

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/28/2017

ITEM NO. 3 RS5 TO RS7; 1.13 ACRES; 309, 321, 325, 331 INDIANA ST (BJP)

Z-17-00217: Consider a request to rezone approximately 1.13 acres from RS5 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 309, 321, 325, and 331 Indiana St. Submitted by Summer Wedermyer on behalf of Philip R Jones, Jennifer M Padilla, Nathan R Littlejohn III, Lynette Littlejohn, Emily C H Hensley, Nate Wedermyer, and Summer Wedermyer, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.13 acres from RS5 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) 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: *"Request zoning from single dwelling residential district to the same district (RS7) to allow possible future accessory dwelling units on lots that meet the minimum requirement for RS7. Also to preserve the historic nature of the larger platted lots."*

KEY POINTS

- Request includes 4 existing parcels containing 8 platted lots. No change in the lot configuration is proposed.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- DR-17-00226; Rezoning; State Law Review. This item was approved by the Historic Resources Commission on June 15, 2017.
- DR-17-00227; 331 Indiana Street; Remodel and New Addition; Demolition and New Construction of Accessory Structure; State Law Review and Certificate of Appropriateness. This item was approved by the Historic Resources Commission on June 15, 2017.

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

- None

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff received a few phone calls from neighborhood residents who had questions about the purpose of the rezoning.

Project Summary:

Proposed request is for rezoning platted lots located along the west side of Indiana Street to allow for the potential development of *Accessory Dwelling Units* (ADU). This is a permitted use in the RS7 District, but not in the RS5 District.

The rezoning request was initially sought by the property owners of 331 Indiana Street for the purpose of constructing an ADU on their property. To prevent a spot zoning situation, the owners reached out to the property owners to the north who also owned larger parcels to see if they would like to be included in the rezoning request. Since the rezoning application was submitted,

the property owners of 331 Indiana have decided not to move forward with construction of an ADU and instead build a garage. However, there is still interest in pursuing the rezoning to allow for the development of ADUs on the subject properties in the future if desired.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The following section of Horizon 2020 relates to this rezoning request (staff comments are in italics):

Chapter 5 – Residential Land Use:

"A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments."

"The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods."

The intent of the rezoning request is to permit the possible construction of Accessory Dwelling Units. As stated in the Land Development Code, the purpose of this housing type is to create new housing units while preserving the look and scale of single-family neighborhoods. ADUs also provide a mix of housing types that responds to changing family needs, and can provide a broader range of accessible and more affordable housing.

Staff Finding – The request for RS7 zoning is consistent with Chapter 5 of the Comprehensive Plan.

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

Current Zoning and Land Use: RS5 (Single-Dwelling Residential) District; *Detached Dwellings.*

Surrounding Zoning and Land Use: RS5 (Single-Dwelling Residential) District to the north, south and west; *Detached Dwellings.*

RS7 (Single-Dwelling Residential) District to the east; *Detached Dwellings and Duplex.*

Staff Finding – The subject properties will be zoned similar to the residential properties on the east side of Indiana Street. The land uses surrounding the subject properties is primarily single-family residential. The existing land use of the subject properties is also single-family residential. The rezoning request does not represent a change in the existing land use.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"The neighborhood is the historic Pinckney II and is National Register of Historic Places."*

The subject properties are located in the Pinckney neighborhood and are contributing structures in the Pinckney II Historic District. The majority of the residential development in the neighborhood includes single-family homes. There are no differences in the land uses permitted in the RS5 District and the RS7 District, with the exception of *Accessory Dwelling Units* (ADU). Section 20-534 of the Land Development Code provides regulations for the development of an ADU that will

ensure compatibility with the neighborhood. These regulations include, but are not limited to, size, appearance, parking, and occupancy.

Staff Finding – The proposed request does not substantially change or alter the character of the immediate neighborhood.

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 properties are located within the boundaries of the Pinckney Neighborhood Association. A portion of the neighborhood is included in the HOP District Plan, however, the subject properties do not fall within the boundaries of that plan. The boundaries of the HOP District Plan are W 5th Street to the north, W 7th Street to the south, California Street to the west, and Alabama Street to the east.

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

Applicant's Response: *"The current zoning does not allow for accessory dwelling units but the current lot sizes meet the minimum requirements."*

The rezoning request was initiated to facilitate the construction of an *Accessory Dwelling Unit* (ADU). This housing type is not permitted under the current zoning of RS5. The subject properties are larger parcels with lot areas that meet the minimum lot area requirements of the RS7 District (7,000 square feet). Given the larger parcel sizes, the subject properties are well suited for the potential development of ADUs.

Staff Finding – The subject properties are suitably zoned for their existing land use. They are not, however, suitably zoned for the development of *Accessory Dwelling Units*.

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

Staff Finding – The subject properties are developed with residential structures which were built between the late 1800s and early 1900s.

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

Applicant's Response: *"Does not impact surrounding properties because it is the same zoning district. Adjacent properties (east) are currently zoned RS7."*

There are no differences in the land uses permitted in the RS5 District and the RS7 District, with the exception of *Accessory Dwelling Units* (ADU). Section 20-534 of the Land Development Code provides regulations for the development of an ADU that will ensure compatibility with the neighborhood. These regulations include, but are not limited to, size, appearance, parking, and occupancy.

The subject properties are also contributing structures in the Pinckney II Historic District. Development of an ADU would require review and approval by the Historic Resources Commission.

Staff Finding – There are no anticipated detrimental affects for nearby property.

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: *“No gain since it is the same zoning district. No hardship to landowner if it is not approved for same reason.”*

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 residential structures. Regardless of the outcome of the rezoning request, there would be no change to the existing primary land use of the subject properties (*Detached Dwellings*). If the rezoning request is denied, development of *Accessory Dwelling Units* on the subject properties would not be permitted.

Development of ADUs on larger parcels provide an infill opportunity to expand housing choices in the neighborhood.

Staff Finding – There would be little gain to the public and there would be a hardship to the landowners in denial of the rezoning request.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the request to rezone approximately 1.13 acres from RS5 District to RS7 District as it is an appropriate zoning district for the subject properties.