

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/20/08

ITEM NO. 1: U to RM32; .134 ACRES; 1232 Louisiana Street

Z-08-15-08: Consider a request to rezone a tract of land approximately .134 acres from U (University) to RM32 (Multi-Dwelling Residential), located at 1232 Louisiana Street. Initiated by the City Commission on 8/12/08.

STAFF RECOMMENDATION: Staff recommends approval of rezoning approximately .134 acres from U (University) District to RM32 (Multi-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for approval based upon the findings of fact outlined in the staff report and with the following condition:

1. The property shall not be used in any fashion for a parking lot except in strict compliance with the zoning standards of the Development Code. Parking facilities shall only be permitted if accessory to a permitted and approved principal use that is located on the same property that is the subject of this rezoning application.

Applicant's Reason for Request: *The property is zoned U and is surrounded by property zoned RM32.*

KEY POINTS

- This is a request to rezone to the RM32 District. The RM32 District is Multi-Dwelling Residential zoning district.
- The property was rezoned to U (University) District with adoption of the new code which was applied to all property owned by the University of Kansas at the time.
- The property is surrounded on four sides by existing RM32 zoning and Multi-Dwelling uses. Uses to the west are the Alumni Center and water towers.
- The property is part of the Oread Neighborhood.
- The property is located in the environs of the Hancock Historic District and the Oread Historic District, National Register of Historic Places. (DR-12-151-07)

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The subject property is surrounded on four sides by Multi-Dwelling Residential zoning and residential uses. One structure to the north of the subject property is zoned RMO. The character of the area is comprised by a predominance of residential uses.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from U to RM32 is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES

- TA-10-05-04; Adoption of the Development Code, November 11, 2005 Edition; Planning Commission recommended approval on 2/22/06.
- Z-10-49-04; Adoption of new zoning map; Planning Commission recommended approval

on 2/22/06.

- Z-10-49D-04; RD to U District; Planning Commission recommended approval on 2/22/06.

OTHER ACTION REQUIRED

- City Commission approval of the requested rezoning.
- City Commission adoption of rezoning ordinance.
- Publication of rezoning ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

None.

GENERAL INFORMATION

Current Zoning and Land Use: U (University) District; vacant residential dwelling.

Surrounding Zoning and Land Use: RM32 (Multi-Dwelling Residential) District to the north, east, south and west.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The project is in conformance with the following *Horizon 2020* goals and policies related to Residential Uses:

CHAPTER FIVE – RESIDENTIAL LAND USE

STRATEGIES: RESIDENTIAL DEVELOPMENT

Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses. (Page 5-1)

The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods. (Page 5-1)

RESIDENTIAL LAND USE GOALS AND POLICIES: MEDIUM - AND HIGHER - DENSITY RESIDENTIAL LAND USES (Page 5-22)

GOAL ONE: CRITERIA FOR LOCATION OF MEDIUM- AND HIGHER-DENSITY RESIDENTIAL DEVELOPMENT

Policy 1.1: Consider Land Use Relationships

- Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space.*

Policy 1.5: Ensure Adequate Infrastructure

- Ensure that medium- and higher-density development occurs in areas which can be adequately and efficiently served by infrastructure facilities.*

Policy 1.6: *Consider Access*

- a. Ensure adequate vehicular circulation within medium- and higher-density residential developments.*

GOAL TWO: CREATE A FUNCTIONAL AND AESTHETIC LIVING ENVIRONMENT

Policy 2.2: *Ensure Quality Development*

- a. Encourage pedestrian use and neighborhood interaction through inclusion of pedestrian easements and sidewalks in subdivision design.*
- b. Provide pedestrian and/or bicycle paths to provide access to all parts of a neighborhood and beyond.*

Policy 2.6: *Consider Residential Density and Intensity of Use*

- a. The number of dwelling units per acre in any residential category should be viewed as representing a potential density range rather than a guaranteed maximum density. Potential development should be approved based upon consideration of natural features, public facilities, street/roads and traffic patterns, neighborhood character, and surrounding zoning and land use patterns.*
- b. Develop standards for density and intensity of uses.*

GOAL THREE: NEIGHBORHOOD CONSERVATION

Policy 3.1: *Maintain Public Improvements*

- a. Utilize community-wide capital improvements planning to update and improve facilities and services within existing neighborhoods.*
- b. Promote new community-wide beautification improvements within public and private areas.*

Policy 3.4: *Minimize Traffic Impact through Neighborhoods*

- a. The street/road network should be designed and enhanced to discourage non-local traffic through neighborhoods.*
- b. The site design of a residential development should accommodate multiple points of access (direct and indirect) with attention to directing vehicular traffic to and from a development to collector and/or arterial street/roads.*

Staff Finding – The subject property is proposed to be rezoned to RM32 (Multi-Dwelling Residential) District. The proposed rezoning of the subject property, given its location is consistent with *Horizon 2020*. The Future Land Use Map of *Horizon 2020* designates the subject property for “Medium Density Residential/High Density Residential.” The proposed zoning is in conformance with *Horizon 2020*.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding – The subject property is surrounded by residential zoning. The majority of the east block face of the 1200 block of Louisiana contains residential structures, with at least half containing multiple units. A parking lot is located on the southeast corner of 12th & Louisiana Streets. The west side of the block includes the back sides of the Ecumenical Christian Ministries, the City’s water tanks, and the Alumni Center which are all accessed from Oread Avenue. This property abuts the west side of the 1200 block of Ohio Street which is a complete block of residential structure, the majority of which are rentals.

3. CHARACTER OF THE NEIGHBORHOOD

Staff Finding – The subject property is located along the east side of the 1200 block of Louisiana Street and is within the boundary of the Oread Neighborhood. The area is characterized by a predominance of residential zoning and residential land uses. The neighborhood area is adjacent to U (University) District located southwest of the subject property.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – The subject property is located in the Oread Neighborhood which is currently in the process of updating and adopting a new neighborhood plan. The City Commission has initiated the rezoning of the property and stipulated that no building permit should be issued for the property until the Oread Neighborhood Plan has been updated and approved by City Commission nor shall the property be used as a parking lot once the structure has been demolished.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response – *The subject property is suitable for the proposed zoning uses.*

The subject property is currently zoned U (University) District. As zoned, the property is governed by the Cooperation Agreement between the City of Lawrence, Kansas, and the University of Kansas, adopted April 7, 2005. Since the University of Kansas is no longer the owner of the subject property, U (University) District zoning is not appropriate for the property.

Staff Finding – The property should be rezoned to RM32 consistent with plans for the area.

6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response – *The property has been generally vacant in excess of 2 years.*

The subject property is currently vacant and is not being used. Prior to its present use, the property was a single family residential dwelling unit.

Staff Finding – The subject property is currently occupied by a single family structure.

7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response – *The rezoning would not detrimentally affect nearby properties because the majority of the surrounding properties are already zoned RM32.*

The immediate area around the subject property are zoned residential and have residential uses. The rezoning request is intended to allow for the demolition of the current structure and no building permits may be issued until the completion and approval of the Oread Neighborhood Plan at which time future development proposals will be considered by the City Commission.

Staff Finding – Approving the rezoning will not detrimentally affect nearby property.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff Finding – The proposed rezoning will permit the property owners to demolish the structure to minimize possible harm to the neighborhood due to the structure's current condition. The structure has been determined by the Code Enforcement Manager to be unsafe and dangerous. The owner has not presented any known replacement plan and cannot obtain any building permits until the completion and adoption of the Oread Neighborhood Plan by the City Commission. The demolition associated with rezoning the subject property is a gain for the public's health, safety, and welfare.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property (1232 Louisiana) was discussed by the City Commission at the August 12, 2008 meeting. Concerns surrounding the demolition permit were addressed with discussion about Resolution 6791 which calls for some mitigation measures for the subject property. These measures included that the existing structure should be documented, rezoning the property to appropriate zoning for the neighborhood, and the future development plans would be reviewed by the Historic Resources Commission for their impact on the listed historic properties. One condition that the Historic Resources Administrator suggested to the City Commission was that no building permit should be issued until the Oread Neighborhood Plan was updated and that there should be a mechanism to prevent the property from becoming a parking lot.

Other concerns addressed at the August 12, 2008 meeting included concerns about what could feasibly be developed on the lot with RM32 zoning. The lot size of the subject property is 5850 square feet which could potentially allow 4 dwelling units if parking and setbacks could be achieved; however, parking may restrict the number of units to less than four. Scott McCullough, the Planning and Development Services Director, suggested that staff could use the Table of Lesser Change and the Planning Commission could recommend a lesser zoning district if the analysis warranted. He also suggested that the city could analyze the vacant lot with the surrounding development pattern to base recommended land use on the existing pattern and density. The Commission could then adopt the revised neighborhood plan and then recommend potential rezonings to fit the development pattern desired.

The City Commission adopted Resolution 6791 with the conditions that "no building permit shall be issued for the property until the Oread Neighborhood Plan has been updated and approved by the City Commission." It was also stated that the property cannot be used as a parking lot once the structure on the property has been demolished. The commission also moved to initiate the rezoning of the property from U (university) District to RM32 (Multi-Dwelling Residential District).

The minutes of the City Commission August 12, 2008 meeting are attached.

Staff Finding - Staff recommends approval of rezoning from U (University) to RM32 (Multi-Dwelling Residential) and forwarding it to the City Commission with a recommendation for approval based upon the findings of fact outlined above and with the condition the property not be used as a parking lot.