

# Memo

**To:** City Council  
**From:** Bryan Myrkle  
**cc:**  
**Date:** January 2, 2015  
**Re:** Rezone of 221 W. Lovett St.

---

On your agenda for the next Planning Commission meeting is a request to rezone the property at 221 W. Lovett St. – from OS-1 to RT.

The building at this address was constructed in 2005 as a combined real estate office and residential structure. It is currently zoned OS-1, as it was at the time of construction.

The OS-1 zoning classification does not allow for residential uses, but a one-year variance allowing residential use was approved by the Planning Commission at the time of construction. However, despite a letter from the city, the owner/builder, A. G. Twitchell, was apparently not aware that this variance was limited to a single year; and proceeded with the project as if the allowance was permanent

Mr. Twitchell has effectively retired from the real estate business, and no longer needs an office at this location. He approached me earlier this year to inquire about converting the office portion of the building into a second apartment. It was at that time we discovered this discrepancy between the allowed use of this property under OS-1 zoning, and the actual and proposed uses.

The correct zoning for a two-family residential structure would be RT, and Mr. Twitchell is requesting the property be rezoned. This would allow him to remodel the downstairs office space into a personal residence, and to

rent out the upstairs apartment. I have attached Mr. Twitchell's letter requesting this change.

It appears to me that the Planning Commission should consider honoring this request for a number of reasons.

- Three of the four corner lots at this intersection (Lovett and Sheldon) are already zoned RT, so this would not create an island of non-conforming zoning, which should be avoided when possible.
- The character of this neighborhood would not be negatively affected by the change in use. Indeed, one of the four corners of this intersection is already a multi-unit residential structure, and another is an institutional use (pre-school). And there are other rental houses in the neighborhood. See the attached photos to help gauge neighborhood character.
- Eliminating this office space would not negatively affect the amount of available office space in or near the downtown area.
- This would help correct an existing non-conforming use, and help sustain the property's competitiveness in the market. The owner believes it will be much easier to rent the space as an apartment, rather than as a business office.
- I believe this change is not contradicted by the Community Master Plan. The area in question is identified on the Future Land Use Map as a future Mixed-Use site. However, this does not mean the Master Plan necessarily calls for a mixed-use zoning classification, such as our new MX-1 overlay zone. Rather, the plan encourages an integrated mix of uses in these areas that could include residential, commercial, service, recreation or other non-intensive uses.

**Therefore, I recommend approval of this rezoning request.**