

ITEM NO. 3A REZONING .27 ACRES FROM RSO TO CS; 1710 W 7TH ST & 1711 W 6TH ST (SLD)

Z-18-00242: Consider a request to rezone approximately 0.27 acres from RSO (Single-Dwelling Residential-Office) District to CS (Commercial Strip) District, located at 1710 W 7th St and 1711 W 6th St. Submitted by Casey's Retail Company on behalf of Harold Shephard and James W Vantuyl, property owners of record.

ITEM NO. 3B VARIANCE; 1703, 1711, 1717 W 6TH ST & 1710 W 7TH ST (SLD)

Consider a variance from the right-of-way width for a Principle Arterial Street from 150' to 100' for a Minor Subdivision, **MS-18-00243**, for Casey's Subdivision, located at 1703, 1711, 1717 W 6th St & 1710 W 7th St. Submitted by Casey's Retail Company on behalf of Lonnie J, and Geneva J. Blackburn, Harold Shephard, Marla Webster, Caroline B. Shephard, and James W. Vantuyl and Brenda S. Vantuyl, property owners of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 3A-3B together.

Commissioner Carpenter asked if any communication from the public was received.

Ms. Day said she received several phone calls.

APPLICANT PRESENTATION

Mr. Jeff Laubach, SBB Engineering LLC, said there were a few meetings held with the Hillcrest neighborhood. He said the attendees of the meeting seemed pleased with the buffer area.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Kelly asked if any other tools such as conditional use were considered.

Mr. McCullough said there had been a few instances of existing commercial strip wanting to expand. He said the buffer to 7th Street would be retained regardless of the zoning.

Ms. Day said the lot depth had natural constraints to it and the likelihood of intensification was self limiting due to the lot size and the buffer being retained.

Commissioner Kelly inquired about the Eagles Lodge property.

Ms. Day said the Eagles Lodge to the west had split zoning of CS in the front and RSO in the back. She said staff would have had a different response if the applicant had requested commercial zoning all the way to 7th Street.

Commissioner Sands asked if the access points would be reduced to one.

Ms. Day said yes.

Commissioner Carttar said the staff report mentioned that there had been a recommendation as part of the HOP (Hillcrest-Old West Lawrence-Pinckney) area plan for a task force to examine transitional zoning surrounding the area. He wondered what would be an appropriate catalyst to enable the task force to be formed.

Ms. Day said if this project hadn't launched it she wasn't sure what would have.

Commissioner Carpenter said he was a LAN (Lawrence Association of Neighborhoods) representative to the HOP (Hillcrest-Old West Lawrence-Pinckney) discussions and the task force concept came up as a way to prevent the expansion of commercial uses out from 6th Street, primarily into the Pinckney neighborhood. He said there were discussions about a "line in the sand" with 7th Street and what uses would be allowed between 6th and 7th Street.

Mr. McCullough said the catalyst lies with the neighborhoods themselves to generate that task force. He said there had been some rezonings in the HOP (Hillcrest-Old West Lawrence-Pinckney) area that conformed with the desires of the plan so they were easy to support.

ACTION TAKEN on Item 3A

Motioned by Commissioner Struckhoff, seconded by Commissioner Carttar, to approve the request to rezone approximately .27 acres, from RSO (Single-Dwelling Residential Office) District to CS (Commercial Strip) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Unanimously approved 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Weaver voted in favor.

ACTION TAKEN on Item 3B

Commissioner Carttar asked about the variance change in the 2006 Land Development Code.

Ms. Day said the concept, especially with regard to principal arterial streets, was that the wider width would go along with a street profile constructed as a boulevard. She said it worked very well with new greenfield development. She said it did not work so well with urbanized infrastructure. She said it was very onerous to property owners to obtain additional 25-50' of right-of-way that reduces their property further. She said in this particular application the applicant would have to dedicate additional right-of-way that would reduce their ability to build and the adjacent properties would not have that same burden since they weren't building.

Mr. McCullough said in all instances staff are having discussions with the City Engineer about anticipating the need for additional improvements.

Motioned by Commissioner Struckhoff, seconded by Commissioner Paden, to approve the variance requested for a minor subdivision, MS-18-00243, to reducing the right-of-way, required per Section 20-810(a)(5) for a principal arterial street, from 150 feet to 100 feet in accordance with the provisions per section 20-813(g) of the Land Development Code for property located at 1703, 1711, 1717 W 6th Street, and 1710 W. 7th Street.

Unanimously approved 9-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, and Weaver voted in favor.