TO: Mayor and City Council

SUBJECT: ZON2008-00010 – Zone change from B Multi-family Residential (“B”) and MF-29 Multi-family Residential (“MF-29”) to LC Limited Commercial (“LC”). Generally located approximately 400-feet south and east of the intersection of Central and Oliver (454 and 446 North Bleckley Dr.) (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Non-Consent)

DAB II Recommendation: (April 9, 2008) Defer until comprehensive flood study has been completed, vote 7-0.

MAPC Recommendation: (April 10, 2008) Deferred until flood study has been completed. (June 5, 2008) Approve, LC Limited Commercial (“LC”) with a Protective Overlay vote 12-0.

MAPD Staff Recommendation: Deny, LC Limited Commercial (“LC”) request Approve, for NR Neighborhood Retail (“NR”)
**Background:** The applicant is requesting a zone change from B Multi-family Residential (“B”) (Lots 1, 3 and the north 40.51 feet of Lot 5) and MF-29 Multi-family Residential (“MF-29”) (the south 9.49 feet of Lot 5 and the north 8.51 feet of Lot 7) to the LC Limited Commercial (“LC”) district. The application area contains approximately 0.4-acres with 128 feet of frontage located along Central Avenue, one block east of Oliver. These lots are developed with two four-plexus, one on each lot, built in the early 1940’s, with what appears to be less than five off-street parking spaces serving eight dwelling units. The applicant proposes the rezoning to allow for the highest and best use to allow commercial development.

The majority of residential development in this area is located between Bleckley Drive (west) and Pinecrest Avenue (east), along the south side of Central Avenue. This development consists of four-plexes, duplexes and single-family residences zoned B or MF-29. Most of these multi-family structures appear to have been built in the early 1940’s.

Property south of the subject site is zoned MF-29, and is developed with a four-plex, also built in the early 1940s. Property east of the site is zoned B and developed with single-family residences. Property north of the subject site, across Central Avenue, is zoned LC, and is developed with a fast food restaurant. West of the subject site, across Bleckley Drive, the property is zoned LC, and is developed with a retail strip center.

The subject site is located in flood zone AE. The AE flood zone is a flood insurance rate zone that corresponds to the 100-year floodplain that is determined in the Flood Insurance Study by detailed methods. Mandatory flood insurance purchase requirements apply. The waterway that flows through this area, the West Branch Dry Creek of Gypsum Creek, begins just north of Claude Lambe Park and travels south through the LW Clapp Golf Course before joining Gypsum Creek southeast of Hillside and Pawnee.

**Analysis:** This case was heard at the District II Advisory Board meeting held on April 9, 2008, and DAB II voted (7-0) to defer the request for LC zoning until a comprehensive flood study has been completed. At the MAPC meeting held April 10, 2008, the MAPC voted (12-0) to defer the request for 60 days until the completion of a flood study. At the MAPC meeting on June 5, 2008, the request was again heard without the completion of a flood study. Staff recommended denial of the request for LC zoning, however, staff recommended approval of NR zoning. After discussion, the MAPC recommended approval of the LC request with a Protective Overlay with two provisions which include:

1. Submission and approval of a drainage plan prior to issuance of any building permits.
2. Dedication of complete access control along Bleckley Drive, and dedication of access control except for one opening along Central Avenue.

There were two citizens that spoke in favor of the application and there was no opposition.

**Financial Considerations:** None.

**Goal Impact:** Promote Economic Vitality and Improve Housing Variety

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department.
**Recommendation/Actions:**

1. Adopt the findings of the MAPC, approve the zone change subject to the provisions of Protective Overlay #212; and withhold publication of ordinance until conditions of the protective overlay are met; or
2. Return the application to the MAPC for reconsideration; or
3. Deny the application.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)