

City of Lawrence
Planning Commission minutes
September 21, 2009

MEMBERS PRESENT: Blaser, Carter, Chaney, Dominguez, Finkeldei, Harris, Hird, Moore, Singleton, Student Commissioner Shelton

MEMBERS ABSENT: Rasmussen

STAFF PRESENT: McCullough, Stogsdill, Day, Leininger, J. Miller, M. Miller, Ewert

PC Minutes 9/21/09 **DRAFT**

ITEM NO. 2 RSO TO RM15; 10.97 ACRES; 4300 W 24TH PLACE (SLD)

Z-7-11-09: Consider a request to rezone approximately 10.97 acres, located on SE corner of Inverness and Clinton Pkwy at 4300 W 24th Place, from RSO (Single-Dwelling Residential Office) to RM15 (Multi-Dwelling Residential). Submitted by BG Consultants Inc, for Inverness Park LP, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

Commissioner Dominguez inquired about the communication that referred to 'overbuilding.'

Ms. Day said that staff has not done a specific analysis.

Mr. McCullough said that Planning does not track the apartment vacancy rates.

APPLICANT PRESENTATION

Mr. David Hamby, BG Consultants Inc, briefly went over the proposed rezoning. He explained they would be 6-8 unit/townhouses geared toward young professionals. There will be no pool or clubhouse.

Commissioner Carter asked if it was not anticipated to be student housing.

Mr. Hamby said the developer is not anticipating students since there will not be a pool. The developer anticipates young professionals, graduate students, or people in a transition living stage.

Commissioner Moore asked how many units there would be.

Mr. Hamby said 164 bedrooms/units.

No ex parte communications.

PUBLIC HEARING

Ms. Lori Sinclair, 4400 W 24th Place, said she lives across the street from the proposed rezoning. She said she is not opposed to the rezoning but was opposed to more apartments and was concerned about added traffic and buses. She was also concerned about the increase in noise and parties. She said there are already three other apartment complexes in the area. She expressed concern for the safety of children playing in the area if the traffic increased.

Commissioner Hird asked which direction Ms. Sinclair lives from the property.

Ms. Sinclair said she lives on W 24th across from the empty lot.

Commissioner Carter asked staff about the access.

Ms. Day said there will be no access to Clinton Parkway or Inverness, only on W 24th Place. She said the Traffic Impact Study has been reviewed and no issues were identified.

Commissioner Carter asked if those streets could handle more traffic.

Ms. Day replied yes.

Commissioner Blaser inquired about landscaping.

Ms. Day said staff asked the developer to extend the same median and side yard treatments and that it is something that is still being worked on for the Site Plan.

Mr. McCullough said that staff have a Site Plan application in the office that is being reviewed. He stated that the property owners have the opportunity to work with staff on the Site Plan and the option to appeal the Site Plan decision. He stated staff is hopeful that proper landscaping will be along the west edge. He urged the applicant to meet with neighbors on such issues.

Commissioner Hird asked if the current Site Plan that staff received extends the landscaping.

Ms. Day said it does not currently but staff have requested that from the applicant.

COMMISSION DISCUSSION

Commissioner Harris inquired about the intention for RSO zoning and the vision for the neighborhood.

Ms. Day said the RSO zoning came about when the City adopted the 2006 Development Code. Before that the property was zoned RO1B and was intended as a mixed-use transition land use. Beyond that there was no more detail. She said the RSO district is considered a transitional zoning.

Commissioner Harris asked if the number of dwelling units would be the same.

Ms. Day said the gross density is the same. In order to achieve the same density there would probably be more units on smaller lots.

Commissioner Harris asked if it was possible in the RSO district to have small lot development and asked where office use would go.

Ms. Day said yes. Offices could either be a segment or incorporated, the office would be the ground floor use and the multi-family could be the second story.

Commissioner Harris asked if RSO single dwelling meant single ownership of the building.

Ms. Day said it does not necessarily have to be single ownership but it gets at single dwelling being on its own individual lot. So if someone were to build the same type of development that the applicant has then somebody could own all six or eight of those units and still rent them out. Each unit would be on its own individual lot. She said the difference is in form.

Commissioner Dominguez inquired about traffic access from Clinton Parkway.

Mr. Hamby showed the Site Plan on the overhead.

Mr. McCullough reminded them that this is a rezoning issue and the Site Plan could be replaced. He encouraged them to look at the use table and see if the uses are appropriate for the site, not just look at the Site Plan that could change.

Commissioner Hird asked if the same density would be allowed in the RSO and RM15 districts.

Mr. McCullough said RSO is geared toward single family type development with individual lots and public streets, RM15 is geared toward multi-dwelling type development with private streets. The difference is in design. In this instance the owner has chosen a type of structure that both districts permit but in different ways. Both districts have the same maximum density, 15 units per acre.

Student Commissioner Shelton inquired about the traffic study.

Mr. McCullough said traffic studies go with the use that's developed and with a rezoning the use isn't always known. Traffic studies go toward the Site Plan once it has been created and shows exactly what the use is. The traffic study helps staff determine if additional improvements are warranted at the property.

Commissioner Carter said the rezoning seems appropriate with the location to arterial streets but inquired if the traffic would be reviewed at the site planning stage.

Mr. McCullough said the traffic is under review now and it is likely there would not be any further improvements necessary and that the location is capable of handling the traffic created at this site. He said if traffic becomes an issue during the site planning process it could require some sort of improvements or less density, but that would probably work it's way to the City Commission level.

Commissioner Finkeldei said that traffic is always a concern, but that office use could generate significant more traffic than an apartment complex. He stated that RSO could have uses that have higher traffic generators. He said that RSO could be a lot of things, whereas RM15 is only going to be apartments. He asked if child care was an allowed use in the RSO zoning district.

Mr. McCullough replied yes.

Commissioner Finkeldei felt it was unlikely that this would ever develop into a predominately single family area.

Commissioner Singleton agreed with Commissioner Finkeldei. She said the area of land was very unattractive and something needs to go there and there is nothing that will abut onto Clinton Parkway that would be the type of low traffic, large lot housing development that an adjacent property owner might want. She said small units could be good for the area and could be directed toward young professionals. She felt it was a good site plan and she asked staff to make sure the west side had appropriate landscaping. She liked the fact that there would only be two access points.

Commissioner Harris said she was hesitant about taking out the opportunity for office development in that area but that Commissioner Finkeldei had a valid point about some offices generating a lot of traffic.

Commissioner Hird said it was unfortunate they could not see the specific site plan. He expressed concern about traffic especially with children walking in the area, but that the same risk exists with either RSO or RM15 zoning. He said Commissioner Finkeldei raised a good point that there are office uses that would make traffic worse. He hoped that proper landscaping on the west could help abate noise issues. He felt they were reaching the saturation point in this area but that he would approve the rezoning with some hesitation.

Commissioner Blaser agreed that there are a lot of apartments in the area. He felt that most of the traffic in that area will go east so he did not know that Inverness will be affected that much. He liked this layout better than RSO where there might be 2-3 story buildings. He said they will almost be hidden from Clinton Parkway with their elevation.

Commissioner Harris asked what the maximum height could be allowed in the new zoning.

Ms. Stogsdill said 45' in RM15 and 35' in RSO.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Blaser, to approve the rezoning request [Z-7-11-09] for 10.97 acres from RSO (Single-Dwelling Residential-Office) to RM15 (Multi-Dwelling Residential) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Dominguez expressed concern about traffic and said that offices might have traffic at only specific times. He felt that tracking of apartments should be done. He said he would support the rezoning but with hesitation.

Motion carried 8-1, with Commissioner Harris voting in opposition. Student Commissioner Shelton voted in favor.