

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 5, 2017**

SUMMARY

A voluntary request by owners of property within the Benton-Stephens neighborhood to rezone 35 parcels of land from R-3 (Medium Density Multiple-Family Dwelling District) to R-1 (One-Family Dwelling District) and R-2 (Two-Family Dwelling District), including the following addresses:

Parcel No.	Address	Requested Zoning		Parcel No.	Address	Requested Zoning
1	1504 Windsor Street	R-1		19	1607 Amelia Street	R-1
2	1602 Hinkson Avenue	R-1		20	612 Paris Court	R-1
3	1606 Hinkson Avenue	R-1		21	1618 Hinkson Avenue	R-1
4	1608 Hinkson Avenue	R-1		22	406 North Ann Street	R-1
5	1612 Hinkson Avenue	R-1		23	805 North Ann Street	R-1
6	1614 Hinkson Avenue	R-1		24	1708 Hinkson Avenue	R-1
7	1607 Hartley Court	R-1		25	1700 Hinkson Avenue	R-1
8	1505 Windsor Street	R-1		26	707 Mt. Vernon Avenue	R-1
9	905 Sandifer Avenue	R-1		27	602 Paris Court	R-1
10	706 Mt. Vernon Avenue	R-1		28	603 Paris Court	R-1
11	607 North William Street	R-1		29	615 Paris Court	R-2
12	209 North Ann Street	R-1		30	1605 Amelia Street	R-1
13	501 North William Street	R-1		31	1401 Richardson Street	R-1
14	208 Melbourne Street	R-1		32	1501 Windsor Street	R-1
15	212 North William Street	R-1		33	1402 Richardson Street	R-1
16	906 Sandifer Avenue	R-1		34	303 Melbourne Street	R-1
17	108 Ripley Street	R-1		35	604 Paris Court	R-1
18	600 Paris Court	R-1				

DISCUSSION

The applicants are requesting to “downzone” their properties from R-3 to R-1, with the exception of a single duplex (addressed as 615 Paris Court) which is proposed to become R-2. The request “downzoning” is consistent with the current use of the properties.

Council passed an ordinance in 2015 to remove application processing fees for requests to rezone property from any district to R-1 and from R-3 or R-4 to R-2. This action was intended to replace a pre-existing Council policy resolution (PR 195-92) that supported downzoning of property in residential neighborhoods as a means to support neighborhood revitalization and stabilization. The new ordinance eliminates restrictive guidelines pertaining to when and how group downzoning petitions may be filed and processed in favor of a simple application fee waiver.

Seven group downzoning petitions resulted in the downzoning of 60 parcels within the Benton-Stephens Neighborhood under the old policy resolution. The current request represents the largest coordinated downzoning petition to be processed in the neighborhood to date. The largest previous request included 27 parcels.

All of the subject properties fall within the Benton-Stephens Urban Conservation Overlay District boundary. The Overlay was established in 2000 with the intent of promoting development that is compatible with surrounding residential property, and includes several design requirements for new residential development to that end.

All but seven of the 35 subject parcels are legally non-conforming lots by virtue of having either substandard lot width (less than 60 feet wide), area (less than 7,500 sq. ft.), or both. The proposed downzoning will bring three of the currently non-conforming parcels into compliance by meeting the R-1 district’s lesser 7,000 sq. ft. minimum lot area requirement. The remaining non-conforming lots will continue to be subject to nonconforming lot standards that limit redevelopment on any of the individual parcels to no more than a single-family home.

Additionally, if the proposed Unified Development Code (UDC) neighborhood protection standards are adopted they will result in application of new transitional requirements between the subject sites and their neighboring, more intensely zoned or used, lots. The proposed transitional standards are applicable based on land use and zoning district. If the new transitional standards are approved they will only be applied at the time that the more intensely zoned or used adjacent lots undergo expansion or redevelopment. Approval of the downzoning will not require the lots to be brought into compliance.

Staff find that this request is consistent with the goals and objectives of preserving the surrounding neighborhood character and promotes the ongoing preservation goals articulated in the City’s Comprehensive Plan. Furthermore, staff does not find that this request will detrimentally impact existing development should the proposed neighborhood protection standards be adopted as such standards will only be applicable upon expansion or redevelopment of the more intensely used or zoned parcels adjacent to those lots sought to be downzoned.

RECOMMENDATION

Approval of the proposed rezoning from R-3 to R-2 and R-1

SUPPORTING DOCUMENTATION

- Location maps
- Letter from applicant
- Fee Schedule ordinance amendment (022651)
- Downzoning Policy Resolution (PR 195-92)
- Benton-Stephens U-C Overlay District Ordinance
- Public Correspondence

SITE HISTORY

Annexation Date	1906
Existing Zoning District(s)	R-3 (Medium Density Multiple-Family Dwelling District)
Land Use Plan Designation	Neighborhood District
Subdivision Status	Platted lots within the Stephens Addition Subdivision

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of a public information meeting, which was held on November 29, 2016.

Public Information Meeting Recap	Number of attendees: 17 Comments/concerns: Neighborhood character and aesthetic; balancing rental housing with owner-occupied housing
Neighborhood Association(s) Notified	Benton-Stephens; Hilldale Village HOA; Shoe Factory District; Country Club Estates; East Walnut
Correspondence Received	Two emails - one in opposition; one in favor

Report prepared by Steve MacIntyre

Approved by Patrick Zenner