

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
01/23/19

ITEM NO. 3: PCD TO CS; .18 ACRES; 3235 OUSDAHL RD (MKM)

Z-18-00508: Consider a request to rezone approximately 0.18 acres from PCD (Planned Commercial Development) District to CS (Strip Commercial) District, located at 3235 Ousdahl. Submitted by Paul Werner Architects, for Fraternal Investors LLC, property owner of record.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning request for approximately 0.18 acres from PCD-[Pine Ridge Plaza] (Planned Commercial Development) District to CS (Commercial Strip) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

Applicant's Response:

"A portion of 3235 Ousdahl is being purchased by the property owner to the north. The property to the north is zoned CS, and that property owner would like to expand their mini-storage facility, so the new piece of property they are purchasing needs to match the zoning of the property they currently own."

KEY POINTS

- The subject property is currently included in the Pine Ridge Plaza Planned Commercial Development Zoning District. This rezoning will remove the property from the Planned Development District; however, the property is not needed to meet any density or open space requirements of the planned development.
- The subject property is located within the boundaries of the *Revised Southern Development Plan*. The proposed zoning is consistent with the recommendations of the plan.
- Infrastructure to accommodate the proposed development is immediately available.
- A minor subdivision to consolidate the lots to the north to accommodate the mini-storage/boat and RV storage use, MS-17-00071, was approved on April 10, 2017. A revision was submitted in August of 2018 to add the subject property to the lot. This rezoning application was submitted for the subject property to avoid creating a lot with split zoning.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Administrative review and approval of the revised Minor Subdivision, MS-17-00071, placement on the City Commission's agenda for acceptance of dedication and vacation of easement, and recording with the Douglas County Register of Deeds.
- Submittal and approval of a site plan application for any proposed site improvements.

- Submittal of construction plans to Development Services for processing of building permits. Building permits must be obtained prior to construction activity.

ASSOCIATED CASES

- Z-16-00545; Rezoning of approximately 1.07 acres north of, and adjacent to, the subject property from PCD-[Pine Ridge Plaza] to the CS (Commercial Strip) District to remove the property from the planned development and provide uniform zoning across the lot being proposed with Minor Subdivision, MS-17-0071. Approved by City Commission on April 4, 2017 with adoption of Ordinance 9337. (Parcel marked with X in Figure 1.)
- MS-17-00071; Minor Subdivision to consolidate three lots, including the 1.07 acre lot in the rezoning noted above, into one lot to accommodate development of a mini-storage/boat & RV storage use. The minor subdivision was administratively approved on April 10, 2017 and dedication of easements and right-of-way were accepted by the City Commission at their May 12, 2017 meeting. This minor subdivision is in the process of being revised to include the 0.18 acres that are included in this rezoning request. (The area outlined in bold in Figure 1 was included in the minor subdivision originally. This lot will be expanded with the revised minor subdivision to include yellow highlighted area.)

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

Project Summary

The subject property is currently a part of the Pine Ridge Plaza Planned Commercial Development District. Approval of this rezoning request will remove this property from the planned development district and assign it a current base zoning designation. This removal should not impact the planned development as the property does not provide any required open space needed to meet any density requirements.

The owner of the property to the north intends to purchase the 0.18 acres that are the subject of this rezoning request and combine that with



Figure 1. Subject property, highlighted. If approved this parcel will be added to the property to the north which is being replatted as one lot, outlined.

the property he owns to the north (outlined in Figure 1). The rezoning will provide a uniform zoning designation for the consolidated lot and accommodate the proposed storage use on that property. The City Stormwater Engineer approved the conversion of the open channel drainage at this location into an underground main so the existing 60 foot wide drainage easement in this location will be vacated and replaced with a 25 foot wide drainage easement. These changes will result in additional developable area for the storage use.

The property was zoned PCD-2 prior to the adoption of the 2006 Land Development Code. This zoning designation converted to PCD-[Pine Ridge Plaza] with the adoption of the 2006 code; however, the standards of the PCD District remain applicable.

A final development plan for the lot containing the subject property was approved in 2008 for a "commercial office/warehouse" use, which has been developed. The development plan noted the specific uses which were permitted. The uses proposed for the new northern lot, *RV and Boats Storage* and *Mini-Warehouse* were included in Use Groups 13 and 14 in the pre-2006 code. The boat and RV storage use was not listed explicitly in the pre-2006 code, but a similar use: 'boat and marine sales, rental, and repair' was permitted in Use Group 13. The *Mini-Warehouse* use was listed as a permitted use in Use Group 14. The development plan notes that all uses in Use Group 14 are permitted on the subject property; however, the *RV and Boats Storage* / 'boat and marine sales, rental and repair' use is not listed as a permitted use. Therefore, the rezoning will alter the permitted uses to allow the *RV and Boats Storage* use on the subject property, which is approximately the northern 30 feet of 3235 Ousdahl Road.

The rezoning to the CS District would provide one consistent zoning district for the property included in the project and will allow the boat and RV storage use to extend approximately 30 feet further to the south. The minor subdivision will combine the three existing lots to the north and the subject parcel into one lot and create a smaller lot for the developed property to the south which will keep the planned commercial development zoning.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"All of the property in the area is zoned "commercial use". This particular piece of property is part of a development plan, and the property to the north is a site plan. We are planning to include this small portion of the property from the development plan into the site plan for 3215 Ousdahl. We feel that this conforms with Horizon 2020."

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

The land use recommendations for this area are provided in the *Revised Southern Development Plan*, which will be discussed in Section 4 of this report.

While the South Iowa area contains a variety of commercial zonings, it functions as a regional commercial center. The comprehensive plan notes, "*S. Iowa Street is considered an existing Regional Commercial Center. S. Iowa is a strip development that is intensely developed between 23^d Street and K-10. ...*"

Horizon 2020 identifies commercial development goals in Chapter 6. Goals for established commercial areas include the retention, redevelopment and expansion of established commercial areas in the community. (Page 6-24)

The area is identified for commercial zoning and land uses in the comprehensive plan and is currently zoned for commercial uses. The request is to update the zoning to a current commercial zoning district so it can develop under the standards of the 2006 Land Development Code.

Staff Finding – The proposed rezoning and development of the property is compliant with the recommendations of the comprehensive plan.

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

Current Zoning and Land Use: PD-[Pine Ridge Plaza] (Planned Commercial Development) District; the lot is developed with commercial office/warehouse uses, the subject property is a drainage way

Surrounding Zoning and Land Use: To the north:
CS (Commercial Strip) District; *Mini-Warehouse* and *Undeveloped*. These lots are included in the proposed development.

To the west:
PD-[Pine Ridge Plaza] (Planned Commercial Development) District: *General Retail Sales*

To the east:
RM15 (Multi-Dwelling Residential) and OS (Open Space) Districts; *Multi-Dwelling Structures* and vegetated drainage-way

To the south:
PD-[Pine Ridge Plaza] (Planned Commercial Development) District: commercial office/warehouse use which is classified in the 2006 Land Development Code as *Office* and *Wholesale Storage and Distribution, Light* (Figure 2)

Staff Finding – The area contains a mix of uses with retail, warehousing, and apartments being the predominate uses. The retail uses are located west of the subject property and are oriented toward the west, away from the subject property. The properties along Ousdahl Road are primarily office and warehouse uses which serve as a buffer between the more intense retail uses to the west and the multi-dwelling residential use to the east. The proposed rezoning and uses are compatible with the zoning and land uses in the area.

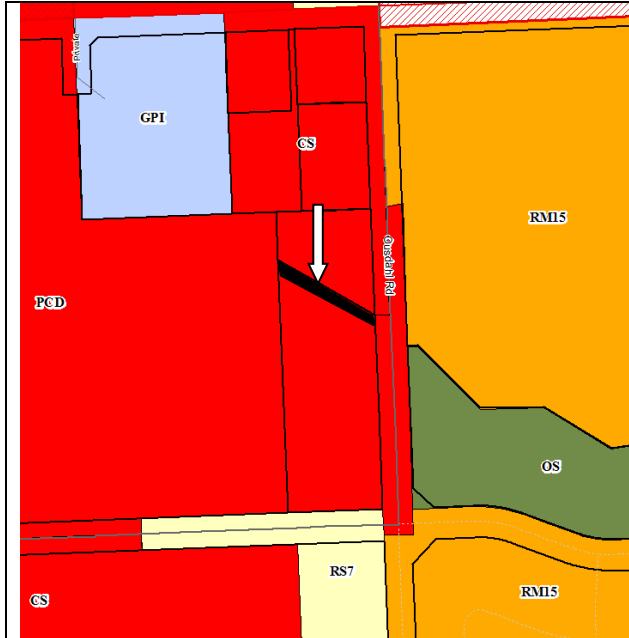


Figure 2a. Zoning in the area. The general location of the property within the rezoning request is shown in black.



Figure 2b. Land use/development pattern in the area. General location of property within the rezoning request is outlined.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The area contains many commercial uses such as contractor shops, mini-storage, and multi-family."

The term 'neighborhood' refers to the area surrounding the subject property. The neighborhood is located near the southern border of the city and contains a mix of uses. Iowa Street and W. 31st Street have been developed with intense commercial uses such as a shopping center, department stores, and car dealerships. Ousdahl Road marks the eastern boundary of the commercial development south of W. 31st Street. The west side of Ousdahl Road is partially developed with a mini-storage facility and an electrical equipment supply company. The area east of Ousdahl is partially developed with apartment uses, with a multi-dwelling development currently under construction. Open space, in the form of a vegetated stream, is also located to the east of Ousdahl Road. The proposed rezoning would maintain the commercial nature of the

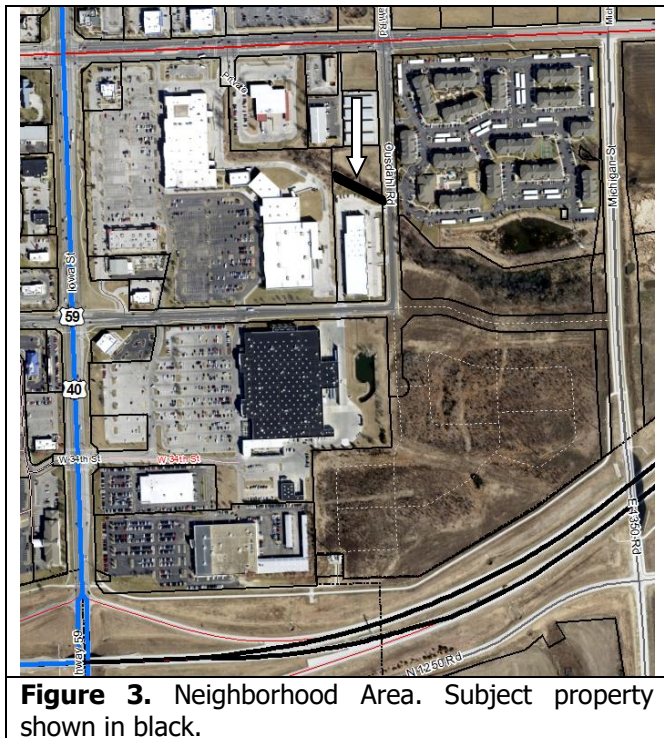


Figure 3. Neighborhood Area. Subject property shown in black.

property but would remove the restriction on the uses applied with the PCD Zoning from the subject property, which is the north 30 feet of 3532 Ousdahl Road. This minor change should not affect the character of the neighborhood.

The neighborhood is well served by a network of higher classification roads. (Figure 4) Iowa Street, on the west, is classified as a 'Principal Arterial/Freeway' in the City Future Thoroughfares Map. W. 31st Street, a principal arterial, provides connection through the area. The subject property is located on Ousdahl Road, a collector road.

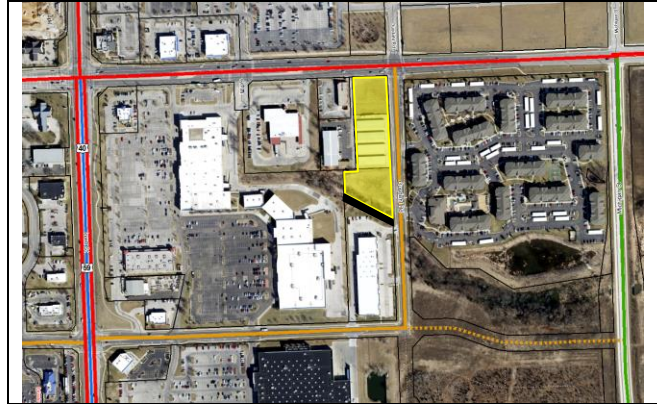


Figure 4. Major thoroughfares in the area: blue-freeway; red-principal arterial; green-minor arterial; and gold- collector. Subject property shown in black. Yellow highlighted area is property within the development project to which the rezoned property will be added.

Staff Finding – This is a mixed use neighborhood with the predominate uses being retail, warehouse, and apartments. In addition, the neighborhood contains a mix of higher classification roads. The proposed rezoning and use is compatible with the character of the neighborhood.

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

The property is located within the boundaries of the *Revised Southern Development Plan*. The plan recommends 'Commercial' as the future land use on the subject property. (Figure 5) The plan notes that the commercial area is intended to "allow for retail and service type uses geared toward the community as a whole and auto-related uses geared toward traffic from Hwy 10." (Page 20, *Revised Southern Development Plan*) The plan recommends CC and PD zoning for the commercial uses; however, as the adjacent properties are zoned CS and PCD, the subject property would not be a suitable candidate for CC zoning. The CC zoning is intended for development of a community commercial center and is expected to occur at the intersection of collector/arterial streets or arterial/arterial streets. The subject property is not suited for CC zoning, but the CS zoning complies with the intent of the plan to have commercial uses in this area. The overall commercial development, with the mix of commercial zonings, functions as a commercial center. The proposed rezoning and

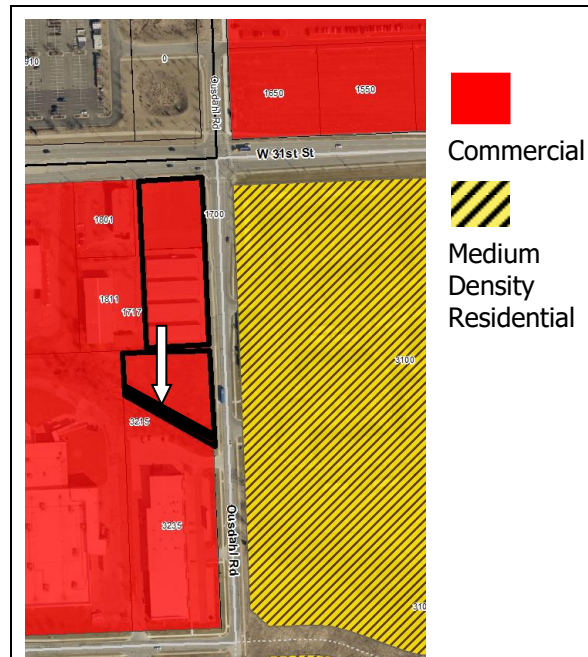


Figure 5. Future land use recommendations from *Revised Southern Development Plan*. Properties included in the project are outlined, with the subject property shown in black.

development is compliant with the recommendations in the *Revised Southern Development Plan*.

Staff Finding – The proposed rezoning and development comply with the land use recommendations of the *Revised Southern Development Plan*.

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

Applicant's Response:

"The suitability of the property will not be changing with the rezoning."

The subject property, a 30 foot wide strip along the north boundary of 3235 Ousdahl Road, is currently not well suited to development as it is encumbered with a drainage easement and contains a drainage way. The City Stormwater Engineer approved the request to vacate the drainage easement and change the stormwater management from over-ground flow to underground through this area. The minor subdivision will vacate the drainage easement and expand the southern boundary of the lot to include this rezoned parcel. The rezoning will provide one zoning designation for the new lot rather than having planned development zoning on the southern portion and commercial strip zoning on the northern portion. The unified zoning designation will provide one set of standards for the development of the property.

Staff Finding – The subject property is not well suited to the uses to which it is restricted with the current zoning due to the location of the drainage easement and drainage way. The vacation of the drainage easement and the installation of underground stormwater infrastructure will result in land that is suitable to the uses in either the PCD or CS District. One of the proposed uses is a not a permitted use in this phase of the development plan; however, this rezoning will remove the parcel from the planned development and include it in the CS District in which it is permitted. With the rezoning and the changes proposed to the stormwater management measures, the property will be suitable for the uses to which it is restricted.

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

Applicant's Response:

"It is currently a drainage ditch. By enclosing the drainage ditch, the land will become more usable."

Staff Finding – The subject property is part of a lot that is developed with commercial/warehouse uses but itself has not been developed due to the location of the drainage way. With this rezoning and the removal of the drainage easement, the subject property will be able to be developed.

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

Applicants Response:

"This will not detrimentally affect the nearby properties. The drainage ditch will remain in place, it will just become enclosed. Being able to improve the existing mini-storage facility should increase the value of the neighboring properties."

The removal of restrictions will allow the subject property to develop under the design standards of the 2006 Land Development Code, rather than the standards of the planned

development included in the previous code and will allow the proposed *RV and Boats Storage* use to extend to this portion of the lot, if that is the developer's intent.

The 2006 Land Development Code provides additional measures to insure compatibility with adjacent properties; therefore, planned development overlays are needed less frequently. Features included in the Land Development Code to insure compatibility between commercial development and nearby properties include:

- A landscaped bufferyard between properties that are zoned commercially and those that are zoned residentially; therefore, a bufferyard will be required along the Ousdahl Road frontage.
- Compliance with the commercial design guidelines which are intended to insure aesthetically pleasing developments in the commercial districts.
- Additional measures may be applied by the Planning Director as determined to be necessary to insure compatibility with nearby residential properties.

Staff Finding – The removal of the restrictions will allow the property to be developed with site plan approval in compliance with the design standards of the 2006 Land Development Code. The design standards and other requirements in the Land Development Code, implemented through the site plan review should result in compatible development which would not detrimentally affect 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

Applicants Response:

"The gain to the public will be a more visually appealing piece of property by enclosing the drainage ditch."

When determining the benefit to the health, safety, and welfare of the public by the denial of a rezoning request the negative impacts that would be avoided are evaluated. This rezoning will allow the lot to the north to be expanded 30 feet to the south, encompassing the entire width of the 60 foot wide drainage easement. When the drainage easement is vacated and underground stormwater measures are installed, the development can extend further to the south. Green infrastructure is typically preferred, such as the tree lined stream to the east; however, the City Stormwater Engineer noted that extending the box culvert will ease a maintenance issue with the ditch and that the length of the improvement doesn't adversely affect the stream since it is coming from a closed conduit immediately upstream. Public improvement plans for the new stormwater infrastructure have been submitted and are under review.

Staff Finding – Denial of the request would not provide any benefit to the public health, safety, or welfare as the rezoning would revise the use restrictions on a small portion of property, the northern 30 feet, and the stormwater management measures will be installed per the approval of the City Stormwater Engineer. Denial would impact the applicant by limiting the development to that proposed with the original zoning and minor subdivision.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the comprehensive plan, adopted plans for the area, the Golden Factors, and compatibility with surrounding development.

Staff recommends approval of the rezoning request for approximately 0.18 acres from the PCD-[Pine Ridge Plaza] (Planned Commercial Development) District to the CS (Commercial Strip) District based on the findings of fact listed in this report.