

STAFF REPORT
MAPC-March 7, 2019
DAB V-March 4, 2019

CASE NUMBER: ZON2019-00002

APPLICANT/AGENT: 777 Management, LLC (Applicant)/ Mary Odbert (Agent);
Maize USD 266 (Applicant)/ Dr. Chad Higgins (Agent)

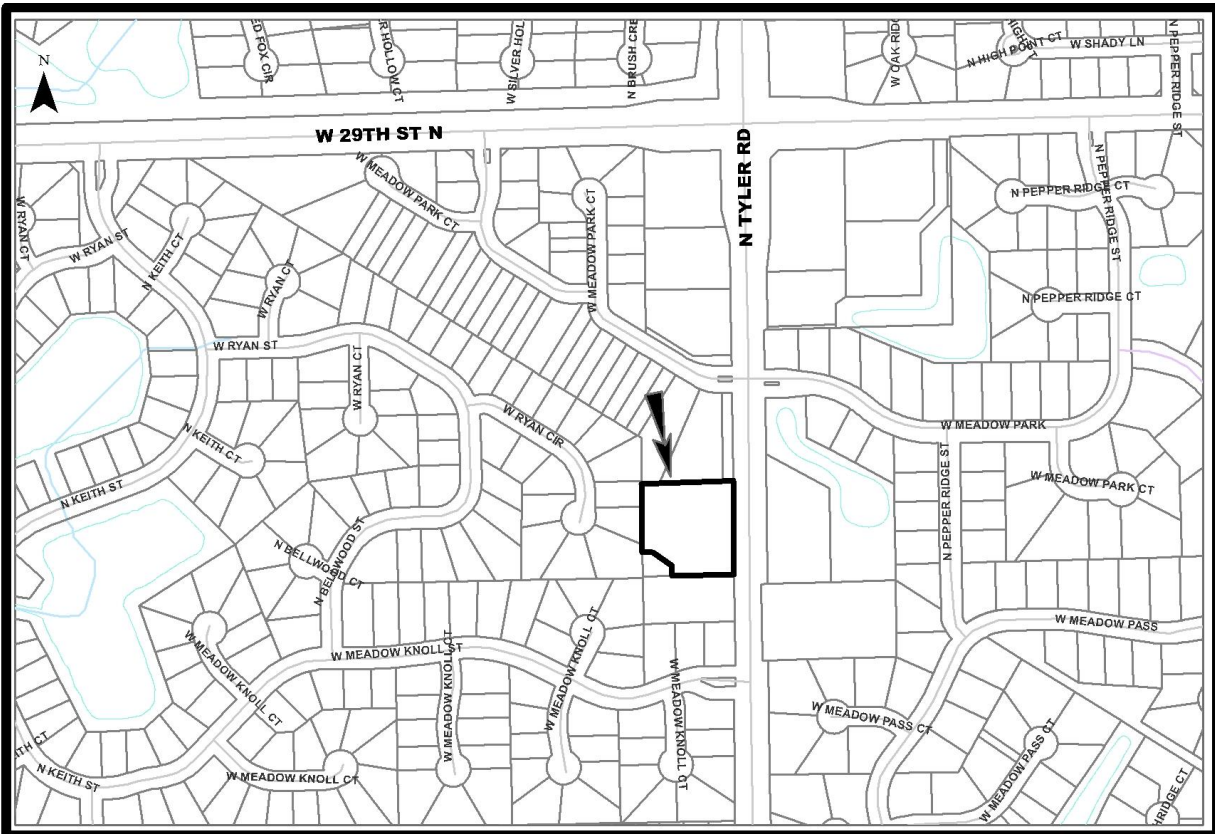
REQUEST: NO Neighborhood Office

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: 1.56 acres

LOCATION: The west side of North Tyler Road, approximately 1,000 feet south of West 29th Street North (2811 & 2815 N Tyler Rd.)

PROPOSED USE: Chiropractic Clinic and Personal Residence.



BACKGROUND: This application was filed to rezone the subject property from SF-5 Single-Family Residential to NO Neighborhood Office. The subject property is located at 2811 and 2815 North Tyler Road, on the west side of North Tyler Road approximately 1,000 feet south of West 29th Street North. With this request, the applicant would like to rezone the property to a NO district to use the existing the 2815 building as a chiropractic clinic and the 2811 building as a personal residence for those operating the clinic. The lot directly south of the subject property is zoned NO and is a dental office. This is a good precedent example of an appropriate use of NO in a residential area that provides a service that can potentially benefit the neighborhood.

The existing lot is 1.56 acres and has two structures on it—a school building and a former residence used for associated office space. The lot also contains front and rear parking with a total of 23 parking stalls and has separate access drives off Tyler Road to both addresses. The lot dimensions are 266 feet x 275 feet. The plat contains Reserve A (zoned SF-5) in the southwest corner that is not included in the lot’s legal description and is not associated with this zoning case. Reserve A was created for the purpose of storm water management.

The proposed NO District has a minimum lot size of 5,000 square feet for non-residential uses and 3,000 square feet for residential uses, so the existing lot meets the minimum lot size. The setback for the two structures conform to the minimum set back requirements of the NO district. Additionally, the parking requirement for Medical Services in NO is 1 stall per 333 square feet. The combined square footage of both buildings equals 5,741 square feet. This equates to a minimum requirement of 16 spaces. The current 23 existing parking stalls exceeds this minimum requirement.

There are two areas of NO zoning in the immediate area of the subject property: the lot across North Tyler Road to the east and the abutting lot to the south. Properties surrounding the subject site area are primarily zoned SF-5, but there is also TF-3 Two Family and LC Limited Commercial in the area. The lots directly north are zoned TF-3. Lots to the west are SF-5 Single Family. Lots at the corner of West 29th Street and North Tyler Road are zoned LC. Please see the attached area map showing these zoning districts.

CASE HISTORY: The property is platted as Lot 1, Block 1, Trans Net Addition, March 9, 2009.

ADJACENT ZONING AND LAND USE:

North:	TF-3; Two- Family residences
South:	NO: Dentist, office space
East:	NO: single family residence
West:	SF-5; Single-family residences

PUBLIC SERVICES: North Tyler is a fully improved arterial street. The site is served by all municipal services.

CONFORMANCE TO PLANS/POLICIES: The *Community Investment Plan* depicts the subject site as appropriate for “residential” and “new employment.” With current uses of office space nearby and the former use of this property had office space for educational services, a chiropractic clinic and personal residence conform to the vision of *The Community Investments Plan*.

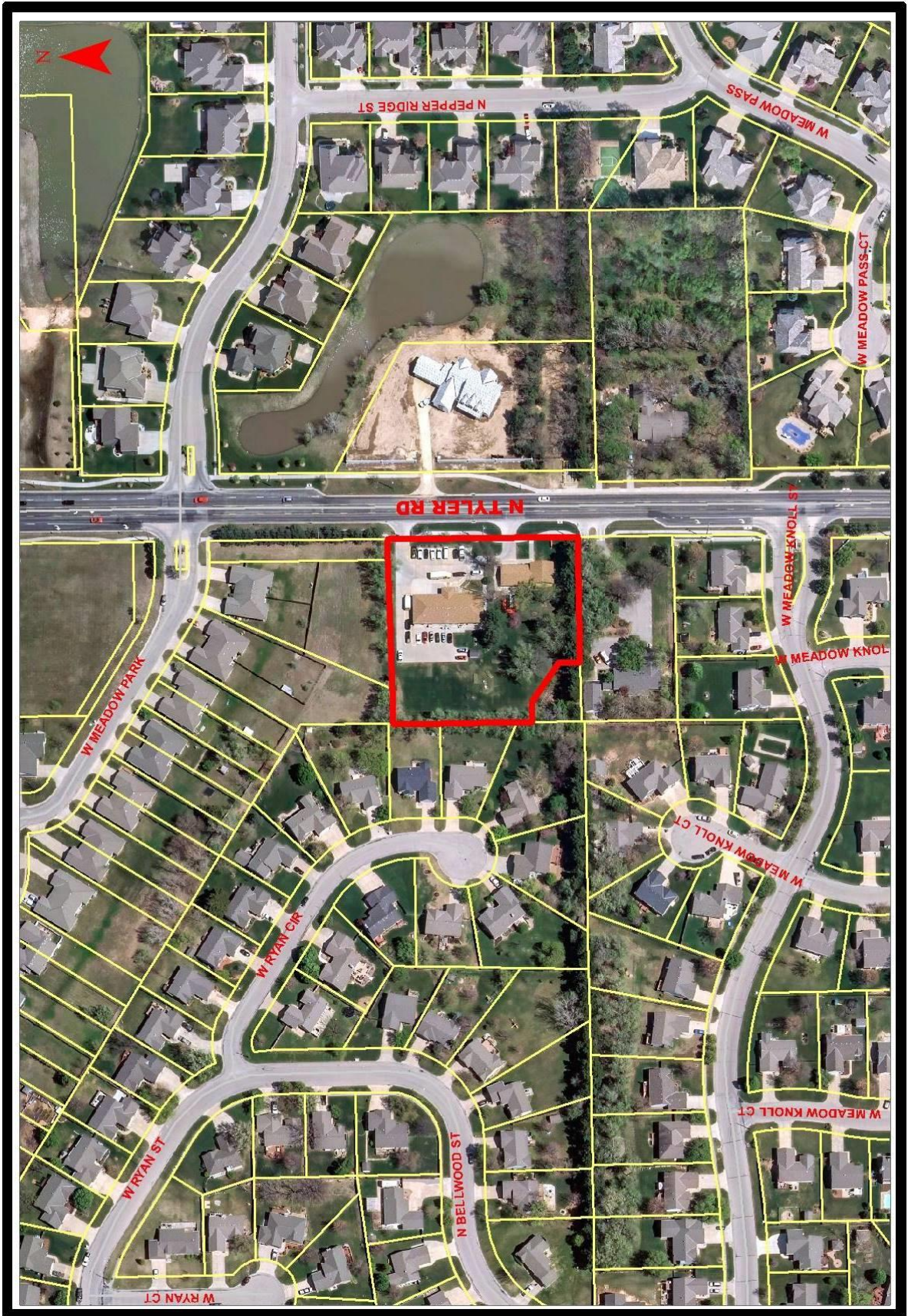
RECOMMENDATION: Based upon the information available at the time the staff report was prepared, it is recommended the application be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties surrounding the subject site area are primarily zoned SF-5, but there are a couple zoned NO in the immediate area. South of the site along North Tyler Road and the property directly east of the property across North Tyler Road are both currently zoned NO.
2. The suitability of the subject property for the uses to which it has been restricted: The former use of the site was for educational purposes with associated office space in an SF-5 District. Therefore, the site did not have a residential use. Furthermore, the site contains existing front and rear parking for both structures.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of NO zoning would allow the structures to be used for a chiropractic clinic and a personal residence for those operating the clinic. Such a use has the potential to serve the neighborhood. Approval of the request should not detrimentally impact nearby property owners.
4. Length of time the property has remained vacant as currently zoned: The property has been vacant since May 2017.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Community Investment Plan* depicts the subject site as appropriate for “residential” and “new employment.” With current uses of office space nearby and the former use of this property had office space for educational services, a chiropractic clinic and personal residence conform to the vision of *The Community Investments Plan*.
6. Impact of the proposed development on community facilities: Existing municipal facilities are in place.

Staff Report Attachments:

1. Area Map
2. Zoning Map



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Metropolitan Area Planning Commission

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