

Planning Commission Agenda Memo

From: Ryan Miller, City Planner

Meeting: December 6, 2021

Subject: Request to rezone Lot 2 of Block 13 of Morningside Addition from Residence R-1B single-family district to Planned Development District.

Person(s) Responsible: Ryan Miller, City Planner

Summary:

Abundant Life Church and Seth Skogen have submitted a request to rezone Lot 2 of Block 13 of Morningside Addition from Residence R-1B single-family district to a Planned Development District.

NEW – after the item was tabled at the December 2021 Planning Commission meeting, the applicant has made revisions to the site plan. Please see updated site plan and updates underlined below.

Background:

Seth Skogen is proposing a potential commercial development on a parcel of land located along 22nd Avenue South near Yorkshire Drive. The land is currently zoned R-1B which would not permit a commercial development. A recent comprehensive plan amendment from Civic to Urban Medium Intensity was approved by the Planning Commission and City Council with the anticipation of a rezoning request to follow. Mr. Skogen has a purchase agreement with Abundant Life to acquire the property and a plat has been received for a portion of the property to be known as Lot 2 of Block 13 of Morningside Addition.

In October 2021, the Planning Commission held a public hearing for the rezoning of this property from R-1B to Business B-2 district. That item was tabled in order for the applicant to consider the feasibility of a Planned Development District at this location. The applicant has since submitted all of the required information for an Initial Development Plan as required for a Planned Development District. If approved, the Initial Development Plan would advance to the City Council for final approval. The applicant would then bring a Final Development Plan back to the Planning Commission.

Item Details:

The Planned Development District would be applied to a soon-to-be platted lot, Lot 2 of Block 13 in Morningside Addition. The 28,103 sq.ft. lot sits between the Abundant Life Church parking lot and the Park East Professional Offices.

The intent of the Planned Development District (PDD) is to provide flexibility from conventional zoning regulations with increased public review for projects in order to:

- (1) Encourage well-planned, efficient urban development.
- (2) Allow a planned and coordinated mix of land uses which are compatible and harmonious, but were previously discouraged by conventional zoning procedures.
- (3) Encourage more creative, higher quality and more ecologically sensitive urban design with special consideration given to projects which incorporate desirable design features such as underground parking, orientation or design to take advantage of passive solar energy, environmental preservation, historic preservation, handicapped accessible structures, unique use of open spaces, or other desirable design features.
- (4) Improve communication and cooperation among the city's land developers and interested residents in the urbanization of new lands and the renewal of existing deteriorated areas.

A site plan is required for an Initial Development Plan. The site plan outlines the proposed commercial development which includes a three-suite, 4,540 sq.ft. commercial building with a drive-through in the rear and a parking lot in the front, fronting 22nd Avenue. An access drive from 22nd Avenue is proposed along the northern portion of the lot. A potential secondary access would be included if a shared access easement with the Park East Professional Offices can be agreed upon. Depending on the final sq.ft. of the restaurant portion of the development, an updated site plan may be needed in order to account for the minimum required parking.

Required bufferyards for the development would include a minimum fifteen-foot buffer to the north and west from the parking lot with five trees and ten shrubs per 100 lineal feet located within the bufferyard. A minimum ten-foot landscape area along 22nd Avenue, five-foot landscape areas along the side lot lines (north and south) and three-foot foundation plantings would also be required facing the right-of-way. **NEW – According to the updated initial development plan, the only variance needed now would be for a proposed ten-foot bufferyard to the north.**

Developments within a PDD are exempt from the Commercial Corridor Design Review Overlay district. If the project were designed to standards set in the Commercial Corridor Design Review Overlay district, the building would be built to the setback line and the required parking would have to be located no closer to the street than the closest point of the building among other requirements.

Through the Planned Development District process, the applicant can propose modifications to zoning regulations. The application is requesting a PDD with an underlying B-2 zoning district. The proposed B-2 district was discussed at the October 2021 Planning Commission and concerns were raised regarding some of the potential

uses allowed in the B-2 district. The applicant is proposing the elimination of the following permitted uses in the B-2 district:

- Gas dispensing station
- Automobile sales
- Roadside stand
- Telecommunications tower

Permitted uses from the B-2 district that will be retained include:

- Drive-in food service
- Grocery supermarket
- Funeral home or mortuary
- Community center
- Drinking establishment

In addition, the following uses from the B-1 central district would be retained:

- Retail or service store
- Personal service store
- Personal health service
- Financial institution
- Office building

The proposed PDD was reviewed by the Development Review Team on November 18. At that time, concerns were raised that would support a recommendation of denial by staff. Key concerns raised relate to zoning and design elements proposed in the PDD. Although some of the uses permitted in the B-2 district were eliminated in the Initial Development Plan, staff continues to have concerns that the proposed underlying B-2 zoning district and proposed uses are unsuitable for the site and incompatible with established zoning districts along 22nd Avenue. The use of a Planned Development District also eliminates the design requirements established in the Commercial Corridor Design Review Overlay District. While not required, these design standards would still be recommended by staff.

Options and Recommendation:

The Planning Commission has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Table until a future meeting

The Development Review Team and staff recommend denial.

Supporting Documentation:

1. Memo

2. Public Hearing Notice
3. **NEW – Initial Development Plan Updated**
4. Initial Development Plan
5. Area Map
6. Zoning Map
7. Future Land Use Map