

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 1 : RM7 TO RMO; 8.71 ACRES; 3312 CALVIN DRIVE (SLD)

Z-12-30-09: Consider a request to rezone approximately 8.71 acres from RS7 (Single-Dwelling Residential) to RMO (Multi-Dwelling Residential-Office), located at 3312 Calvin Drive. Submitted by Landplan Engineering, for Grace Evangelical Presbyterian Church, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 8.71 acres from RS7 (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential Office) District 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.

APPLICANT'S REASON FOR REQUEST

"Based on the new development code this property to come in compliance with the code the property must be rezoned to match the use."

KEY POINTS

- This proposal for a Campus or Community Institution

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- Residential area surrounding property.
- General location of property is along arterial at edge of neighborhood.
- Use is an existing church that had represented from inception that it would expand the facility to provide a separate sanctuary space in the future.

CONFORMANCE WITH *HORIZON 2020*

- Plan generally refers to area as community facility (Map 3-2).

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Site Plan approval for future improvement of sanctuary – administrative item.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Neighborhood Meeting scheduled for 1/17/09.

GENERAL INFORMATION

Current Zoning and Land Use:	RS7 (Single-Dwelling Residential) District; existing church.
	RS7 (Single-Dwelling Residential) District in all directions; existing homes.
Surrounding Zoning and Land Use:	PRD-[Hutton Farms] to the southwest; mixed residential development.

Project Summary

This request is to rezone the property from RS7 to a district in which a Campus or Community – Religious Assembly use is permitted. A Religious Assembly use with a capacity to seat more

than 500 people is defined as a Campus or Community Religious Institution (20-1753). This use is not allowed in the RS or RSO zoning districts. The existing facility currently exceeds 800 seats. The existing use does not comply with the base zoning district.

Article 4 – Use Table

Page 4 - 3

		Base Zoning Districts														Use-Specific Standards (Sec. 20-)	
		RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12	RM12D	RM15	RM24	RM32	RMG	RMO		
Key:																	
A = Accessory																	
P = Permitted																	
S = Special Use																	
* = Standard Applies																	
- = Use not allowed																	
	Temporary Shelter	A*	A*	A*	A*	A*	A*	S*/A*	A*	A*	A*	A*	A*	A*	S*/A*	544/522	
	Social Service Agency	-	-	-	-	-	-	P	-	-	-	-	-	-	P		
	Community Meal Program	A*	A*	A*	A*	A*	A*	S/A*	A*	A*	A*	A*	A*	A*	S/A*	522	
	Utility, Minor	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	530	
	Utility and Service, Major	S	S	S	S	S	S	S	S	S	S	S	S	-	S		
Medical Facilities	Extended Care Facility, General	-	-	-	-	-	-	S	P	P	P	P	P	P	P		
	Extended Care Facility, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Health Care Office, Health Care Clinic, Health Care Center	-	-	-	-	-	-	P	-	-	-	-	-	-	P		
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Outpatient Care Facility	-	-	-	-	-	-	P*	-	-	-	-	-	P*	P*	519	
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	-	S		
	Entertainment & Spectator Sports, Gen.	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Entertainment & Spectator Sports, Ltd.	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Nature Preserve/Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	-	P		
	Private Recreation	P	P	P	P	P	P	P	P	P	P	P	P	-	P		
	Participant Sports & Recreation, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Participant Sports & Recreation, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Religious Assembly	Campus or Community Institution	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	522	
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	522	
COMMERCIAL USE GROUP																	
Animal Services	Kennel	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Livestock Sale	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	Sales and Grooming	-	-	-	-	-	-	-	-	-	-	-	-	-	-		

The applicant has indicated plans to pursue improvements to the property to construct a sanctuary on the north side of the property. The purpose of the rezoning is to establish a compliant base zoning district for the existing use and proposed expansions.

The following drawing depicts the most recently approved site plan with a future building addition shown.



Applicant's Response:

The subject property is generally located on the land use map 3-2 of *Horizon 2020*. This area is shown as suitable for Community Facility uses.

Community Facilities: Policy 2.2: Utilize Locational Criteria for Churches and Other Religious Facilities: Locate churches and other high-traffic uses at the periphery of neighborhoods to facilitate compatible uses and provide direct access to arterial, collector, or access/frontage streets. (Page 10-17, *Horizon 2020*) This church is an existing facility located along the east side of Kasold Drive. Kasold Drive is identified as a principal arterial on the Future Thoroughfares Map. The existing church location and the proposed expansion is compliant with this recommendation.

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* policies related to Community Facilities.

2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The subject property is surrounded by residential zoning. The area to the southwest is developed with mixed use residential buildings including detached homes, townhomes and apartments. The church was site planned in 1994 (SP-7-40-94). The residential subdivisions

were platted in 2001 (Deerfield Subdivision No. 8, east side of Kasold) and 1999 (Stonegate Subdivision west side of Kasold).

Staff Finding -- Property is surrounded by residential uses and abuts a principal arterial street. The RMO zoning is compatible with the surrounding residential uses and arterial street

3. CHARACTER OF THE AREA

Applicant's Response:

"The Neighborhood is generally single family residential use with multi-family to the southwest with the church in the neighborhood. Single family exists adjacent to the church property on the east. Single family exists on the south across Calvin Drive and north across Huntington Road. Single family residential use predominantly on the west side of Kasold Drive."

The area north of Peterson Road is not within a defined neighborhood boundary. Much of the area was platted as phases of Deerfield Woods Subdivision. Deerfield Elementary School is located to the southeast of the property. This area is generally known as the Deerfield Neighborhood. The area is characterized by single-family detached homes with non-residential or community uses located along the major peripheral roads (Kasold Drive and Peterson Road).

Staff Finding -- The area is best characterized as a residential neighborhood with non-residential uses located along the periphery

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 adopted area or sector plans for the Deerfield area. *Horizon 2020* is the governing document with regard to land use for the neighborhood.

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

Applicant's Response:

"The existing church [which has historically consisted of a minimum of 500 seats], as well as the proposed expansion, poses little intrusion to and is in character with the surrounding neighborhood. The proposed RMO zoning accommodates low-to-medium intensity professional offices and multi-family residences, as well as some community facilities such as churches with a capacity of 500 seats or more. The proposed expansion, which will accommodate more than 500 sanctuary seats, requires rezoning from RS to RM, per code. The proposed RMO zoning appears most suitable under these circumstances."

The current land use does not comply with the base zoning district because of the seating of the church today (more than 500 seats). *"The primary purpose of the RS Districts is to accommodate predominantly single Detached Dwelling Units on individual Lots. The Districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are compatible with residential neighborhoods."* (20-202 Development Code). The RS7 District is characterized by 7,000 SF lots. Non-residential uses are generally of a Community Facility orientation such as nursing

homes and churches in this area. These uses are typically a low intensity nature in activity and traffic.

The 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. The District is also intended to be used as a transitional Zoning District between higher-intensity commercial areas and residential neighborhoods. The District allows residential uses and Administrative and Professional Office uses, which may be combined in the same Structure (e.g., office on the Ground Floor or at the front of the Building with Dwelling Units on upper floors or toward the rear of the Building)." (20-202 Development Code)*

The property is developed with 30,133 SF of existing building space and 429 parking spaces (per SP-6-40-01). In a meeting with the applicant the existing multi-purpose space is used for worship service and typical seating is 800+ people. The intent of this application is to accommodate an existing use that is currently more intensive than what is permitted in the RS districts for a community facility use. There is no intention that this property be redeveloped for a multi-family use.

Staff Finding -- The existing use and proximity to a major arterial street is consistent with a more intense base zoning district. The current RS7 zoning does not reflect the current land use. This Community Facility land use is projected to continue into the future as a Community Religious Institution.

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

Applicant's Response:

"The property is not vacant. A sanctuary construction project is proposed as an upgrade to the existing facility."

Staff Finding – The property is developed with an existing church and parking lot. Worship services are currently conducted in a multi-purpose room of the building. Future plans to construct a separate sanctuary space have been shown on previous site plans as a future phase of development for the site.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"This use has been in this location beginning in 1994 (SP-7-40-94) with no problems or affect to the existing nearby properties. This property has an existing approved site plan (SP-06-40-01) that has been reviewed and has been maintained with the City of Lawrence."

Approval of the proposed zoning will facilitate planned improvements to the property for continued use of the building and property. Approval of the request does modify some of the building setback requirements and development standards as shown in the table below:

20-601 DENSITY AND DIMENSIONAL STANDARDS

(a) Residential Districts

Unless otherwise expressly stated, all development in R Districts shall comply with the **Density** and Dimensional Standards of the following table:

Standard	RS40	RS20	RS10	RS7	RS5	RS3	RS0	RM12/ RM12D [6]	RM10	RMO	RM24	RM32	RMG
Min. Lot Area (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	5,000	6,000	6,000	5,000	6,000	6,000	10,000
Min. Lot Area per Dwelling Unit (sq. ft.)	40,000	20,000	10,000	7,000	5,000	3,000	--	--	--	--	--	--	--
Max. Dwelling Units per acre	--	--	--	--	--	--	15	12	15	22	24	32	1
Min. Lot Width (ft.)	150	100	70	60	40	25	50	60	60	50	50	50	50
Min. Lot Frontage	40	40	40	40	40	25	40	60	60	40	50	50	50
Min. Setbacks (ft.):													
Front [5]	25	25	25	25	20	15 [1]	25	25	25	25	25	25	25
Side (Exterior) [2][5]	25/25	25/20	25/15	25/10	20/10	15/10	25/10	25/10	25/10	25/10	25/10	25/10	25/10
Side (Interior) [5]	20	20	10	5	5	5	5	5	5	5	5	5	5
Rear [3][5]	30/35	30/35	30/25	30/25	20/25	20/25	20/25	20/25	25/25	20/25	20/25	20/25	20/25
Max. Bldg. Cover (% of site)	15 [4]	30 [4]	40 [4]	45 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	50 [4]	60 [4]	60 [4]
Max. Impervious Cover (% of site)	25 [4]	50 [4]	70 [4]	70 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	75 [4]	80 [4]	80 [4]
Min. Outdoor Area (per Dwelling):													
Area (sq. ft.)	None	None	None	None	240	150	None	50	50	50	50	50	None
Dimensions (ft.)	N/A	N/A	N/A	N/A	12	10	N/A	5	5	5	5	5	N/A
Max. Height (ft.)	35	35	35	35	35	35	35	35	45	45	45	45	35[4]

Future

improvements require site plan approval thus allowing detailed review of development. Additionally approval of the proposed change will require the implementation of a Type 1 buffer yard per section 20-1005 of the Development Code that is not currently required.

Staff Finding – Detrimental impacts are not anticipated by the proposed change.

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:

"Rezoning would allow proposed improvement, under the Land Development Code to be in compliance. Hardship, due to denial of this request, would result by the inability of the Owner to make necessary improvements."

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Denial of the rezoning request would limit the planned improvements to that which is allowed for expansion of a non-conforming use per section 20-1502 of the Development Code. Approval of the request will provide an appropriate base district for the existing use.

Staff Finding – Denial of the rezoning request would have no positive impact on the public health, safety and welfare while it would prohibit the property owner from future improvements in compliance with the recommendations of the Comprehensive Plan.

9. PROFESSIONAL STAFF RECOMMENDATION

Approval of the rezoning will bring the existing use into compliance with the base zoning district and allow future improvements of the property. Staff recommends the approval of the rezoning request to the RMO District.