

# Planning Commission Agenda Memo

**From:** Ryan Miller, City Planner

**Meeting:** October 5, 2021

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

**Person(s) Responsible:** Ryan Miller, City Planner

**Summary:**

Abundant Life Church and Seth Skogen had submitted a request to rezone Lot 2 of Block 13 of Morningside Addition from Residence R-1B single-family district to Business B-2 district. The item was tabled at the November 4, 2021 Planning Commission in order for the applicant to reconsider the rezoning request and to specifically consider the option of a Planned Development District application. The applicant is considering an application for a Planned Development District but has requested more time to prepare and is asking to table the item until a future meeting.

**Background:**

Seth Skogen is proposing a potential commercial development on the parcel of land along 22<sup>nd</sup> 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.

**Item Details:**

The proposed commercial development includes a potential mixed-use building with 3-4 commercial suites on the ground level. One particular suite is intended for a fast foot drive-through establishment. This specific use would require a B-2 zoning district. A mixed business/residential use is a special permitted use in the B-2 district. 22<sup>nd</sup> Avenue is a major arterial street with a mix of residential and office uses between 6<sup>th</sup> Street and the railroad. Commercial and retail uses along 22<sup>nd</sup> Avenue are found primarily south of the railroad between Orchard Drive and 12<sup>th</sup> Street South. One drive-through coffee house is located north of the railroad at the intersection of 22<sup>nd</sup> Avenue South and Eastbrook Drive.

Current zoning in the area includes R-1B to the north and west. Abundant Life church occupies the R-1B zoned property to the north and the Morningside Addition neighborhood along Morningside Drive, 21<sup>st</sup> Avenue and 1<sup>st</sup> Street South occupy R-1B zoned properties to the west. B-2A zoning is located immediately to the south, where the Park East Professional Offices. Property across 22<sup>nd</sup> Avenue to the east is zoned R-1B and B-2A along with a majority of the 22<sup>nd</sup> Avenue corridor between 6<sup>th</sup> Street and the railroad tracks.

The Development Review Team and staff have concerns with a zoning of B-2 at this location. Although the comprehensive plan amendment preceding this rezoning request was reasonable, a B-2 zoning is more intense than other commercially zoned properties along this stretch of 22<sup>nd</sup> Avenue and could be considered spot zoning. A B-2A zoning would be more appropriate. A mixed business/residential use is a conditional use in the B-2A zoning district with the only condition being that all businesses in the development should be permitted uses in the zoning district.

The comprehensive plan includes a section on the Central Development Area. Policy suggestions for this area suggest that medium and higher density residential uses should be directed towards major arterial corridors, higher commercial uses should be directed towards the I-29 interchange and mixed-use developments with similar land uses should be encouraged along major arterial corridors.

In addition to the concern regarding the intensity of commercial uses available in the B-2 zoning district, future access drives at this location may be problematic. The proposed redevelopment is located immediately across from the 22<sup>nd</sup> Avenue South and Yorkshire Drive intersection. Access locations for a high intensity commercial use would conflict with traffic entering or leaving Yorkshire Drive. No access would be available to the west towards Morningside Drive. Also, single-family homes are located immediately to the west. Impacts to these residences will depend on the intensity of commercial development. The Park East professional offices have been a longtime neighbor to residents in this area, however, more intense commercial uses may create greater impacts. Landscape bufferyards will be required at the site planning stage to help mitigate potential impacts to adjacent residential uses. Future development would also be subject to the Commercial Corridor Design Review Overlay District regulations.

#### **Options and Recommendation:**

The Planning Commission has the following options:

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

Staff recommends tabling the item until a future meeting per the applicant's request.

#### **Supporting Documentation:**

1. Public Hearing Notice

2. Application
3. Area Map
4. Zoning Map
5. Future Land Use Map
6. B-2 Zoning Excerpt