

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
08/22/2018

ITEM NO. 2 Z-18-00255 RS7 (SINGLE-DWELLING RESIDENTIAL) TO RSO (SINGLE-DWELLING RESIDENTIAL-OFFICE) DISTRICT; 708 ELM STREET (LRM)

<p>Z-18-00255: Consider a request to rezone approximately 0.81 acre from RS7 (Single-Dwelling Residential) District to RSO (Single-Dwelling Residential - Office) District, located at 708 Elm Street. Submitted by Lauren Davis of TreanorHL, for the Elizabeth Ballard Community Center, property owner of record.</p>
<p>STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 0.81 acres, from RS7 (Single-Dwelling Residential) District to RSO (Single-Dwelling Residential-Office) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.</p>
<p>Reason for Request: <i>We are looking to incorporate the non-conforming use of the food pantry, that previously has not been addressed in the zoning, as well as add clothing and basic household goods to be available for those in need.</i></p>
<p>KEY POINTS</p> <ul style="list-style-type: none">• Property is located in the North Lawrence Neighborhood.• Property is currently used and occupied by the Ballard Center.• Property includes an existing building with access on the north side of the property.• Use of western side of property for donation drop-off will require site plan approval.• Property is comprised of one platted lot. Eastern half of lot is remains unplatted.• Existing building currently encumbers both platted and unplatted portions of the parcel.
<p>ASSOCIATED CASES/OTHER ACTION REQUIRED</p> <ul style="list-style-type: none">• Submission and approval of a site plan, SP-18-00253, for the addition of a concrete area with two donation drop boxes and two 10 foot x 12 foot storage sheds for sorting.
<p>PLANS AND STUDIES REQUIRED</p> <ul style="list-style-type: none">• <i>Traffic Study</i> – 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 applicable
<p>ATTACHMENTS</p> <ol style="list-style-type: none">1. Property History2. Neighborhood Area Map3. Map of Uses
<p>PUBLIC COMMENT RECEIVED PRIOR TO PRINTING</p> <ul style="list-style-type: none">• None received

Project Summary:

This application includes one parcel on the south side of Elm Street and the east side of N. 7th Street. The parcel is comprised of both platted and unplatted land. The existing building encumbers both the platted and unplatted portions of the parcel. The subject property is currently used as an early childhood education center and food pantry (*social service agency*).

The *day care center* use is permitted in both the current and proposed zoning districts as an allowed community facility. The Land Development Code defines community facilities as uses by a

public, publicly funded, nonprofit, or charitable nature, not including recreational uses, which provide a variety of services to the general public on a regular basis but not limited to education, technical or vocational training, day care, cultural, civic or social services, or utility services.

The Ballard Center's food pantry and proposed clothing and household goods donation program is currently a *social service agency* use. The Land Development Code defines social service agency as a service operated by a public, publicly funded, nonprofit, or charitable organization providing services undertaken to advance the welfare of citizens in need which typically includes supporting office uses. While the *social service agency* use is considered a community facility, like *day care center*, it is not permitted in the current RS7 district. It is permitted in the proposed RSO district.

The proposed rezoning will return the Ballard Center to compliance. The center's services and activities came into existence under the 1966 zoning code. The Ballard Center was zoned RS-2 which permitted community facilities subject to listed conditions. It was the adoption of the Land Development Code in 2006 and subsequent rezoning to RS7 that took the Ballard Center's *Social Service Agency* use out of compliance. The RS-2 district became the RS7 district with the adoption of the Land Development Code. The proposed RSO district, like the previous RS-2 district, permits both of the Ballard Center's main uses.

The applicant intends to expand the *social service agency* use by adding a drop-off and sorting area for donated clothing and household goods. The property is currently zoned RS7 (Single-Dwelling Residential) District. The current use of the property for *social service agency* is not compliant with the permitted uses of the RS7 District established in Section 20-402 of the Land Development Code. An expansion, as proposed, constitutes an expansion of a non-conforming use. The property requires rezoning to accommodate the *social service agency* use. The current RS7 district does not permit expansion or intensification of the *social service agency* use. The proposed RSO district would.

Per Douglas County Register of Deeds records, the current building was built in 1915.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: "*It will enhance an existing community resource.*"

Elm Street between N. 2nd Street and N. 9th Street is a generally residential area with pockets of other zoning districts. The corridor is located entirely within North Lawrence.

Staff Finding – *Horizon 2020* does not directly addresses social service uses. Map 3-2 indicates a future land use of parks, recreation, and open space surrounded by low to very low-density residential. *Horizon 2020* discusses transitions and compatibility of those uses between low-density residential and more intense uses. The subject property is not directly adjacent to the neighborhood's other, more intense zoning districts, but it does contribute to a broad transition zone between the CS (Commercial Strip) and IG (General Industrial) Districts found along N. 2nd Street and Locust Street and the RS7 (Single-Dwelling Residential) District found in the southern and eastern portions of the North Lawrence neighborhood.

The proposal is generally in conformance with the comprehensive plan because it conforms to the transitional policies between uses. It also prevent the expansion of a non-conforming use in a low-density residential area. The Ballard Center's existing food pantry *social service agency* use is not registered as an approved non-conforming use. A non-conforming use may not be expanded per Section 20-1502 of the Land Development Code.

Both RS7 and RSO Districts are single-dwelling residential districts and do not support multi-dwelling structures per the Land Development Code. The stated intent of the RSO District 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 generally single-dwelling residential nature of the neighborhood would be maintained under this proposed rezoning.

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

Current Zoning and Land Use:		RS 7 (Single-Dwelling Residential) District. Existing building used for early childhood education center (<i>Day Care Center</i>) and Food Pantry (<i>Social Service Agency</i>).
Surrounding Zoning and Land Use:		
To the north	RS7 (Single-Dwelling Residential), <i>detached dwelling</i> use.	
To the south	OS (Open Space) District, <i>open spaces/parks</i> (John Taylor Park) use.	
To the west	RS7 (Single-Dwelling Residential), <i>detached dwelling</i> use.	
To the east	RS7 (Single-Dwelling Residential) District, <i>detached dwelling</i> use.	



Figure 1: Existing Zoning



Figure 2: Existing Land Use

Staff Finding – The property is surrounded by existing RS7 (Single-Dwelling Residential) zoning and OS (Open Space) zoning to the south. Land uses include residentially developed lots to the north, east, and west. There is a church (*neighborhood religious institution*) at the northwest corner of the intersection of Elm Street and N. 7th Street. Furthermore, there are pockets of GPI (General Public and Institutional Use) District, CS (Commercial Strip) District, CN1 (Inner neighborhood Commercial) District, RS5 (Single-Dwelling Residential) and RSO (Single-Dwelling Residential-Office) District within the southern half of the North Lawrence neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Residential with light commercial.*"

The property is located in the North Lawrence neighborhood. The neighborhood includes a mix of residential, commercial, and industrial uses with a commercial area along N. 2nd Street and small commercial pockets along Locust Street. There are industrial and commercially zoned parcels centered along Maple Street and the railroad tracks north of the subject property. Significant land uses in the immediate neighborhood include Woodlawn Elementary School and John Taylor Park. The south side of Locust Street to the east and west of N. 6th street is already zoned RSO (Single-Dwelling Residential-Office) District and has been developed as a *duplex* use.

The subject property is not located within any historic environs in the neighborhood. It is located within the FEMA designated Zone X: Protected by Levee, which means it is not considered part of the regulatory floodplain.

Staff Finding – The North Lawrence Neighborhood includes a variety of zoning districts and land uses. RSO (Single-Dwelling Residential-Office) District already exists to the northwest of the subject property along Locust Street west of N. 7th Street. The Locust Street RSO district was developed as a *duplex* use. This is an example of the RSO district acting as a buffer and transition zone between the CS (Commercial Strip) and IG (General Industrial) districts along the railroad tracks and the RS7 district that surrounds the subject property. RSO is a residential district as its base and conforms to the residential character the area.

Detached-Dwelling Residential use dominates the subject property's immediate neighborhood.

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

The *North Lawrence Neighborhood Plan* was adopted by the Lawrence-Douglas County Planning Commission in 1981; however, it is not identified as a specific plan by *Horizon 2020*. The plan focuses on the future development of the North Lawrence neighborhood. It recognizes the variety of land uses throughout the neighborhood and the inconsistency between zoning districts and land uses that exists for some parcels. The plan recommended rezoning of properties consistent with their land use or with performance standards taking into account the surrounding residents.

The plan also recognizes the unique demographic and physical characteristics of the North Lawrence Neighborhood and encourages increased utilization of the public and quasi-public spaces in the neighborhood. The plan recognizes neighborhood churches, the Ballard Center, and Woodlawn School as public and quasi-public spaces. A survey associated with the plan noted relative public satisfaction with the neighborhood's public facilities and services. The plan notes,

The Ballard Center will continue to function in its present capacity and remain an important neighborhood asset.

Residents express a strong desire to see community facilities such as a daycare center, indoor recreation and meeting rooms developed as a joint operation with the present facilities of Woodlawn School.

The RSO (Single-Dwelling Residential-Office) District is intended to accommodate both low and medium-intensity administrative and professional uses that are compatible with the character of

low and medium-density residential neighborhoods. This matches a non-residential objective outlined in the 1981 North Lawrence Neighborhood Plan,

Provide for diverse and convenient non-residential facilities to serve neighborhood needs in such a way that low density residential areas of the neighborhood are not adversely affected.

The Ballard Center has operated an early childhood education center and desires to expand a food, clothing, and household goods donation program. The RSO (Single-Dwelling Residential-Office) District permits both uses while the current RS7 (Single-Dwelling Residential) District permits only the *day care center* use. The services provided by the Ballard Center align with the goals the North Lawrence Neighborhood Plan outlined for its public and quasi-public spaces. The Ballard Center is looking to align those uses with the Land Development Code's zoning districts.

Another stated goal of the RSO (Single-Dwelling Residential-Office) District is to act as a transitional zoning district between higher intensity commercial areas and residential neighborhoods. A variety of zoning districts exist in North Lawrence and there is not always a gradual transition between higher-intensity commercial or industrial districts and lower-intensity residential districts. Broadly, this rezoning would meet the intentions of the RSO (Single-Dwelling Residential-Office) District. It would act as a transitional zoning district between the higher intensity CS (Commercial Strip) and IG (General Industrial) Districts present in the western half of the neighborhood and the lower intensity RS7 (Single-Dwelling Residential) and OS (Open Space) Districts that exist in the eastern portion of the neighborhood.

Staff Finding – This request is consistent with the stated objective of the 1981 neighborhood plan to align land use and zoning, as well as provide neighborhood services without negatively affecting the surrounding properties. The proposed rezoning complies with *Horizon 2020's* stated criterion for strong neighborhoods. This request will not alter the character and appearance of the surrounding low-density residential neighborhood. The proposed rezoning will allow the Ballard Center to continue operating as an identifiable hub. *Horizon 2020* calls for interspersed public and civic uses that are designed to offer basic daily needs and services. The Ballard Center, along with John Taylor Park and Woodlawn School, function as identifiable hubs for the North Lawrence neighborhood.

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

Applicant's Response: *"The property is very suitable for the new zoning."*

The property included in this rezoning request is comprised of one platted lot. The eastern portion of the site is currently unplatted. Communications between planning staff and the applicant indicate that a larger-scale development project would require replatting of the subject property to include the currently unplatted land on the eastern half of the site.

The RS7 (Single-Dwelling Residential) District does not permit the Ballard Center's *social service agency* use that encompasses the food, clothing, and home goods donation program. The RSO (Single-Dwelling Residential-Office) District permits the *social service agency* use and will allow for future site alterations not permitted for the existing non-conforming use. A rezoned Ballard Center property would allow the continued use of the site as a community facility.

Staff Finding – The Planning Director has determined the current use of the site to be *social service agency*, which is a non-conforming use in the RS7 (Single-Dwelling Residential) District.

Rezoning the subject property to RSO (Single-Dwelling Residential-Office) District would allow future site and use alterations that would not be permitted for a non-conforming use under the Land Development Code.

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

Applicant's Response: *"N/A"*

The property has been zoned RS7 (Single-Dwelling Residential) District since the adoption of the Land Development Code in 2006. The property is not vacant. The site has operated as a school, library, and a number of *social service agency* uses since it was constructed in 1915.

The subject property was zoned RS-2 (Single-Family Residential) District in 1966. The 1966 Zoning Code permitted the Ballard Center's uses with special conditions.

Staff Finding – The property included in this request is developed with a building with frontage along Elm Street and N. 7th Street. The building was constructed in 1915 and has operated in the current manner as a center for social services since the 1960s.

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

Applicant's Response: *"It will not detrimentally affect nearby properties."*

Nearby properties include single-dwelling residential uses fronting Elm Street and N. 7th Street. John Taylor Park is immediately south of the property. A church is located to the northwest at the intersection of Elm Street and N. 7th Street.

The RSO District, at its base, is a single-dwelling residential district. The residential component of the district is in conformance with the surrounding RS7 District. There is no residential proposal included in the associated site plan under staff review.

Staff Finding – Approval of the request is not anticipated to result in detrimental impacts to the adjacent properties. A site plan has been submitted to expand the existing *Social Service Agency* use and is currently under staff review. Staff will review the site plan application for compliance with the standard site plan requirements established by the Land Development Code.

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: *"It will allow the Ballard Center to provide additional public services to the community. Without rezoning it will be difficult for the Ballard Center to operate at its full potential."*

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.

Approval of the proposed zoning would align the long-term existing use with the Land Development Code. Rezoning to RSO (Single-Dwelling Residential-Office) will allow the Ballard Center to conform expand its mission.

Staff Finding – Denial of the request will maintain the current RS7 (Single-Dwelling Residential) District, which does not permit the Ballard Center’s social service programs to expand. There would be little gain to the public health, safety, and welfare if the application was denied as the proposal would limit the expansion of a non-conforming use.

9. PROFESSIONAL STAFF RECOMMENDATION

The RSO District would permit *social service agency* and *day care center* uses. The area is mostly comprised of *detached-dwelling residential* use but there are a variety of zoning districts and uses throughout the southern portion of the North Lawrence neighborhood.

The proposed rezoning to RSO would allow the Ballard Center to expand its food, clothing, and household goods donation program. *Social service agency* is not a permitted use in the RS7 District. The proposed rezoning would allow for an existing community facility to expand and improve operations without significant impact to the surrounding area’s residential atmosphere.

CONCLUSION

Staff recommends approval of the proposed rezoning from RS7 (Single-Dwelling Residential) to RSO (Single-Dwelling Residential-Office) District for 708 Elm Street.