

**PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item**

PC Staff Report
12/15/08

ITEM NO. 3B RS-7 TO RS-5; 3.57 ACRES; 437 SEELE DRIVE (MKM)

Z-10-17B-08: Consider a request to rezone a tract of land approximately 3.57 acres from RS-7 (Single-Family Residential) to RS-5 (Single-Family Residential), located at 437 Seele Drive. Submitted by Landplan Engineering PA, for Doolittle Farms, LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends denial of rezoning approximately 3.57 acres from RS 7 (Single-Dwelling Residential) District to RS-5 (Single-Dwelling Residential) District and forwarding it to the City Commission with a recommendation for denial based upon the findings of fact outlined in the staff report.

Applicant's Reason for Request: *To create a more sustainable neighborhood development by utilizing existing infrastructure and subdividing context sensitive single-family lots, responding to a presently underserved consumer market in a mixed residential environment.*

KEY POINTS

- The intent of the applicant is to rezone the property to permit a mixed single- and duplex-dwelling development.
- This rezoning request is part of a development proposal which includes a preliminary plat for 19 single-dwelling lots and 22 duplex-dwelling lots and a rezoning request for 3.57 acres from the RS7 to the RS5 (Single Dwelling Residential) Zoning District.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area is developed predominately with single-dwelling residences. A church is located to the east and duplexes/townhomes are located to the south. These multi-dwellings serve as a transition from the commercial development along W 6th Street. Limited multi-dwelling development is located in the area.

CONFORMANCE WITH *HORIZON 2020*

- The Future Land Use Map designates this area for low- density residential uses. The RS5 Zoning being requested would have a maximum density of 8.7 dwelling units per acre and is classified as medium density. The development being proposed yields 5.3 dwelling units per acre in the RS5 Zoning District.
- The rezoning of this area from the RS7 to the RS5 District is not in conformance with several of the recommendations in *Horizon 2020*.

ASSOCIATED CASES

- Z-07-46-05; A (Agricultural) District to RS-2 (Single-Family Residence) District; 10.281 acres. Ordinance adopted on December 6, 2005. (Zoning Designation converted from RS-2 to RS7 with the adoption of the 2006 Development Code.)
- Z-10-17A-08; RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential/Duplex). This rezoning request is being considered at the December

Planning Commission meeting.

- PP-10-13-08: Preliminary Plat for Maple Leaf Square, a 10.24 acre subdivision consisting of 41 lots which is also being considered at the December Planning Commission meeting.

OTHER ACTION REQUIRED

- Planning Commission approval of associated rezoning, RS-10-17A-08.
- City Commission approval of the requested rezonings and adoption/publication of rezoning ordinances.
- Approval of the variance requested from the Subdivision Regulations by the Planning Commission.
- Approval of the waiver requested from the Subdivision Regulations by the City Commission.
- Approval of the preliminary plat by the Planning Commission.
- Acceptance of dedications on the Preliminary Plat by the City Commission.
- Submittal, administrative approval, and recordation of a final plat.
- Submittal and approval of public improvement plans.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- A letter was provided by Jason Pendleton which expressed his opposition to the rezoning to permit duplexes and more dense single-family development.
- E-mail from Doug Flessing expressing his opposition to the duplex rezoning and the requested variance, based on concerns with increased traffic congestion in the area. Both property owners expressed concern that the duplex zoning would devalue property values in the area.
- A letter from Larry Sherraden, President Lawrence Bible Fellowship expressing opposition to the rezoning to the RM12D District based on concern with the change in the general composition of the neighborhood. He also expressed concerns with the drainage easement and the maintenance of the property.

These communications are included as an attachment with the staff report for Z-10-17A-08.

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; undeveloped land platted in February 2006 as Doolittle Subdivision.

Surrounding Zoning and Land Use: RS7 (Single-Dwelling Residential) District to the north east and west; existing residential homes to the north, west and northeast and church to the east.

Proposed RM12D (Multi-Dwelling Residential) District to the south per application Z-10-17A-08; undeveloped property part of Doolittle Farms Addition.

PCD [Monterey Center]; mixed commercial and residential development with duplex units/townhomes along south property line of subject property.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response –

"H2020 recommends low-density residential use in the subject area. This application also conforms with H2020 recommendations for compatibility (existing adjacent properties consist of single-family uses.)"

The subject property is located in the northwest area of Lawrence. This area is designated on the Future Land Use Map, Map 3-2, of *Horizon 2020* for very low or low density residential uses.

The Plan states: *"While existing single-family neighborhoods are essentially built-up, several vacant parcels are scattered throughout the existing community where new low-density residential development should occur in the future. In general, new development should be of a scale and character, including building type, the same as and compatible with existing or planned homes in the immediate area."* (Page 5-4)

Low-density residential development is described as reflecting "six or fewer dwelling units per acre. (Page 5-4). The RS5 district is described in Article 20-201 of the Development Code as corresponding to the comprehensive plan designation as either low or medium density development. Gross density of a RS5 district would typically result in around 8.7 dwelling units per acre with a minimum 5,000 SF lot size. The preliminary plat proposes a platted lot arrangement of 5.3 dwelling units per acre with an average lot size of 5877 sq. ft. The lots to the west of this development are approximately 7,000 sq. ft. and the lots to the north range from 8,000 sq. ft to 12,000 sq. ft., with the majority being approximately 12,000 sq. ft.

The following goals and associated policies from *Horizon 2020* support the existing single-family detached zoning.

RESIDENTIAL LAND USE GOALS AND POLICIES

Low-Density Residential Land Use

GOAL 3: Neighborhood Conservation

Policy 3.3: Encourage Compatible Infill Development (Page 5-15)

(c) Infill development should conform to lot size, housing type, scale and general architectural style of the area in which it is proposed.

Policy 3.4 Minimize Traffic Impact through Neighborhoods (Page 5-16)

(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.

GOAL 4: Criteria for Location of Low-Density Residential Development (Page 5-17)

Policy 4.2: Protect Areas Planned for Low-Density Development (Page 5-17)

Avoid concentrations of medium- or higher-density residential development within the interior of a neighborhood.

Staff Finding – The project is not in conformance with several *Horizon 2020* policies related to low-density residential uses. As the subject property is located within a residential development, the project will provide an infill development that could have the same building type as the surrounding development; however the proposed development does not conform to the lot size and scale in the immediate area. In addition, the zoning request is not in conformance with Policy 3.4 in that multiple points of access directing vehicular traffic to and from a development to collector or arterial streets are not provided for this development.

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

Staff Finding – The subject property is surrounded on all sides by RS7 (Single-Dwelling Residential) Zoning and is developed with single-dwelling detached homes to the west, north and northeast. A church is located to the east of the subject property. The property to the south is undeveloped and a rezoning request to the RM12D (Multi-Dwelling Residential) District is on the December Planning Commission agenda as part of this development proposal.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response –

"Existing single-family residential to the west, north and east. Undeveloped (existing infrastructure only) immediately to the south, with existing single-family attached (duplex) farther south. Existing church to the southeast."

Single-dwelling residences are the predominate land use in the neighborhood with multi-dwelling residences located to the south of the subject property. The development pattern in the immediately surrounding area to the north, east and west is a collection of residential homes with access to short cul-de-sac streets intersecting collector streets with little connectivity between isolated blocks. Other multi-dwelling developments in the area include small areas of RM24, RM12 and RM12D located near the intersection of W 6th Street and Monterey Way with a mix of townhomes and duplexes, and an area of RM12 Zoning with townhome development to the west, between the high school and Folks Road. (A map showing the residential development in this area is included in the staff report for Z-10-17A-08 as Figure 1.) The PRD Zoning District to the west is the Briarwood Development which contains single-dwelling homes on the northern portion and apartments to the south. The PRD in the northwest corner of the intersection of Folks Road and W 6th Street has a preliminary development plan approved for a mix of single- and multi-dwelling residences in this area.

The immediate area contains single-dwelling residences with lot sizes of approximately 7,000 sq. ft to the west and from 8,000 to 12,000 sq ft to the north. The proposed lots average 5,877 sq. ft. and will be much smaller than those in the existing area. Figures 1-3 show the change in lot sizes being proposed with this development from the approved Doolittle Subdivision and compares the proposed lot sizes with the surrounding lots.

Staff Finding – The area is characterized by single-dwelling residences with some multi-dwelling development located in transitional locations south of the subject property, at the intersection of Monterey Way and W 6th Street/Hwy 40 and adjacent to the high school.

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

Staff Finding – There are no existing neighborhood or areas plans that include the subject property.

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

Applicant's Response –

"The property is theoretically suitable to the present restrictions, although City-produced data confirms apparent market inactivity. Presently residences are neither being

constructed nor sold as currently zoned and platted. Rezoning is most suitable to stimulate market activity by allowing viable dwelling (smaller SF lots). "

Staff Finding – Staff concurs with the applicant's assessment that the present restrictions are suitable for the subject property.

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

Applicant's Response –

"The property has been vacant since a former single family residence was removed in 2006."

Staff Finding –. The property was rezoned from A to RS-2 by Ordinance 7943 which was published in December of 2005 and established the current single dwelling zoning district in anticipation of planned residential development. The property is vacant and, based on information from the applicant, has been vacant since the house and outbuildings were removed in 2006.

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

Applicant's Response –

"No detrimental affect is identifiable as a result of the rezoning."

Staff Finding – A rezoning of this property to the RS5 (Single-family Residential) District would result in a low-density development of single-dwelling homes on lots which are considerably smaller than abutting lots to the north and northeast which may alter the character of the area. If the number of total residences in the development is increased, the development would require an additional access point. Lack of this access point could reduce the efficiency of traffic circulation from the site and in the vicinity.

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

Applicant's Response –

"Approval will increase the likelihood of new homes, residents, improved property maintenance and broadened municipal tax base. Denial is likely to result in perpetuation of unused infrastructure in an otherwise beneficial infill location."

Staff Finding – Denial of this rezoning request would benefit the public by preventing the increase in density of residential units beyond the 35 which are permitted by the Development Code with one access and promote efficient traffic circulation in the area.

Denial of this rezoning would create a hardship upon the landowner in that he could not divide the land into smaller lots and attempt to create more marketable units.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff Finding – The requested rezoning would result in a greater number of smaller lots. The existing subdivision, Doolittle Addition, currently contains 41 lots with 14 located in the area being requested for rezoning to the RS5 District (18 are shown on the preliminary plat for Maple Leaf Square for the same area). (Figures 1 and 2). The development would serve as infill development

with proposed lots which are smaller than the abutting lots and would not constitute compatible infill development as defined in *Horizon 2020*. The Subdivision Regulations requires 2 access points for subdivisions with more than 35 lots or 35 potential dwelling units, Section 20-810(d)(2)(iii), and *Horizon 2020* recommends more than one access point for residential subdivisions (Policy 3.4, page 5-16). Based on the nonconformity with the access requirement in the Subdivision Regulations and the recommendations in *Horizon 2020*, Staff is unable to support this rezoning request.

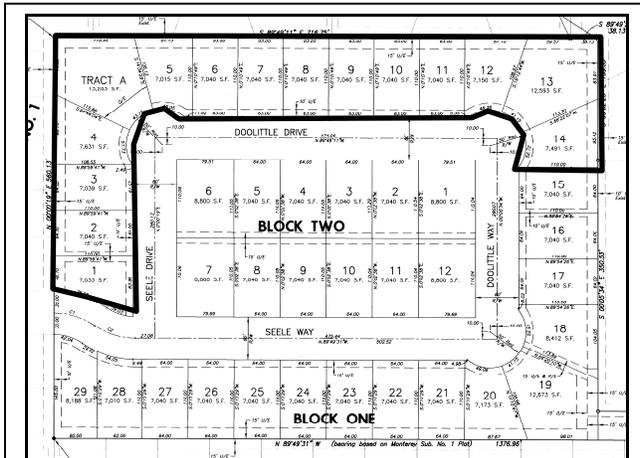


Figure 1. Approximate area of RS5 rezoning request on the existing Doolittle Farms plat with 14 lots.

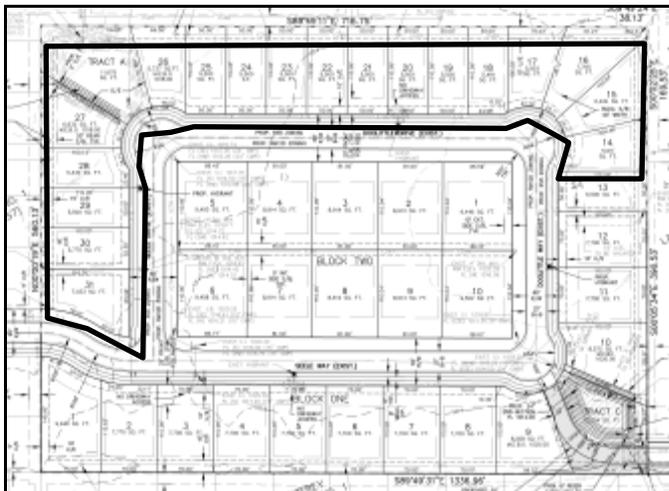


Figure 2. Approximate area of RS5 rezoning request on the proposed Maple Leaf plat with 18 lots.

