

**PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item**

PC Staff Report
07/25/2018

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 Marla Webster and James W Vantuyl and Brenda S. Vantuyl, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of 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.

Applicant's Reason for Request: *In order to construct a parking lot with approximately 40 parking spaces.*

KEY POINTS

- Request expands the commercial zoning to the south to facilitate redevelopment of property along W. 6th Street.
- Redevelopment project includes multiple parcels of land and property owners.
- Redevelopment project includes consolidated access along W. 6th Street west of Wisconsin Street.
- Redevelopment will include a new traffic signal at the intersection of Wisconsin Street and W. 6th Street.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- MS-18-00243: Casey's General Store replaces MS-17-00554
- SP-18-00124: PANDA Pediatrics Office redevelopment; 1803 W. 6th Street.
- SP-18-00275: Casey's General Store replaces SP-17-00501

Other Action Required

- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.
- City Commission acceptance of easements and rights-of-way associated with MS-18--00243
- Recording of the minor subdivision with the Register of Deeds office.

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 request

ATTACHMENTS

Attachment A: Area Map
Attachment B: Proposed Minor Subdivision

Attachment C: Proposed Site Plan
Attachment D: HOP District Plan Boundary Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received

Project Summary:

Proposed request is for CS (Commercial Strip) District zoning. The request would extend the district zoning to the south along Wisconsin Street to accommodate an additional commercial development south of the proposed Casey's redevelopment. The applicant (Casey's) has submitted this request because of the need to seek an access solution to gain full access curb cut to W. 6th Street.

The proximity of driveways to the constructed Wisconsin Street intersection reduces the opportunity to construct a separate driveway for the Casey's site on their property. The project necessarily has expanded to include additional land (properties) to accommodate their preferred access. This expansion resulted in the expansion of land associated with this project providing parking for Academy Car's site to the south of the Casey's site. Rezoning of the property is necessary to meet the minimum requirements of the proposed use. This application is submitted concurrently with an application for a minor subdivision and site plan for redevelopment.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *No response provided*

The following strategies, goals, and policies discussed below can be found in detail in Chapters 3, 5, and 6 of *Horizon 2020*.

Key Strategies

- The plan supports infill development and redevelopment
- The plan supports development consistent and compatible with established land use patterns in surrounding areas.
- The plan recognizes area plans.
- The plan encourages the development of neighborhoods with a range of densities.
- The plan encourages the use of progressive land uses to achieve a transition in land use and intensity levels to avoid major or abrupt changes in density and building type.

Residential Strategies, Goals, and Policies

- Character and appearance of existing neighborhoods should be protected and enhanced infill development should reflect architectural qualities and styles of existing neighborhoods.
- Design, site improvements, and infrastructure shall be consistent with adopted neighborhood plans, with the development of a neighborhood concept, and with the area plans and sector plans.

Commercial Strategies, Goals, and Policies

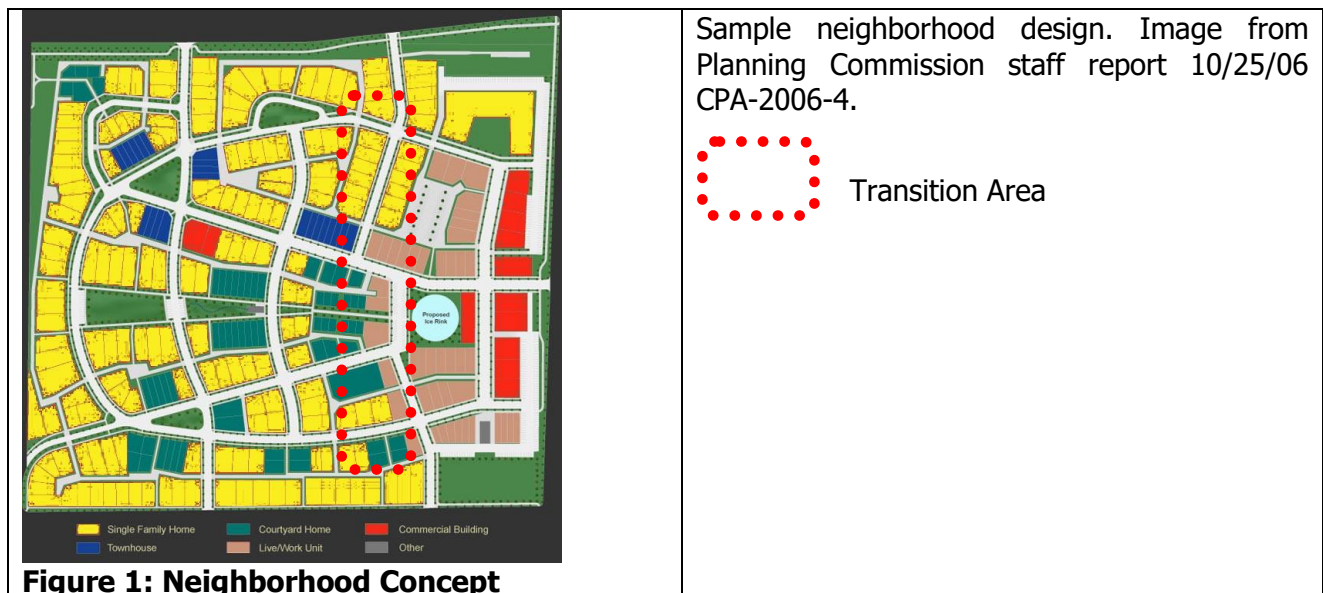
- Establish and maintain commercial development nodes at selected intersections.
- Avoid continuous lineal and shallow depth commercial development.
- Encourage infill development and/or redevelopment of existing commercial areas.
- Improve overall community image through development of site layout and accessibility plans that are compatible with the community's commercial and retail areas.

- Encourage the retention, redevelopment, and expansion of established commercial areas of the community. **(Goal 1: Established Commercial Area Development)**
 - Existing Commercial areas should be improved and upgraded. Particular emphasis should be given to existing commercial gateways. **(Policy 1.4: Redevelopment of Existing Commercial Areas)**

This request is located within the area that is part of the W. 6th Street corridor. The W. 6th Street corridor (Alabama Street to Iowa Street) is part of an existing commercial area described in *Horizon 2020* (page 6-17). *Horizon 2020* does not recommend expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

Horizon 2020 defines the neighborhood concept on page 5-2. Neighborhood components may interest and overlap between neighborhoods. Where land uses change from one distinct use to another is where the transition occurs. Figure 2 provides an example of this neighborhood concept. The transition zone is highlighted for context. The area north of W. 7th Street is the transition zone between the low-density residential neighborhood and the W. 6th Street commercial corridor.

The proposed request rezones a portion of the existing RSO to CS. This change would expand the allowed uses and extend the scope of commercial uses to the south. A portion of the original parcel is retained as RSO and preserved as a buffer along W. 7th Street; thereby separating the low-density residential development from the higher-intensity corridor along W. 6th Street. The intent of the rezoning is to facilitate the redevelopment of the properties at the corner, remove and combine driveways along W. 6th Street, and provide additional off-site parking for an existing automotive dealership in the immediate area east of the rezoning.



Staff Finding – The proposed application does not expand the commercial boundary along the corridor linearly, but it does expand the depth. The property currently allows residential and office uses. If approved the possible intensity could be increased by the change in the base district to CS

(Commercial Strip) zoning. This intensity is offset by the intent of the request to facilitate infill development and improve access along the W. 6th Street corridor. The proposed request is consistent with the goals and policies related to infill development and retention and improvement of existing commercial areas discussed in *Horizon 2020*.

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

GENERAL INFORMATION	
Current Zoning and Land Use:	RSO (Single-Dwelling Residential Office) District. Undeveloped land located along the west side of Wisconsin Street, proposed as Lot 2 Casey's Subdivision.
Surrounding Zoning and Land Use:	CS (Commercial Strip) District to the north. Existing vacant commercial uses including former hotel and office uses, proposed to be redeveloped as <i>gas and fuel sales and convenience store (Casey's - SP-18-00275)</i> . Proposed as Lot 1 Casey's Subdivision
<i>To the north</i>	
<i>To the south</i>	RSO (Single-Dwelling Residential Office) District. Undeveloped land; proposed as Lot 3 Casey's Subdivision.
<i>To the east</i>	RMO (Multi-Dwelling Residential Office) District. Existing multi-dwelling residential along the east side of Wisconsin Street.
<i>To the west.</i>	RSO (Single-Dwelling Residential Office) District. Redeveloping <i>Health Care Office</i> use (1803 W. 6 th Street SP-18-00124).

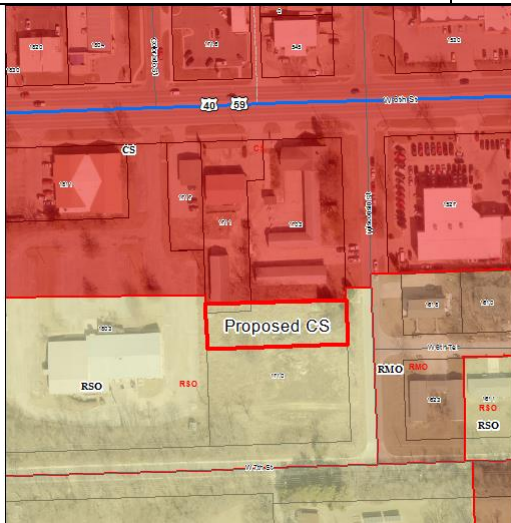


Figure 2: Surrounding Zoning



Figure 3: Surrounding Land Use

Staff Finding – The property to be rezoned abuts existing CS zoning to the north. The intent of the request is to facilitate redevelopment of properties along the corridor and consolidate access driveways to W. 6th Street with the least amount of impact to the surrounding neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Existing vacant hotel property to the north and vacant property to the south. Existing care dealership to the east. Property to the east is being redeveloped.*

The applicant’s response describes the request as an independent use, *Light Equipment Sales* (automotive sales lot) in relation to the redevelopment of the property to the north (Casey’s site). The area located between W. 6th Street and W. 7th Street is not located in a designated neighborhood. It is included in the HOP area plan and discussed later in this report. The property is generally part of the W. 6th Street corridor area, and is part of a transition area between the commercial uses located along the arterial street and the lower density residential neighborhood to the south.

The immediate area includes a mix of uses including high-density residential uses along Iowa Street, medium density residential development along W. 6th Terrace, and commercial and industrial uses along W. 6th Street and Florida Street.



Figure 4: Neighborhood Area

- Area to be rezoned highlighted in red.
- High-density Multi-Dwelling
- Medium-density Multi-Dwelling (13 DU/Acre)
- Industrial Use.
- Healthcare Office Use.
- Existing Retail Commercial Use

The property to the west is redeveloping from a vacant use to a *Healthcare Office*. This section of W. 6th Street has included redevelopment of property on the north side of the corridor at 1716 W. 6th Street and 530 Colorado Street in the past several years.

Staff Finding – The subject property is located between two established neighborhoods along the W. 6th Street corridor. It is part of a transitional area separating the commercial arterial street segment from the low-density residential portion of the neighborhood to the south.

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

This property is located within an area defined as the HOP District. A plan for this area was adopted in May 2005 and included portions of the Hillcrest, Old West Lawrence, and Pinckney Neighborhoods, and where they intersect the W. 6th Street corridor. The purpose of the plan was to provide guidance for redevelopment along W. 6th Street that “would serve and enhance the

surrounding neighborhood,” preserve residential uses, and “revitalize the commercial W. 6th Street corridor.”

The plan assessed each parcel within the boundary and identified parcels that had conflicting land use and zoning. The focus of the plan was to address specific parcels of land where the land use did not align with the existing zoning district. Three key goals are identified in the plan.

1. Preserve and improve commercial urban core and adjacent historic residential neighborhoods by encouraging aesthetically appealing redevelopment through design standards.
2. Encourage redevelopment and support compatible mixed-use development through preserving residential use and character, which is predominantly single-family residential along edges of the district, updating zoning to reflect uses where appropriate and requiring reasonable transitions through buffer uses and zoning between single-family residential and higher-density uses.
3. Promote identification of the district as a gateway to downtown and as a medical entryway for community medical services by incorporating pedestrian friendly design characteristics similar to downtown. Providing incentives for medical uses to locate in the district. Supporting medical uses as acceptable buffers between commercial and residential uses through the district.

Within the plan boundary, three specific areas were identified. The plan did not include specific land use recommendations for these areas. Figure 6 shows the three areas. The subject property is located within area 3. The plan recommended the creation of a “task force” to work with affected property owners in the identified area. To date no such group has been formed. These areas were identified because “of concerns regarding the compatibility of the existing outdated zoning with the current character and uses, the preservation of single-family homes, and the application of zoning buffers between uses.” The plan states; “the identified areas should be revised to reflect these issues where possible.” The plan also states; “where possible and consistent with the plan goals, properties abutting the commercial zones should be a form of mixed use, multiple-family residential, and office uses and zonings. This provides a progression from low to medium density residential to commercial uses.”

This rezoning application is a direct result of a proposed redevelopment/infill project along W. 6th Street. The project will include required buffering as recommended in the plan. The project will also be subject to compliance with the Community Design Guidelines (commercial design guidelines) as they apply to the physical development of the properties included in the various redevelopment applications.

The request does not extend CS zoning to W. 7th Street and retains an area of land zoned RSO (Single-Dwelling Residential Office) District. W. 7th Street is the boundary between the low-density residential uses and the transition to the higher intensity land uses along W. 6th Street. There is no current development proposal for the parcel along W. 7th Street.

Map 4-1

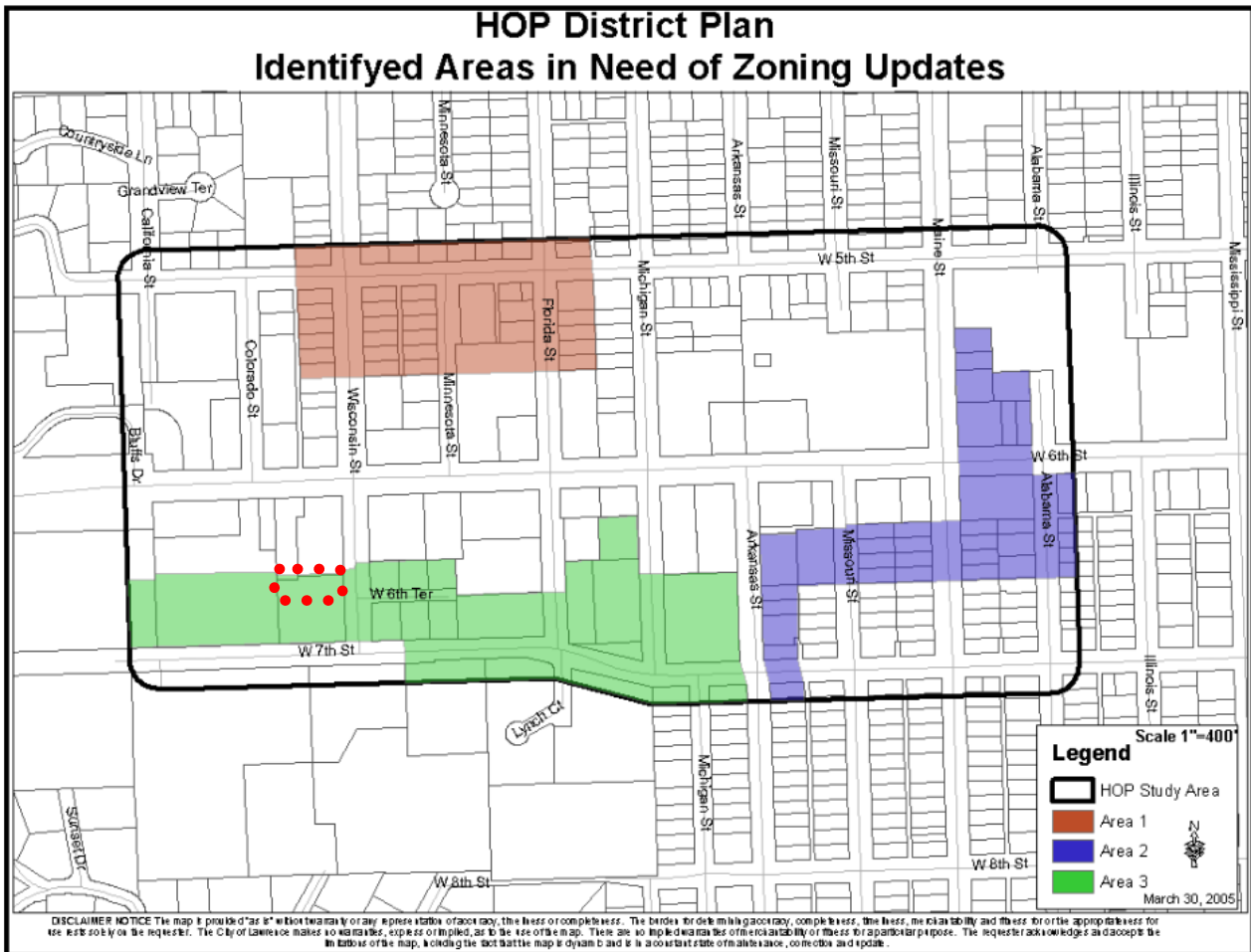


Figure 5: HOP District Plan Zoning Update Areas

Staff Finding – The HOP plan does not include specific land use recommendations for the subject property. The plan generally recommends the use of progressive zoning to step down land use intensity from W. 6th Street between the corridor and the low-density residential land uses. The plan also recommends and supports redevelopment of the corridor with high-quality pedestrian-oriented development.

Site design elements are subject to the subdivision regulations, site plan, and community design guidelines requirements. These regulations will be used to implement plan recommendations for required buffer yards and transitions appropriate to the site.

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

Applicant's Response: *Proposed parking lot is not a permitted use within the current RSO zoning.*

The property is current zoned RSO (Single-Dwelling Residential Office) District and is undeveloped. The property is vacant and underutilized. The property abuts commercial zoning to the north and northeast. The property to the west is currently vacant but is being redeveloped for a *Healthcare Office* use. The property to the east includes four-plex and duplex uses along W. 6th Terrace.

These residential uses are oriented so that the side property lines adjoin the common street (Wisconsin Street) providing buffering between land uses.

The purpose of the request is for the development of a satellite surface parking lot for Academy Cars (*Light Equipment Sales & Service*). The property as zoned does not permit this use. Rezoning the property will allow the construction of a surface parking lot providing additional off-street parking and preserve the remaining RSO zoned lot located along W. 7th Street for a low-intensity land use.

The property is undeveloped and does not actively contribute to the neighborhood. Rezoning the property will provide an opportunity to activate the property by providing necessary off-street parking for an existing commercial use and facilitate redevelopment along the corridor. Sufficient area is included in the request to include an appropriate buffer between the commercial and residential zoning as shown on the attached site plan.



Figure 6: Surrounding Development Pattern

Staff Finding – The property as zoned is not suitable for the proposed use. Rezoning the property from RSO to CS is a suitable change to facilitate the redevelopment of property along the corridor, and infill development of the property along Wisconsin Street.

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

Applicant's Response: *From Aerial photos it has been vacant for a minimum of 23 years.*

The property is currently vacant and zoned RSO (Single-Dwelling Residential Office) District. The property has been zoned RSO since 2006. Prior to 2006 the property was zoned RM-2 (Multi-dwelling Residential) District. The change in zoning in 2006 substantially changed the development options for the property from high-density (maximum density 24 dwelling units per acre) to a lower density (maximum density 15 dwelling units per acre). The change also altered the type of housing from multi-dwelling form to single-dwelling housing. Office uses are also permitted in the RSO district.

Staff Finding – The property is current vacant. It has remained vacant as zoned RSO since 2006. It was vacant and zoned RM-2 between 1995 and 2006 when it would have permitted a more intensive multi-dwelling residential development.

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

Applicant's Response: *Do not feel will detrimentally affect nearby properties.*

The proposed request exchanges the office component of the RSO district for a range of commercial and retail uses permitted in the CS district. The proposed request extends the CS zoning boundary south to accommodate a single lot. The request excludes the majority of the property on the northwest corner of Wisconsin Street and W. 7th Street, which is preserved as RSO for future development.

This application is submitted concurrently with applications for a minor subdivision and a site plan for development of a *Gas Fueling and/ Personal Convenience/Fast Order Food use*, and a lot for the development of a satellite location for off-street parking for a *Light Equipment Sales and Service Use*. These changes will benefit the surrounding area by improving the properties, reducing driveway cuts to W. 6th Street, enhancing vehicular circulation to the surrounding street network, with required street and sidewalk improvements and removing on-street parking from Wisconsin Street.

Some area residents may perceive a change to the traffic as detrimental. Required improvements to the street network turn lanes, intersection improvements, and sidewalks should mitigate these impacts. Required buffer yards and landscape standards are applicable to the site development and will further mitigate impacts associated with increased activity resulting from changes in uses along the corridor.

Staff Finding – The proposed request does extend commercial zoning an additional 53 feet to the south as shown on the exhibits. The primary change to the area will result from the redevelopment of the Casey's site at the corner of Wisconsin Street and W. 6th Street. The proposed request is minor compared to the overall redevelopment application. The impact of the request facilitates the redevelopment of the corridor allowing a shared access point to occur and creating a new parking lot providing additional off-street parking for an existing commercial use.

The project includes significant public improvements and on-site buffering to mitigate any detrimental impacts to surrounding property owners.

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: *Rezoning is necessary to redevelopment the southwest corner of W. 6th Street & Wisconsin Street.*

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.

This application is the result of a coordinated effort between multiple property owners to facilitate redevelopment of the southwest corner of W. 6th Street and Wisconsin Street and meet the

minimum requirements for access management and driveway access along the corridor. The project involves consolidating and reconfiguring property lines along with amending the zoning boundary to accommodate the redevelopment needs of the individuals engaged in the redevelopment process.

The gain to the public is the improved access to W. 6th Street and the increased investment in the corridor through redevelopment and infill development of property. The hardship to the developer is the ability to meet the access management requirements without the additional land area subsequently included in the project.

Staff Finding – Approval of the rezoning will result in a gain to the public by improving the access management of the corridor and redevelopment of property along the corridor.

9. PROFESSIONAL STAFF RECOMMENDATION

The proposed request is part of a larger redevelopment application that includes multiple properties and owners. This application is considered concurrently with the minor subdivision application and is shown on that document as Lot 2. Lot 1 will be developed as the Casey's site. Lot 3 will remain vacant and zoned RSO. A development application has not been submitted for Lot 3 at this time.

In addition to these applications, a site plan is being processed for a change of use from the former Eagle's Lodge to a medical office use (*Health Care Office*) for the property immediately to the west, 1803 W. 6th Street. As the properties redevelop, access to W. 6th Street has been a significant review item for City staff. The office use and Casey's will share the access drive that aligns with Colorado Street (to the north). The Casey's site will also be developed with a driveway to Wisconsin Street. Lots 2 and 3 will take access to Wisconsin Street as they develop.

The natural topography of W. 7th Street prevents direct access from both the office lot and the undeveloped RSO lot (Lot 3, Casey's Subdivision). The zoning combined with the topography provide a buffer between the W. 6th Street commercial corridor to the north and the low-density residential uses to the south.

Staff recommends approval of the proposed rezoning as discussed in the body of the staff report.

CONCLUSION

The proposed request is part of a redevelopment/infill project including multiple land parcels. The minor subdivision and site plan drawings are attached for context.