

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

PC Staff Report  
04/20/2009

**ITEM NO. 5      RS7 TO RM12D; 2.83 ACRES; SE CORNER OF E 19<sup>TH</sup> ST & LEARNARD AVE (SLD)**

**Z-2-3-09:** Consider a request to rezone approximately 2.83 acres located at the southeast corner of E 19<sup>th</sup> Street & Learnard Avenue from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential). The property is identified as 423, 431 & 533 E 19<sup>th</sup> Street; 1926, 1930-32, 1934-36 & 1938-40 Learnard Avenue; and the parcel east of 1934-40 Learnard Avenue. Submitted by Jill Gretchen Windholz for Jill G. & Timothy L. Windlholz; Carolyn L. & James R. Hemphill Trustees; Clara & Philip Hemphill; Wendy A. Stauffer, Jennifer Hemphill, Jill G. Windholz & Carolyn Hemphill, property owners of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 2.83 acres, from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:**      *Bring zoning into conformance with existing land use. This would allow construction of a duplex on the site of Lot 1 and 3 of Elsie Hemphill Addition.*

**KEY POINTS**

- Request includes multiple parcels.
- Some parcels of land are developed with residential uses.
- Approval of the request will allow development of two platted lots with duplex dwellings.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Floodplain development permit required to build on existing lots.
- DR-4-29-09; rezoning. HRC will consider on 4/16/09.

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – not required.
- *Downstream Sanitary Sewer Analysis* – Not required.
- *Drainage Study* – Not required.
- *Retail Market Study* – Not required for residential zoning.

**ATTACHMENTS**

- Area map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- One phone inquiry from neighborhood resident requesting additional clarification of request.

**Project Summary:**

The proposed request is located on the southeast corner of E. 19<sup>th</sup> Street and Lenard Avenue. The request includes multiple properties that are both built and vacant.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The Plan supports infill development that is consistent and compatible with the established land use pattern in surrounding areas.*

The *Horizon 2020* land use map identifies the area around 19<sup>th</sup> & Learnard as low-density residential land use (Map 3-2). Key strategies for Residential Land Use are stated in Chapter 5 of *Horizon 2020*. Strategies that are applicable to the proposed zoning include the following:

- Infill residential development should be considered prior to annexation of new residential areas.
- A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.
- 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.
- 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.

Approval of the request will bring existing duplex units into compliance with the base zoning district and allow for the two vacant lots to each be developed with duplex dwelling.

**Staff Finding** – The property is developed with duplex housing that does not conform to the base zoning district. Approval of the request will allow development of the two vacant lots as duplex housing. Approval will also result in the land use conforming to the zoning district.

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

Current Zoning and Land Use:	RS7 (Single-Dwelling Residential) District; existing built and vacant parcels.
Surrounding Zoning and Land Use:	RS7 (Single-Dwelling Residential) District to the north, west and south and to the east at 537 E. 19 <sup>th</sup> Street. Existing residential uses.
	RS5 (Single-Dwelling Residential) District to the northwest. Existing residential uses.
	IL (Limited Industrial) District to the east along 19 <sup>th</sup> Street. Social services offices.
	IG (General Industrial) District to the southeast. Warehouse and manufacturing uses.

The property is in the environs of the Zinn-Burroughs House which is listed on the Lawrence Register of Historic Places., Development of new structures will also be subject to review by HRC

**Staff Finding** – The surrounding zoning is residential to the north, west, and south and non-residential to the east.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Duplex, single family, light industrial.*

The properties proposed to be rezoned are located in the Barker Neighborhood. The Barker Neighborhood is predominately residential. Non-residential uses are located at the boundary of the neighborhood along Delaware, Massachusetts and E. 23<sup>rd</sup> Streets. The neighborhood includes both low and medium density residential development. An analysis of the immediate corner of 19<sup>th</sup> and Learnard found the following density pattern.

NW corner – 5.7 dwelling units per acre	NE corner– 1.62 dwelling units per acre
SW corner – 3.8 dwelling units per acre	SE corner – 3.6 dwelling units per acre.

Approval of the request will allow additional residences to be constructed on the vacant lots. The current configuration of the land arrangement, access, and floodplain limit the ability to add density beyond an estimated 4.7 dwelling units per acre for the southeast corner.

**Staff Finding** – Approval of the request will reflect the existing development of the area. Approval will also allow two additional duplex units to be constructed.

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

The property is located within the boundary of Barker Neighborhood. There is no adopted plan for this neighborhood.

The property is within the boundary of the Burroughs Creek Corridor Plan. The plan recommends that zoning be modified where needed to be consistent with the existing uses. The properties included in this request were not specifically identified in the plan document (page viii and ix). The plan states as a goal to:

1. *Emphasize new residential infill development in the Burroughs Creek study area over more industrial uses by encouraging neighborhood friendly reuse of underutilized commercial and industrial sites.*
  - a. *Modify zoning to reflect existing use wherever appropriate and consistent with surrounding property.*
  - b. *Use available tax incentives for development, redevelopment, and revitalization.*
  - c. *Encourage new, residential friendly development.*
  - d. *Protect historical sites and historical character of the area. (Page 1-5)*

The land use recommendations included in *Horizon 2020* are applicable to the development with regard to neighborhood preservation and infill development.

**Staff Finding** – Approval of the RM12D zoning is consistent with land use plans for the area.

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

Applicant's Response: *There are four duplexes and 3 rental homes already in this area so this area so this property is suitable for rezoning.*

The existing homes are non-conforming to the base zoning district. Approval of the request will relieve the non-conforming status for the properties with regard to land use. However, the two duplexes located at 1934 are still non-conforming because there are two structures on a single lot. The duplexes along Learnard were built in the late 1950's. Several of the structures along E. 19<sup>th</sup> Street were built before 1950.

**Staff Finding** – The current zoning does not reflect the existing land use of the area. Approval of the request will reduce the non-conforming status of the existing structures.

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

Applicant's Response: *Property is undeveloped or inhabited dwellings.*

**Staff Finding** – The property was zoned RS2 in 1966 and converted to RS7 when the Development Code was adopted in July 2006. The property includes both built and vacant parcels.

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

Applicant's Response: *Should not detrimentally affect nearby properties.*

The existing RS7 zoning allows the vacant lots to be built with two detached dwellings. Approval of the proposed RM12D request will allow the same lots to be built with duplex housing.

The existing built pattern of the property will not change if the RM12D zoning is approved.

Any additional traffic from the development of duplex dwellings (4 total units) over two detached dwellings would be minimal.

The applicant is working with staff to explore a shared driveway for the vacant lots with access from Learnard. This would reduce the impact on E. 19<sup>th</sup> Street.

**Staff Finding** – No detrimental affect is anticipated if the proposed RM12D zoning is approved.

**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: *Public health, safety and welfare should not be affected.*

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.

Existing municipal services are in place and currently serving the built properties included in the request. Services are in place to be extended to the vacant lots to allow development.

**Staff Finding** – There are no identified costs to public health, safety and welfare that would be affected if the RM12D zoning is approved.

### 9. PROFESSIONAL STAFF RECOMMENDATION

Approval of the request will allow the development of the two vacant lots to be developed with duplexes rather than single-family dwellings. Not all non-conforming elements are resolved by the approval of the RM12D zoning, such as lot size. However, the base land use will be reflected by the zoning district if approved. The density of the area is limited by the existing development pattern, limited access to parcels, and floodplain. The proposed RM12D zoning is consistent with the land use. The development pattern is consistent with the recommended density stated in *Horizon 2020*.

### CONCLUSION

Approval of the request provides a land use transition between the industrial zoning to the east and the lower density residential area to the west. Two properties are excluded from the zoning request that could be rezoned in the future to RM12D providing a more compact boundary and using the streets as boundary lines between zoning districts.



