



## Planning & Zoning Commission

Meeting Date: December 6, 2022

Requested By: Development Services Department

### Item Title: PUBLIC HEARING

Consider an application for a rezoning of property located at 604 North B Street from R-2 Urban Family Residential District to UC Mixed Use Urban Corridor District. (Public Hearing)

### Explanation:

Earl & Belinda Ramirez have submitted a request to rezone property located at 604 North B Street from R-2 Urban Family Residential District to UC Mixed Use Urban Corridor District. The property measures approximately 260' x 260' and contains a former elementary school (Whittier), church, and until this summer, a child daycare center. The building is now vacant, and a portion of the property is used for RV storage.

The application states the proposed land use is 'commercial, beer sales, and offices'. It further states the reason for rezoning is to open a golf simulator business zone the land for business. Conversations with the applicant indicated they have purchased the equipment and assumed the property could be used for commercial business. They intend to serve alcohol in the facility and food concessions. Staff became aware of the proposal upon receipt of a liquor license application, which was denied due to improper zoning.

The subject property is situated in a residential area one block west of the North Market Street corridor. It abuts UC mixed use zoning to the east, and R-2 zoning to the north, south and west. Despite the adjoining UC mixed commercial/residential zoning, there are no businesses in the vicinity of the subject property.

Review considerations and findings for the proposed zoning amendment are as follows:

1. Offices, indoor commercial recreation, restaurants, and limited alcohol sales are not allowed in the existing R-2 zoning district. These uses are permitted within the UC district, with exception to indoor commercial recreation, which is allowable with a conditional use permit. Long-term vehicle storage is not allowed within the UC district.
2. *Plan Osky – A Comprehensive Plan for the City of Oskaloosa* was adopted by the city council as the city's official plan on November 21, 2022. This plan, including its principles and future land use map, should be used as the basis for this zoning decision. Upon review, the proposed rezoning appears to be **inconsistent with the**

**Comprehensive Plan**, as follows:

- a. The subject property and entire North Market Street corridor is recommended for medium density residential future land use (MDR). MDR characteristics include neighborhoods with a mix of housing types, including single-family, townhouses, and duplexes. Limited medium-scale multifamily development may also be allowed with special review. Civic uses, such as the previous school, church, and childcare facilities, are also generally allowed due to their low-intensity nature.
  - b. New commercial uses should not be introduced to a residential neighborhood, except for limited non-residential uses that serve the immediate neighborhood only and are compatible in scale, design, and character.
  - c. The Future Land Use Compatibility description and chart indicate a compatibility rating 2: “Significant Conflict” between the existing low-density residential and proposed commercial land use. The compatibility criteria states creating new conflicts should be avoided.
  - d. The proposed commercial uses are typically situated in established commercial areas such as downtown or on arterial or collector streets which can accommodate the added traffic and direct vehicles away from residential areas. The proposed site is not located on a collector street and should not be utilized as a transition from residential to commercial.
3. The zoning boundary change is inconsistent with the existing land use pattern and would result in a significant business encroachment into the neighborhood.
  4. The change could severely impact traffic and neighborhood character due to increased business activity (customers/deliveries/employees) and extended operating hours.
  5. The UC zoning district would present an opportunity for other incompatible uses such as auto sales/services, convenience stores, lodging, retail, etc.
  6. The change would constitute “spot zoning” (singling out a zoning change for the sole benefit of the owner and contrary to the comprehensive plan).

Based on the above, staff recommends that the Planning & Zoning Commission vote to **recommend denial** of the rezoning application to the City Council.

**Budget Consideration:**

\$250 application fee

**Attachments:**

Application with description and existing floor plan attachments  
Location and zoning map  
PlanOskey Comprehensive Plan excerpts