



**REPORT TO: CITY COUNCIL**

**MEETING DATE: JANUARY 24, 2022**

<b>Agenda Item:</b>	6b. CC-22-08
<b>Prior Council Action/Related Items:</b>	December 21, 2021 <a href="#">Planning Commission Report</a>
<b>Issue:</b>	<ul style="list-style-type: none"> <li>• 5J Properties, LLC requests review and approval of a Map Amendment (MA21-14), to rezone properties addressed as 2302 &amp; 2324 W. 8<sup>th</sup> Avenue, &amp; 802 S. Western Road from Small Lot Single Family (RSS) to Office (O) Zoning.</li> <li>• The subject site is currently within an area of residential zoning and is bordered on the north by commercial shopping (CS).</li> <li>• The subject site’s existing access is off W. 8<sup>th</sup> Avenue, a 20-foot wide local street with no curb or gutter and in poor condition.</li> <li>• West 8<sup>th</sup> Avenue also serves as a secondary access point to a parking lot serving an apartment complex located north of the single-family neighborhood.</li> <li>• South Western Road is planned for future widening.</li> <li>• A number of citizens who own property nearby spoke at the Planning Commission meeting in opposition of the application. They all expressed the following concerns:             <ul style="list-style-type: none"> <li>✓ Increased traffic and lack of adequate infrastructure</li> <li>✓ Loss of existing affordable housing</li> <li>✓ Drainage</li> <li>✓ Neighboring homes will be impacted by commercial development that stretches so from Western.</li> <li>✓ These issues were noted to be present even if the area stayed zoned RSS and developed as a residential area.</li> </ul> </li> </ul>
<b>Solution:</b>	<p>Planning Commission recommended denial with a 3-1 vote, with one abstention.</p> <ul style="list-style-type: none"> <li>• The Future Land Use Map within the Comprehensive Plan indicates that the desired land use within this part of the community is Commercial for areas adjacent to S. Western Road between 6<sup>th</sup> Avenue and 19<sup>th</sup> Avenue. According to the Comprehensive Plan, areas designated as Commercial</li> </ul>

are designed to specifically promote commercial retail and service activities, although they may also include office uses.

- The subject site is currently zoned as residential, with adjacent residential uses to the south, east and west.
- Commercial zoning and uses exist to the north of the site.
- Concerns were raised about the depth of potential office zoning adjacent to Western Avenue. The maximum depth of proposed office zoning is 408 feet. The existing commercial to the north of 2302 and 2324 W 8<sup>th</sup> Street has a depth of approximately 600 feet and takes primary access from S. Western Road.
- The Comprehensive Plan finds that high density residential and office are an adequate buffer between commercial and single-family residential land uses.
- A visual barrier of at least 70 percent opaque up to three feet, and 40 percent opaque up to five feet would be required where abutting the existing RSS district per the zoning ordinance.

**Financial Impact/Funding Source(s):**

None

**Strategic Plan Alignment:**

#4 CONNECTED SPACES: To develop a strong sense of place that recognizes the interconnectedness of people, buildings and public systems (such as transportation, utilities and parks) that best serve the needs of the public.

#5 UNIQUE CULTURE: To cultivate partnerships that enhance the unique culture of Stillwater with equal access to services and amenities, strong and connected neighborhoods, and a thriving economy and business atmosphere.

**Alternatives:**

- Accept the recommendation of the Planning Commission; deny the application.
- Reject the recommendation of the Planning Commission; approve the application.
- Table to a specific date if additional discussion is warranted.
- Remand the item back to the Planning Commission for further consideration.
- Request the applicant submit a Planned Unit Development application in lieu of the straight rezoning application to address concerns and potential conflicts.

**Recommended Action/Motion:**

Motion to request the applicant submit a Planned Unit Development application in lieu of the straight rezoning application to address concerns and potential conflicts for the

property located at 2302 & 2324 W. 8th Avenue, & 802 S. Western Road.

**Prepared By:** Jeff Mathews, Community Development Director

**Reviewed By:** Brady Moore, Chief Performance Innovation Officer  
Patti Osmus, Assistant to the City Manager

**Submitted By:** Norman McNickle, City Manager

**Attachment(s):** Area Map  
Zoning Comparison Table  
Planning Commission minutes