

CONDITIONAL ZONING

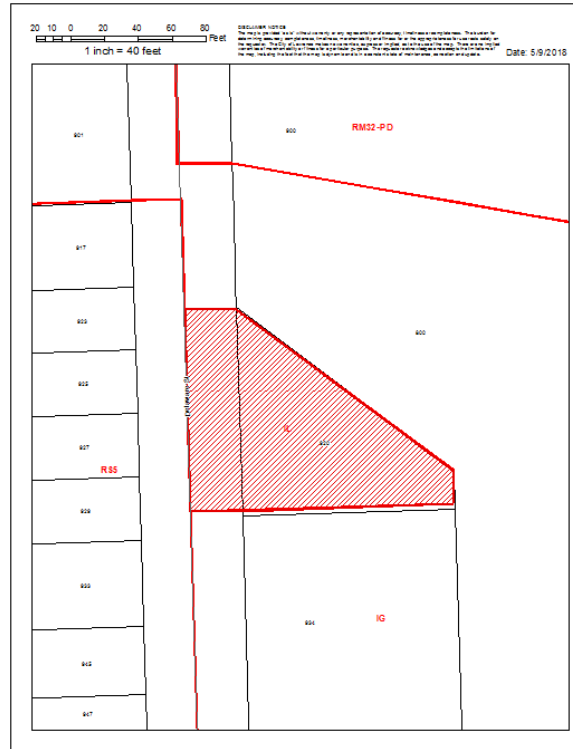
Z-11-26-11: Ordinance No. 8704

920 Delaware Street: Decade Coffee

Project Summary: The purpose of this rezoning request is to permit a wider range of uses that is currently not allowed in the IG district. Specifically, the applicant has indicated a desire to provide a coffee shop in one of the buildings. This use is a commercial use included in the Eating and Drinking Establishments group included in Article 4 Use Tables of the Development Code. This application is accompanied by a preliminary plat as a predevelopment requirement.

CONDITIONS/RESTRICTIONS: following uses are prohibited:

- a. Animal Services; Kennel
- b. Eating & Drinking Establishments; Fast Order Food, Drive-In
- c. Office; Financial, Insurance & Real Estate
- d. Retail Sales & Service; Mixed Media Store
- e. Transient Accommodation; Hotel, Motel, Extended Stay,
- f. Vehicle Sales & Service;
 - i) Cleaning (Car Wash)
 - ii) Gas and Fuel sales
 - iii) Heavy Equipment Repair
 - iv) Heavy Equipment Sales/Rental
 - v) Inoperable Vehicles Storage
 - vi) RV and Boats Storage
- g. Industrial Facilities; Scrap and Salvage Operation
- h. Wholesale, Storage & Distribution; Mini Warehouse and
- i. All uses included in the Agriculture group



FINDINGS OF FACT

1. CONFORMANCE WITH THE COMP. PLAN

The proposed request does not modify the boundary of the Burroughs Creek Corridor but provides an opportunity to consider other uses than currently permitted in the IG district. Approval of the request may allow for the mixing of uses and provide for the existing construction business to remain in its current location. This request is consistent with land use recommendations of *Horizon 2020*.

2. ZONING AND USE OF NEARBY PROPERTY

Surrounding uses include large scale industrial uses and detached residential homes. This request, with restrictions, is compatible with the existing zoning and uses of the neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD

East Lawrence is a dynamic neighborhood with a wide range of residential and non-residential uses located throughout the neighborhood. This request is compatible with the character of the neighborhood.

4. PLANS FOR THE AREA

An area plan was adopted in 2000 for the East Lawrence Neighborhood. However, the plan does not include a land use element. The plan provides policy recommendations regarding the continued investment in the neighborhood along with the need to recognize that many design standards are not applicable in this neighborhood setting. Approval of the request would allow more flexibility of use for this property consistent with Plan recommendations that "support long term viability of the neighborhood."

5. SUITABILITY OF SUBJECT PROPERTY

The current zoning severely limits the ability for this property to redevelop or provide complementary uses to the existing business. Given the size of the property as a separate parcel from the adjacent development, the current IG zoning is not suitable.

6. LENGTH OF HAS REMAINED VACANT AS ZONED

This site is developed with two structures. Based on aerial photography these buildings have been present since at least 1966.

7. DETRIMENTALLY AFFECT TO NEARBY PROPERTIES

The proposed request will not result in a detrimental impact to adjacent properties other than potential parking demands in the immediate area.

8. GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE

Gains to the public are marginal but increase as the focus of the impact of the land use change narrows. Denial of the request would result in the applicant being denied the opportunity to consider other uses for this property.



CONDITIONAL ZONING

Z-11-18-08: Ordinance No. 8370

1245 Connecticut Street

Project Summary: The purpose of this rezoning to change use of church to mortuary.

CONDITIONS/RESTRICTIONS: following uses are prohibited:

1. Remove Use Category of Financial, Insurance & Real Estate
2. Remove Use Category of Homeless or Transient Shelter Z-11-18-09 Ord. No. 8370 Page 2 of 2.



FINDINGS OF FACT

1. CONFORMANCE WITH THE COMP. PLAN

The Plan supports the concept of a unique neighborhood identity and the overall preservation of neighborhood characteristics. Reuse of the subject property allows for the existing neighborhood form to be retained.

2. ZONING AND USE OF NEARBY PROPERTY

The subject property is surrounded by existing single-family residential development zoned RS5. The subject property is adjacent to the South Rhode Island Historic District, a National Register of Historic Places District. As such, development changes to the subject property are subject to review under the State Historic Preservation Statute by the Historic Resources Commission.

3. CHARACTER OF THE NEIGHBORHOOD

The East Lawrence Neighborhood is accurately described in the East Lawrence Neighborhood Revitalization Plan (ELNRP) as unique and inclusive of many residential and non-residential uses found side by side.

4. PLANS FOR THE AREA

An area plan was adopted in 2000 for the East Lawrence Neighborhood. An adopted area plan exists for the East Lawrence Neighborhood of which the subject property is a part. The subject property is not identified specifically as a neighborhood institution within the Neighborhood Plan. The ELNRP seeks to preserve and conserve existing physical neighborhood landmarks and to protect and enhance neighborhood streetscapes and other physical assets. Approval of the request would allow for reuse of an existing structure for another non-residential use.

5. SUITABILITY OF SUBJECT PROPERTY

The current zoning severely limits the ability for this. The existing RS5 zoning is limited to residential uses and a few community uses such as a daycare, nursing home, or religious institution. The proposed RSO zoning retains the low to moderate intensity of land use of the current district and allows for reuse of existing land improvements.

6. LENGTH OF HAS REMAINED VACANT AS ZONED

The subject property is developed with a 4,141 SF structure and parking area to the north. The church was built in 1955 according to Douglas County Appraisal records. The RS5 zoning has been in place since 2006. The property is no longer used as a church.

7. DETRIMENTALLY AFFECT TO NEARBY PROPERTIES

In general the proposed zoning is intended as a low to medium intensity use district. To ensure compatibility use restrictions could be considered.

8. GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE

Approval of the request allows greater flexibility of the subject property for adaptive reuse.

CONDITIONAL ZONING

Z-11-15-10: Ordinance No. 8610

1701 Massachusetts Street: Cat Clinic

Project Summary: Proposed request is for rezoning from a single-dwelling residential district to a single-dwelling residential office district to allow for the reuse of the existing vacant religious facility into a veterinary office.

CONDITIONS/RESTRICTIONS: following uses are prohibited:

1. The following uses as prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas 2011 Edition," and amendments thereto, shall not be permitted as principle uses on the property described in Section Two:
 - a. Temporary Shelter
 - b. Community Meal Program



FINDINGS OF FACT

1. CONFORMANCE WITH THE COMP. PLAN

Horizon 2020, Map 3-2 identifies the subject property as low-density residential use. Horizon 2020 discusses transitions and compatibility of those uses between low-density residential and commercial uses. Currently the subject property is a nonresidential use with office uses adjacent. This is an appropriate transition between the residential uses to the north and west of the subject property and the high-density residential and commercial uses to the east and south of the subject property. The proposal is generally in conformance with the comprehensive plan because it conforms to the transitional policies between uses.

2. ZONING AND USE OF NEARBY PROPERTY

The surrounding area of the subject property is a mix of residential, office and commercial uses. The general area to the north is a mix of residential and the general area to the south is a mix of office and commercial uses including Dillon's.

3. CHARACTER OF THE NEIGHBORHOOD

The character of the surrounding neighborhood is a mix of different residential, office and commercial uses. The subject property is on the edge of the commercial area to the south generally around 19th and Massachusetts Streets.

4. PLANS FOR THE AREA

The subject property is adjacent to the Oread and Barker Neighborhoods but not within any formal neighborhood boundaries.

5. SUITABILITY OF SUBJECT PROPERTY

The subject property is currently zoned for a single-dwelling residential use and developed with a church structure. The church is a permitted use in the RS5 District in addition to a single-dwelling structure. As developed, the subject property is a permitted use. A church is permitted in all residential districts.

6. LENGTH OF HAS REMAINED VACANT AS ZONED

The subject property has been developed as a church since the mid 1900's and has always been zoned a single-dwelling residential district.

7. DETRIMENTALLY AFFECT TO NEARBY PROPERTIES

The subject property is currently developed as a nonresidential use. The proposed use, a feline veterinary office, is considered a less intensive use and has a lesser parking requirement than a religious facility. The office uses, in addition to the residential uses, would generally be less intensive and could potentially have less evening and weekend activity. Additionally, the existing building is proposed to be reused, minimizing the change in the neighborhood character. Less intensive uses, and potentially less evening and weekend activity will not detrimentally affect nearby properties.

8. GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE

Denial of the request will maintain the strict single-dwelling residential zoning which permits single-dwelling structures, group homes, public and civic uses, recreation facilities and religious facilities. These uses are uses that have been determined to be compatible with single-dwelling residential uses and maintain that type of neighborhood atmosphere. There would be little gain to the public health, safety and welfare if the application was denied as the proposal would permit uses that are potentially less intensive than the existing use.

