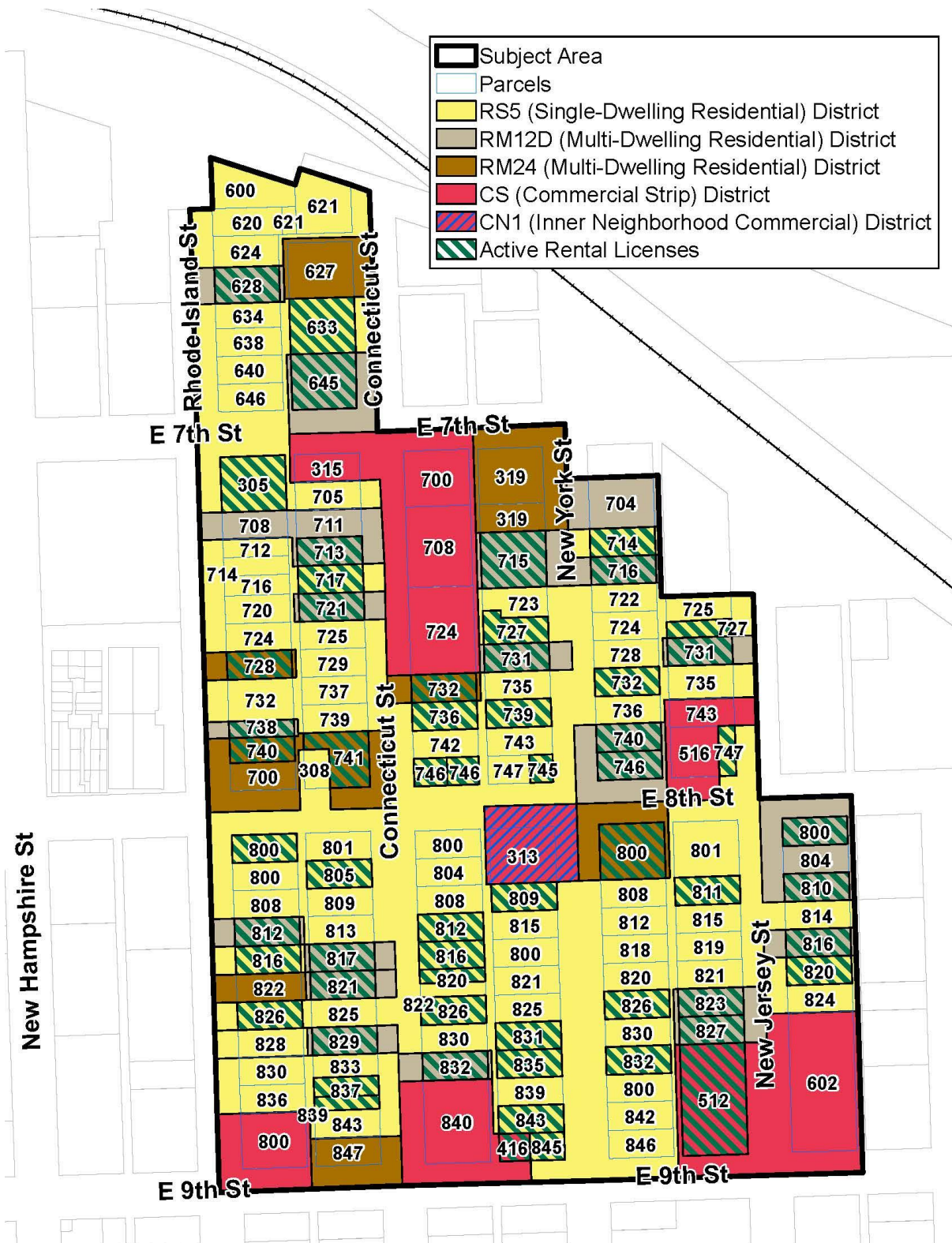


Figure 6. Active rental licenses (as of March 9, 2017) and proposed zoning

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forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-1)

This recommendation specifically excludes the following 3 properties:

- a. 800 Blk New York Street, Stanley Schaake
- b. 801 New Jersey, Mastercraft Corp
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2. ITEM 10Bi: Staff recommends approval of the rezoning of **22 21** properties from RM24 (Multi-Dwelling Residential) District to RM12D (Multi-Dwelling Residential) District and forwarding these items to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-2a).

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- a. 305 E 7th Street, Phyllis Payne
- b. 747 New Jersey, Domino LC

7. ITEM 10G: Staff recommends approval of the rezoning of 1 property from CS (Commercial Strip) District to RM12D (Multi-Dwelling Residential) District and forwarding this item to the City Commission with a recommendation for approval based on the findings of fact found in this staff report (Attachment B-7).

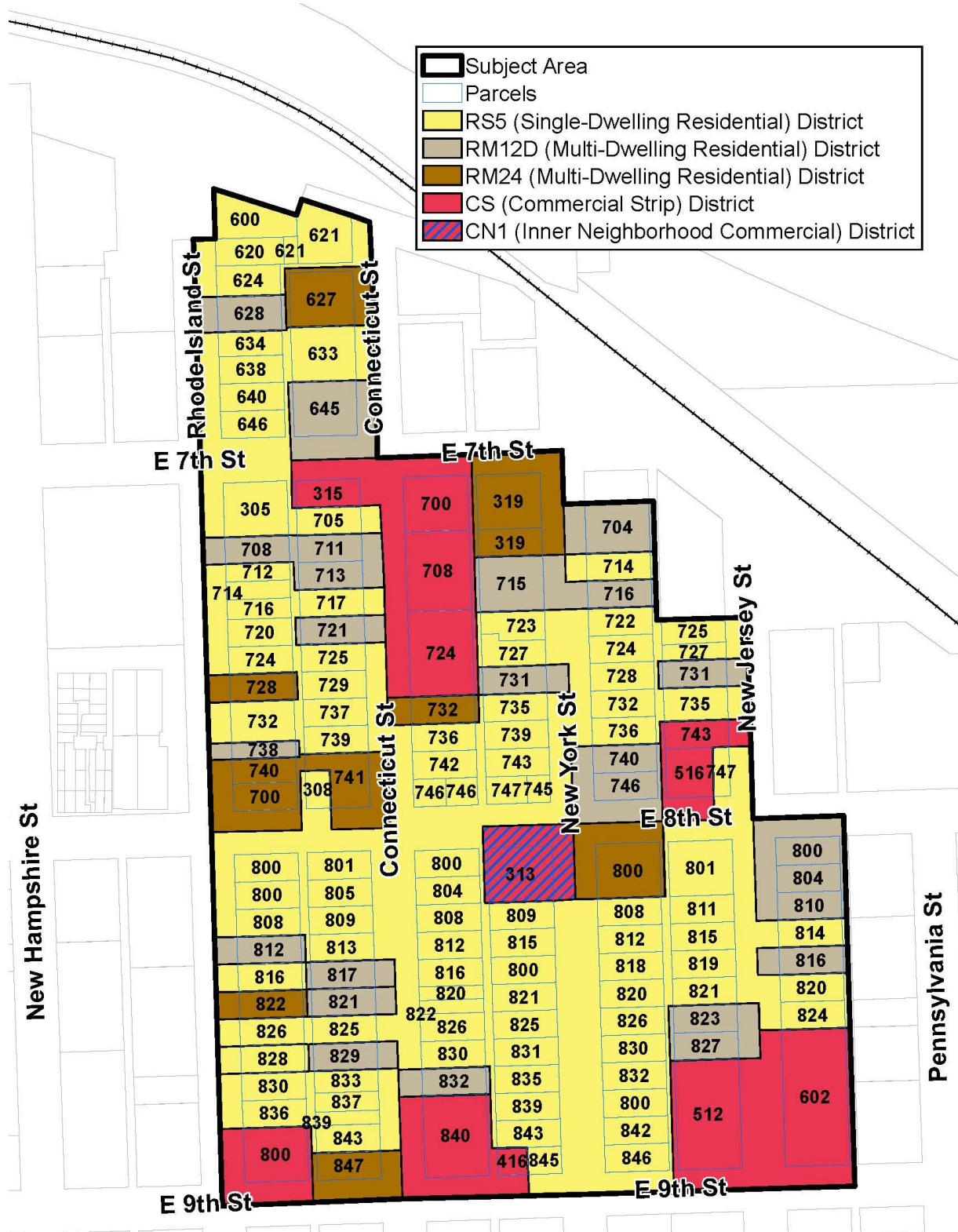


Figure 7. Proposed rezoning as provided in initiation memo

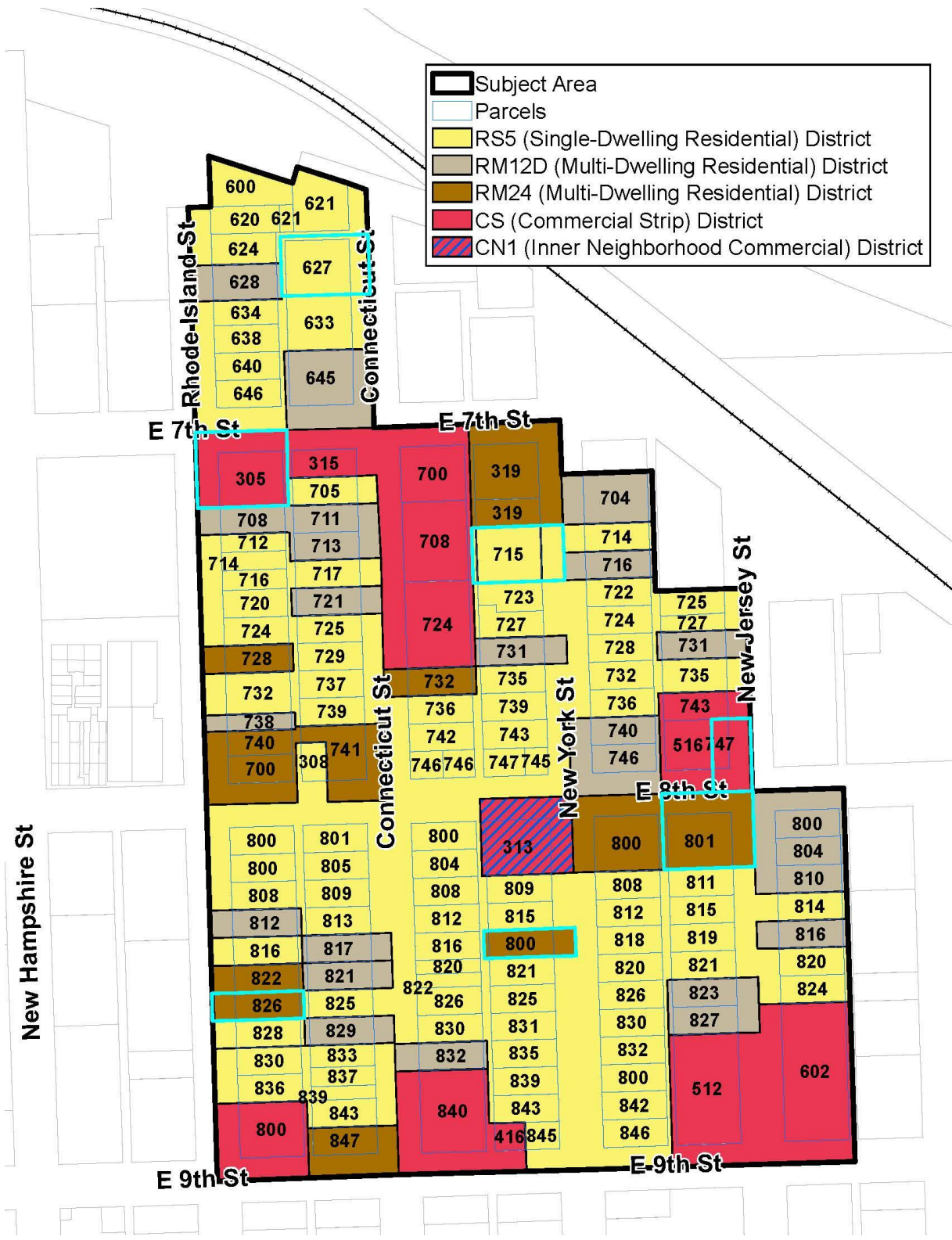


Figure 8. Revised proposed zoning
Properties outlined in blue are the exceptions listed in the Staff Recommendations (pg 2)