

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

**ITEM NO. 7B: RS10 (SINGLE-DWELLING RESIDENTIAL) DISTRICT TO RM12 (MULTI-DWELLING RESIDENTIAL) DISTRICT; 200 N. MICHIGAN STREET (SLD)**

**Z-6-10-10:** Consider a request to rezone approximately 1.31 acres from RS10 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 200 N. Michigan Street. Submitted by Bartlett and West for Northwinds L.L.C., property owner of record.

**STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning request for approximately 1.31 acres from RS10 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 200 N. Michigan Street 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.

**REASON FOR REQUEST**

*"The reason for rezoning is to develop the property as an addition to the current Northwinds Apartment Complex"*

**KEY POINTS**

- Property is immediately adjacent to multi-dwelling development to the south.
- Property is encumbered by regulatory floodplain and Environmentally Sensitive Lands.
- Development is intended to incorporate and integrate the existing property with the developed apartment complex to the south.

**GOLDEN FACTORS TO CONSIDER**

**CHARACTER OF THE AREA**

- Property is located within the Pinckney Neighborhood

**CONFORMANCE WITH *HORIZON 2020***

- Land use map (Map 3-2) indicates this area suitable for medium/high density residential use.
- Proposed redevelopment is considered to be infill development, a concept supported as a residential development strategy (page 5-1).

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- PP-6-4-10: George Subdivision No. 4.
- Submission, approval and recording of a final plat.
- Submission and approval a site plan.
- Submission and approval of applicable floodplain development permits (state and local).

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None

**ATTACHMENTS/REFERENCES**

- Area map

## GENERAL INFORMATION

Current Zoning and Land Use:	RS10 (Single-Dwelling Residential) District; existing residence.
Surrounding Zoning and Land Use:	RS10 (Single-Dwelling Residential) District to the west; Children's Learning Center preschool, childcare center.  A (Agricultural) and VC (Valley Channel) District to the north, existing rural residence outside the City Limits.  RM12 (Multi-Dwelling Residential) District to the east and south; existing apartment development.

## Project Summary

This request is to rezone a parcel of land acquired by the property owner to the south for the expansion of an existing multi-family development.

## REVIEW & DECISION-MAKING CRITERIA

### 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"The proposed rezoning is consistent with the future land use plan adopted in Horizon 2020. The proposal is consistent with the stated strategy "In addition to providing attractive new housing options within the city, these areas [Medium Density Residential Development] should be designed to help avoid major and abrupt changes in density or use."*

Medium density residential development is recommended at selected locations along major roadways, near high intensity activity areas, and when adjacent to important natural amenities. The property abuts N. Michigan, a collector street. The property is also encumbered by environmentally sensitive lands that include regulatory floodplain and existing mature trees.

Specific land use recommendations regarding development type are implemented through the Development Code with regard to building orientation, screening, setback and parking. These elements are addressed through the Site Plan review process.

**Staff Finding** – The proposed request is consistent with *Horizon 2020*.

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

**Staff Finding** – Surrounding zoning includes both single dwelling and multi-dwelling zoning. Immediately surrounding land uses include a child care center, church, Single-family home, and existing apartment development. The property borders the City Limits on the north property line. Much of the area is encumbered by the regulatory floodplain.

### 3. CHARACTER OF THE AREA

Applicant's Response: *"The character of the neighborhood is predominantly residential. The property is adjacent to the existing Northwinds apartment complex. The other surrounding properties across Michigan Street include a mobile home development, single family houses and a child care facility."*

This property is part of the Pinckney Neighborhood. The neighborhood is diverse and includes commercial uses, non-residential facilities, and a range of housing types. The neighborhood boundary was expanded between 1977 (date of area plan) and the present configuration. The expansion has occurred east of Michigan Street and south of Highway 70 as properties have been annexed into the City. This portion of the neighborhood is characterized by both medium and high density residential uses. Isolated, detached, and duplex subdivisions are found on the west side of N. Michigan. A church and childcare/preschool center are located immediately west of the property. Another private school is located further north of the property on the east side of N. Michigan Street.

**Staff Finding** –The property is part of the existing Pinckney Neighborhood boundary. This portion of the neighborhood includes residential and non-residential uses in immediate proximity to each other.

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

*Horizon 2020* identifies future plans for the general area as appropriate for medium/high density residential development. Key elements of the plan include a preference for infill development over new annexation, provision of a mixture of housing types, styles and economic levels, and the preservation of the character and appearance of existing residential neighborhoods.

Approval of the request will permit alterations to the base density and housing type within this immediate area. Approval of the request will also allow for expansion of the existing apartment complex by incorporating this property into the existing development pattern.

The proposed rezoning is located in the Pinckney Neighborhood. A neighborhood plan was completed in 1978. At that time this property was not located within the city limits and was not included in the plan boundary. Many of the existing surrounding uses were present at that time. The plan recognized that most of the higher density zoning reflected the existing land use at the time. If the neighborhood plan recommendations are extended to this property, the following policies would be applicable (Chapter 2 Pinckney Neighborhood Plan):

- *Reduce undesirable effects on adjacent incompatible land use through buffering.*
- *Locate multi-family areas where they can be served by public facilities, utilities and transportation systems.*
- *Evaluate off-street parking requirements of multi-family developments for realistic conformance with the Pinckney Neighborhood lifestyles and the large percentage of University oriented renters.*

**Staff Finding** – Approval of the request is consistent with land use plans for the corridor.

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

Applicant's Response: *"The application to rezone and plat the subject property meets current and long-term planning restrictions for multi-residential development"*

The purpose of the RS zoning districts *"is to accommodate predominately 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 neighborhood," per section 20-202.* The property is currently zoned RS10. The district was changed in 2006 from RS-1 to RS10. At the time the RS-1 zoning was established the district was typically used as a transition zone upon annexation until development actions were determined by the property owner.

- The RS zone reflects the current use as a single-detached residence on a large parcel.
- The existing single-dwelling development is isolated from the other single-dwelling part of the neighborhood located to the northwest and southwest.
- N. Michigan is a designated collector street.
- Single-dwelling access to a collector road is not a recommended design.

The purpose of the RM zoning districts *"are to accommodate multi-Dwelling housing. These districts are intended to create, maintain and promote higher density housing opportunities in areas with good transportation access," per section 20-204.*

The property is also located along a designated transit route. Much of the surrounding area is developed with multi-dwelling housing including two mobile home parks and an apartment complex to the north that includes both rental and owner occupied units as a "townhouse" type development. Non-residential uses, including a church and child care center, are located immediately west of the subject property. The property is encumbered by regulatory floodplain and a large stand of mature trees. Development is subject to compliance with the Environmentally Sensitive Areas standards. Approval of the rezoning allows for the dedication of an area set aside for preservation, provides the applicant the ability to include the area in density calculations and provides a more clustered form of development.

**Staff Finding** – The existing zoning under utilizes the potential for residential development for the parcel. Rezoning the property to a multi-dwelling district with the Environmentally Sensitive Area standards allows for a more compact design and protection of the floodplain and tree covered areas along the stream.

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

Applicant's Response: *"The current property was a one-lot single-family residence prior to this application and has never been platted or rezoned."*

The property is developed with a single-dwelling residence and detached accessory structure. The property was annexed into the City of Lawrence in 1980. This RS-1 zoning was typically enacted upon annexation. The RS-1 district was frequently used as an initial zoning or a holding zone until additional development was proposed for a newly annexed property. The property was zoned to RS10 (Single-Dwelling Residential) with the adoption of the Development Code in 2006.

**Staff Finding** – The property is not vacant and has been zoned for single-dwelling use since annexation in 1980.

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

Applicant's Response: *"This application proposes to rezone the property to RM12 is consistent with the existing zoning of surrounding properties. The submittal of this application will not detrimentally affect the nearby neighborhood."*

The property is currently restricted to single-dwelling detached and some non-residential uses found in Article 4 of the Development Code.

Approval of the request will allow for the property to be redeveloped and incorporated into the abutting multi-family development located on the south and east sides of the property.

Property further to the north is limited in development options because of the floodplain encumbrance across the property. Development of the subject property will require adequate buffer yard provisions to address screening and change of use. The property to the north is currently not annexed into the City of Lawrence.

**Staff Finding** – Approval of the request will alter the allowed uses, density and building form allowable but will provide protection of the environmentally sensitive lands through the development process. No detrimental impact is anticipated to result from the approval of the proposed zoning 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 this property from RS10 to RM12 represents a relative gain to the public health, safety, and welfare by providing more affordable housing in the Pinckney Neighborhood."*

**Staff Finding** – Approval of the request will accommodate additional residential options for the property. Proposed options utilize existing infrastructure and improvements on the site. The development process requires minimum protections of the environmentally sensitive area that would not be gained if no development were proposed.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

Approval of the request will allow for a clustered residential development as infill for the neighborhood. The design of the project is intended to provide connectivity with the existing development to the south and east. The existing single-dwelling residence is isolated from its surroundings as currently developed. The significant gain of the project is the identification and preservation of sensitive lands. The Comprehensive Plan supports infill development over greenfield development. This proposed zoning facilitates that goal.