

ITEM NO. 3A RSO TO CN2; 10 ACRES; 4300 W 24TH PLACE (SLD)

Z-15-00198: Consider a request to rezone approximately 10 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24th Place. Submitted by Paul Werner Architects, on behalf of RPI LLC, property owner of record.

ITEM NO. 3B PRELIMINARY PLAT FOR 24TH PLACE ADDITION; 4300 W 24TH PLACE (SLD)

PP-15-00196: Consider a Preliminary Plat for 24th Place Addition, containing one 7-acre lot for proposed neighborhood commercial development and 14 residential lots for duplex development, located at 4300 W 24th Place. Submitted by BG Consultants, Inc., on behalf of RPI LLC, property owner of record.

STAFF PRESENTATION

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

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said this was a reasonable solution to a tough site. He said the RSO zoning would provide a buffer from Remington Square Apartments and provided the developer a project to get started with right away. He said the CN2 zoning followed the Inverness Park District Plan that was adopted by Planning Commission and City Commission. He said he held a neighborhood meeting on May 11th and that twelve or so people showed up and provided good feedback. He said one of the comments was about limiting large traffic generators such as a McDonald's fast food restaurant. He said a McDonald's would not locate at the site because it wasn't a busy enough area for them. He said another comment he received was flipping the duplex location with the commercial location. He said he did not like that idea because there is a reason that commercial wants to be on a corner with a light. He also did not like having residential fences back up to a busy street. He felt this was a better plan. He said a site plan should go before City Commission for public hearing. He stated that all drive-thrus would have to go through the Special Use Permit process. He said he offered to expand the notification area. He said the alternative to this plan would be the entire site being duplexes. He said this plan fit the neighborhood plan. He said he agreed with the staff report conditions on both items.

PUBLIC HEARING

Mr. Larry Grecian, 4417 W 25th Place, said he spoke in opposition of the previously proposed project, Family Fun Center, in March of 2014. He felt duplexes and greenspace were positive but he was fearful of the CN2 zoning. He wondered what would keep the domino effect from allowing a potentially harmful Special Use Permit. He felt a guarantee should be put in writing that certain uses should not be allowed. He said the neighborhood wanted to protect their homes and children.

APPLICANT CLOSING COMMENTS

Mr. Werner said the idea of guaranteeing certain businesses was not feasible. He said he had a good feel for what the neighborhood would want, such as a local coffee shop.

COMMISSION DISCUSSION

Commissioner von Achen asked staff about the green buffer zone.

Ms. Day said that staff's recommendation was that the Preliminary Plat would show 65' buffer for the south 350'. She said the total length of the property along Inverness was 431'. She said it would extend the bufferyard to the backyards of the row of residences on the north end. She said the intent was to establish a bufferyard and allow for things such as benches and pedestrian amenities. She said it would prohibit buildings, parking lots, and high use areas that were commercially oriented with the building.

Commissioner von Achen said the goals of inverness park district plan encouraged the development of a strong park trail system. She asked if that was being incorporated into this.

Ms. Day said at this point, no. She said the topography of this specific property does not lend itself to having direct pedestrian connection. She said the only way to achieve that was along the public sidewalks. She said the language was focused on greenspace that separates the multi-family on the south side of 24th Place with the residential subdivision farther to the south. She said there was a wide green strip with floodplain and natural drainage area identified as a future park with trails. She said the very south end of the planning area may be more conducive to providing pedestrian connection than this corner because of the steep slope.

Commissioner Britton said the duplexes conformed with the current zoning but not the neighborhood plan, which was an interesting aspect to the proposal. He said he was fine with the proposal and that the previous proposal was more of a regional use instead of a neighborhood commercial use. He felt the conditions were good and he liked the fact that there would be a public process for whatever would go there. He inquired about the notification process for a site plan.

Ms. Day said the notice boundary would be 200' and public notice signs would be posted at the site.

Commissioner Britton said it would make him feel better about this if good notice could be provided.

Mr. McCullough said it could be added as a condition to the ordinance.

Commissioner Denney agreed with Commissioner Britton. He expressed concern about the potential effect that the expansion of the west trafficway could have. He said the nature of that intersection may change dramatically if the only access off of K-10 was on Inverness. He felt they should carefully watch what happens at this location in light of that potential.

Commissioner Struckhoff said these were uses that were more suitable to the commercial neighborhood designation than the previous application. He felt they should encourage the development of things that people can walk to from their front door. He said he was inclined to support the proposal.

ACTION TAKEN on Item 3A

Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the rezoning request for approximately 10 acres from Single-Dwelling Residential-Office (RSO) to Neighborhood Shopping Center (CN2) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1. The City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.
2. As part of any proposed development, the extraordinary buffer yard along Inverness Drive shall be limited to open space, landscape, and park-type amenities.
3. The following uses shall be prohibited:
 - a. Household living (all residential uses)
4. Provide notice to owners within 1,000 feet for any future site plan on the CN2 zoning.

Commissioner Kelly appreciated what Commissioner Denney said. He said it was tough to know the future of this property forever. He felt this was a great example of planning because it conformed with the neighborhood plan. He said there was a little bit of loss on both sides for the applicant and neighborhood. He encouraged the public to never stop being civically engaged.

Commissioner Britton thanked staff, the applicant, and the neighborhood for their involvement.

Commissioner von Achen thanked staff for their research and time on this project.

Motion carried 6-1, with Commissioner Butler voting in opposition.

ACTION TAKEN on Item 3B

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the Preliminary Plat for 24th Place Addition subject to the following conditions:

1. Revise Preliminary Plat to show a minimum building and parking setback along Inverness Drive of at least 65' along the southern 350' of frontage to extend to the rear lot lines of the dwellings on the north side of Adams Avenue.
2. Provision of a note on the face of the plat that states the setback does not apply to accessory structures or pedestrian amenities.

Motion carried 6-1, with Commissioner Butler voting in opposition.