

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
01/25/09

ITEM NO. 4: RS7 TO RMO; 140,090 SQ FT LOCATED AT 2141 MAPLE LANE (JCR)

Z-11-20-08: Consider a request to rezone 140,090 square feet located at 2141 Maple Lane from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential Office). Submitted by Grob Engineering for Kansas Family & Children Foundation, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 140,090 square feet, from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential Office) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

APPLICANT'S REASON FOR REQUEST

"The Kansas Family and Children's Foundation, owner of the subject property and operator of the existing school, are proposing construction of an additional building onsite to be used for offices. This is not an allowable use under the current RS7 zoning, but is not out of character with the varied uses of adjacent properties, or the current use of the subject property."

KEY POINTS

- The applicant is requesting rezoning of the subject property to allow the development of a 12,500 square foot administrative and professional office building.
- The subject property is presently the site of Sunshine Acres Preschool. The proposed office development would be located south of the preschool.
- Sunshine Acres Preschool and the site of the proposed office are under common ownership.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The character of the neighborhood is mixed, consisting of a variety of residential use types, commercial uses and community facilities.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning conforms to the goals and policies of *Horizon 2020*.

ASSOCIATED CASES

- SP-11-100-08; a site plan for 12,500 square foot administrative and professional office.
- SUP-08-08-08; a special use permit for a small building expansion to Sunshine Acres Preschool approved administratively by the Planning Director on September 24, 2008.

OTHER ACTION REQUIRED

- City Commission approval of the requested rezoning.
- City Commission adoption of rezoning ordinance.
- Publication of rezoning ordinance.
- Planning Director approval of SP-11-100-08.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Staff has communicated with Donald Gish, owner of property immediately west of the subject property. Mr. Gish inquired if stormwater detention would be provided for the proposed

development. He was provided a copy of the site plan, which shows that detention will be provided. He did not comment specifically on the requested rezoning.

- Staff has communicated with Jack King, owner of property immediately east of the subject property. Mr. King inquired regarding the reason for the rezoning request. He did not comment specifically on the rezoning.
- Staff communicated with a nearby resident regarding the public hearing process for the rezoning request.

GENERAL INFORMATION

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; existing day care center/school.

Surrounding Zoning and Land Use: RM12 (Multi-Dwelling Residential) District to the west; duplexes and multi-dwelling structures.

RS7 (Single-Dwelling Residential) District to the north; detached dwelling structures.

RM12D (Multi-Dwelling Residential – Duplex) District to the east; duplexes and detached dwelling structures.

CS (Commercial Strip) District to the south; mini-warehouse storage and bus storage.



SUMMARY OF PROPOSAL

The applicant proposes a rezoning of the subject property from RS7 to RMO to accommodate a proposed administrative and professional office building. The proposed development requires site plan approval by the Planning Director. A site plan has been submitted and is under review at this time. The subject property is platted as one parcel owned by the Kansas Family and Children's Foundation, Inc. that is approximately 3.08 acres in total area. The northern portion of the subject property contains Sunshine Acres Preschool. The preschool operates under a Special Use Permit originally approved in 1985 (UPR-6-7-85) and revised with administrative approval in 2008 (SUP-08-08-08). The 2008 revision approved a 1,459 square foot building addition, which according to Section 20-1306(l)(6) is considered a "minor" change thus allowing the revision to be approved administratively. According to the 1985 UPR staff report, the preschool had been in operation for at least 15 years.

The Development Code classifies the preschool as a *Day Care Center* which is permitted in the present and proposed zoning classification only by Special Use Permit. The proposed zoning will not impact the status of the Special Use Permit.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response – *The Comprehensive Plan shows the area as medium or high-density residential, however the property is currently used for a preschool by the Kansas Family and Children's Foundation and the site is bordered to the south by commercial properties, so the addition of an office building will not alter the character of the neighborhood.*

Chapter 6, COMMERCIAL LAND USE, Existing Commercial Areas (page 6-17) East 23rd Street (Learnard Street to Harper Street)

- Encourages property to develop or redevelop in this corridor to geographically balance commercial development occurring in other areas of the community. The area should become more retail and office in orientation.

Commercial Land Use Goals and Policies

Goal 2: Compatible Transition from Commercial Development to Less Intensive Uses

Policy 2.5: Office, Research and Semi-Public Development as a Transitional Use (page 6-30)

"Encourage low-intensity office, research and semi-public development as a transition between commercial development and low-density residential neighborhoods."

Chapter 5, RESIDENTIAL LAND USE, Strategies Residential Development (page 5-1)

- 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.

Residential Land Use Goals and Policies for Low-Density Residential Land Uses

Goal 6: Compatible Transition from Low-Density Residential Development to More Intensive Land Uses

Policy 6.2: Higher-Density Residential Development as Transitional Use (page 5-22)

Encourage the integration of higher-density residential development through compatible design with nonresidential developments and surrounding low-density residential

neighborhoods.

Residential Land Use Goals and Policies for Medium and Higher Density Residential Land Uses

Goal 3: Compatible Transition from Medium-Density and Higher-Density Residential Development to both More Intensive and Less Intensive Land Uses

Policy 3.1: Use Appropriate Transitional Methods (page 5-27)

Careful attention should be given to areas which may serve as a buffer between different housing types and different densities and intensities of use to ensure compatibility of uses.

Staff Finding – The primary purpose of the RMO District is to “accommodate mixed use development of low and moderate intensity administrative and professional offices that are compatible with the character of medium and high-density residential neighborhoods and to serve as a transitional zoning district between higher-intensity commercial areas and residential neighborhoods”. The Future Land Use Map in *Horizon 2020* identifies the subject property for medium to high-density residential land uses. The RMO District permits both medium and high density residential land uses as well as office uses to serve as a buffer between low-density residential land uses and higher intensity commercial land uses. The subject property is located immediately north of existing commercial uses that includes bus storage and mini-warehouse storage facilities and is located south of an existing school and a residential neighborhood of varying densities. The requested zoning district will permit uses that provide a transition between the commercial uses to the south and residential uses to the north. The request conforms to the goals and policies of *Horizon 2020*.

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

Staff Finding – The zoning of nearby property is RM12 to the west, RS7 to the north and RM12D to the east with CS zoning to the south. There are duplexes and multi-dwelling uses to the west, single-dwelling uses to the north and a mix of single-dwelling, duplex uses to the east with and commercial uses to the south.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response – *The character of the neighborhood is highly varied, mixing commercial properties, high-density residential, single-family residential, duplex, an elementary school and the existing preschool on the project site.*

Staff Finding – The character of the neighborhood is mixed, consisting of a variety of residential use types, commercial uses and community facilities (existing preschool and nearby public school). The character transitions from a commercial nature to the south of the subject property to a mixed residential and community facility nature in the immediate vicinity of the subject property to a lower-density residential nature to the north.

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 and adjoining properties are not included in any adopted area and/or sector plans.

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 not suitable for a residential development, as the property is already developed as a school. Also, the southern portion of the property, where the proposed office building would be sited, is adjacent to the commercial properties on the north side of 23rd Street.*

Staff Finding – The zoning of the subject property is RS7 (Single-Dwelling Residential). The RS7 District is intended to accommodate predominantly single detached dwelling units on individual lots. The subject property is not suitable for single-dwelling residential development due to the arrangement of uses, lots and streets in the area and the existing use of the property.

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

Applicant's Response – *The southern portion of the property has never been developed.*

Staff Finding – The subject property was zoned RS-2 (predecessor to the RS7 District) with the adoption of the previous zoning code in 1966. The preschool was constructed in 1963 as a religious institution and later converted to its current use. The preschool sits on the northern portion of the site. The southern portion of the site remains undeveloped.

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

Applicant's Response – *The rezoning would not detrimentally affect the nearby properties because the subject property already has a non-residential use, and several adjacent properties are zoned for commercial use.*

Staff Finding – Approval of the rezoning request will permit several uses not currently permitted. Many of the new uses are office uses that are compatible with residential uses. New office development will result in an increased level of vehicular traffic. The Traffic Impact Study submitted with this rezoning request concludes that an office use would generate an average daily rate of 174 trips, half entering, half exiting the site. This number is in addition to those figures generated by the existing school on the subject site. The character of the area is not predominantly single-dwelling residential, as over time much of the property to the east and west of the subject property was zoned and developed as multi-dwelling or duplex. A majority of these uses take access to 21st Terrace as does the subject property. Given the variety of nearby land uses and the traffic generated by these uses, the rezoning will not detrimentally affect nearby properties.

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 of this application would allow the owners to consolidate their regional offices into one centralized location, benefitting not only the owners themselves but also creating several new jobs in the Lawrence community.*

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 – Approval of the rezoning will allow the property owner to construct an administrative and professional office on the subject property and make use of currently undeveloped land. Denial of the rezoning is not anticipated to result in any gain to the public health, safety or welfare.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff Finding – Staff recommends approval of the rezoning request based upon the findings of fact outlined above.