

# City Council Agenda Item Memo

**From:** Ryan Miller, City Planner

**City Council Meeting:** January 23, 2024 / February 13, 2024

**Subject:** Ordinance 24-001: Rezone Outlots 2 and 3 in Section 1 from Agriculture A District and Residence R-3 Apartment District to Business B-2A Office District

**Person(s) Responsible:** Mike Struck, Community Development Director

**Summary:**

CD Properties, LLC has submitted a request to rezone Outlots 2 and 3 in Section 1, Township 109, Range 50, also known as 1800 20<sup>th</sup> Street South and 1818 20<sup>th</sup> Street South. The request is to rezone 1800 20<sup>th</sup> Street South from Agriculture A District and 1818 20<sup>th</sup> Street South from Residence R-3 Apartment District to Business B-2A Office District. The Development Review Team recommends approval of the rezone. The Planning Commission voted 6 - 1 to recommend approval.

**Background:**

The two properties were purchased by CD Properties LLC, the developer of the Arbor Hill Addition to the south. The owner would like to prepare the properties for potential redevelopment and is seeking a Business B-2A Office District for anticipated future commercial/office use. A preceding application to amend the Future Land Use Map has been submitted requesting an amendment from Medium Density Residential to Urban Medium Intensity. This amendment would support a potential rezone to a Business Zoning District.

**Item Details:**

The request is to rezone 1800 20<sup>th</sup> Street South from Ag to B-2A and 1818 20<sup>th</sup> Street South from R-3 to B-2A. Both properties are currently occupied by residential dwellings.

A mix of adjacent zoning districts currently include: Residence R-1D Single Family and Residence R-2 Two Family Districts to the south and west; Residence R-3 Apartment District to the north; and Business B-2 District to the east. Existing land uses primarily consist of single and two-family residences.

Two letters were received by adjacent property owners with concerns related to the rezone request. The concerns related to potential redevelopment including light pollution, parking, traffic increases, disturbance to existing landscaping, setbacks, marijuana retail uses, coffee shops, radio towers, and drive thru uses.

Because the request is to rezone the property to Business B-2A Office District, any future site plan will need to include required bufferyard setbacks which require 25-foot greenspace between the property line and parking/buildings or a reduced bufferyard of 10-feet to parking areas and 20-feet to buildings with enhanced landscaping of three trees and ten shrubs planted for every 100 lineal feet of lot line.

Permitted uses in the B-2A District include office buildings, funeral homes/mortuaries, and broadcast stations or studios. Permitted special uses include service store or hair salons with floor area not to exceed 2,000 square feet and no tanning beds allowed, as well as a cannabis dispensary, provided it is not within 300 feet of a religious institution, preschool, or detention facility and not within 1,000 feet of a public or private school. Conditional Uses include home occupations, mixed business/residential use, financial services, community centers and broadcast towers.

Section 94-260.5 outlines the standards for a Conditional Use Permit for a broadcast tower and states the location of the tower shall be done with consideration for public safety in the event the tower would fall, and to minimize adverse visual impact of broadcast towers through careful design, siting, and screening. Care should be taken to avoid interference with any similar broadcast use and in no event shall such tower be located in any airport flight path. The tower shall be constructed in a manner which will make it inaccessible for unauthorized persons to climb. Any potential Conditional Use Permit request would be reviewed by the Planning Commission and City Council.

The lots are also located within the Commercial Corridor Design Review Overlay District which would require future site plans for proposed future development to be submitted to Planning Commission and City Council for review.

Both outlots currently have one access drive onto 20<sup>th</sup> Street South. As is, Outlot 3 would be eligible for an additional access drive to 20<sup>th</sup> Street South based on the width of the lot. Outlot 2 would be limited to the one existing access drive to 20<sup>th</sup> Street South and would be eligible for an additional access drive to Lucerne Avenue.

The Planning Commission heard testimony at the public hearing from the authors of both letters. The Planning Commission feels the B-2A District is the best fit due to the soft transition from a B-2 District into a Residential District and that the most likely uses will complement the neighborhood and provide good community benefit. Future site plan reviews by the Planning Commission and City Council will help enforce designs intended to reduce impacts to residential neighbors.

**Legal Consideration:**

None.

**Strategic Plan Consideration:**

Economic Development – the rezone will support commercial development opportunities.

**Financial Consideration:**

None.

**Options and Recommendation:**

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move the item to a study session
5. Discuss / take no action / table

The Development Review Team recommends approval of the rezone.

The Planning Commission voted 6 - 1 to recommend approval.

**Supporting Documentation:**

Ordinance

Notice – City Council

Notice – Planning Commission

Planning Commission Minutes

Petition to Rezone

Location Map

Zoning Map

Future Land Use Map

Neighbor Letters