

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
5/25/11

**ITEM NO. 16 TEXT AMENDMENT TO CITY OF LAWRENCE DEVELOPMENT CODE;
MULTI-DWELLING RESIDENTIAL ZONING DISTRICT RM64 (MJL)**

TA-3-3-11: Consider Text Amendments to the City of Lawrence Land Development Code, to various sections regarding creation of a new multi-dwelling residential zoning district, RM64.
Initiated by City Commission on 4/5/11.

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for denial of the proposed amendments TA-3-3-11 to the City of Lawrence Land Development Code to the City Commission based on the findings of fact outlined in the staff report.

Reason for Request: To add the potential for multi-dwelling development to 64 dwelling units per acre with a maximum building height of 65'.

RELEVANT GOLDEN FACTOR:

- This proposal is not in conformance with the comprehensive plan.
- The proposal does not offer a gain to the public health, safety or welfare of the citizens of Lawrence.
- The proposal does not meet the challenge of a changing condition.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

OVERVIEW OF PROPOSED AMENDMENT

Add an RM64 District which would permit up to 64 dwelling units per acre and allow a maximum building height of 65'. Additionally, a footnote be added to read "No 4 bedroom units allowed".

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020 promotes a balanced mix of housing within the community which would allow for a wide range of housing types and residential densities. The plan offers descriptions and density ranges for very low-density to high-density residential development. The high-density residential development identifies an overall density of 16-21 dwelling units per acre. The proposal is almost 3 times higher than the density outlined in the high-density description. This proposal is not in conformance with *Horizon 2020*.

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

- 1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

Applicant Response:

The proposed RM64 text amendment creates a zoning district which allows greater residential density

not currently allowed in the development code. A zoning category with greater density would reduce sprawl and the inevitable cost by the City, of long term maintenance for roads and other public infrastructure. A successful strategy to minimizing sprawl is by providing an opportunity for greater density development in the appropriate area and by meeting the necessary criteria. It should be noted that the Smart Code offers greater density than the Development Code however; it also offers storefronts in the same zoning district which isn't appropriate for all areas of Lawrence where an RM64 zoning district might be located.

The proposed amendment meets the challenge of a changing condition. It allows currently nonconforming uses allowed under the former Development Code to redevelop if necessary, but more importantly it allows for responsible land use by new development to build as densely as possible in the appropriate areas and by meeting the necessary criteria. In addition, by allowing 1 and 2 bedroom units, geared toward students and professionals will create a better social environment and a larger population mix. Density is a tool to reduce sprawl and with a denser zoning district, with the appropriate mix of bedrooms per unit, the proposed RM64 district would meet the challenge of reducing urban sprawl.

Staff Response:

In 1999 the City had a diagnostic review of the development regulations at that time. This review stated that the RM-3 (43 du/ac) and RD (54 du/ac) Districts of the code at that time, “appear to represent a theoretical maximum rather than realistic or meaningful standards”. The diagnostic continues to state that, “it would be impossible to develop residential projects at anywhere near the maximum densities of those districts”. It was a conscious decision to reduce the high-density districts when drafting the current Code and conditions in the city have not changed greatly since this Code was adopted. This proposal does not correct an error or inconsistency in the code and does not meet the challenge of a changing condition, even if some projects are able to use underground parking to accommodate the development.

An increase in density could change the community character. The traditional development pattern of Lawrence tends to calculate more to a low (6 or fewer du/ac) and medium-density (7-15 du/ac) as defined in *Horizon 2020*. Some examples of developments and the density are outlined below.

- The Exchange (31st and Ousdahl) 14 du/ac [medium density]
- High Point Apartments (6th and Iowa) 23 du/ac [high density]
- Briarwood (north of 6th, west of Folks) SF- 4 du/ac; MF- 11 du/ac; overall 5 du/ac [low density]
- Hutton Farms (Peterson and Kasold) 6 du/ac [low density]
- Oread Block bound by 13th, 14th, Ohio, and Tenn. 30 du/ac [high density]
- Berkley Flats Apartments (11th and Miss) 40 du/ac [high density]

Generally the higher density development is around the KU campus but some of the larger apartment complexes in other areas of the community fall in to the high-density category (16-21 du/ac) category. Most areas of Lawrence would not be considered high-density as an overall density and there is a perception that some areas, such as the Oread Neighborhood, are high-density. The *Oread Neighborhood Plan* Map 2-2 illustrates existing density by half blocks. The majority of the neighborhood calculated as medium-density with a few exceptions calculating to high- and low-density. With the perception that certain areas of Lawrence are already high-density, the proposed text amendment to increase the permitted density to double what some of the existing development is today, will look very dense compared to the existing development and could have a negative impact on the character of the neighborhoods.

The *Oread Neighborhood Plan* identifies some areas for high-density (16+ du/ac) residential development. The plan defines high-density development being zoned RM15, RM24, RMG, and RM32 in addition to the PD Overlay. It did not anticipate or recommend adding a new multi-dwelling residential district to develop higher than what is currently permitted in the Code. The PD Overlay has the potential for up to 25% density increase (up to 40 du/ac with the RM32 District as the base district) and possibly more with the proposed text amendment with the calculated density (up to 80 du/ac with the RM32 District as the base district). The PD Overlay would also take into consideration the character of the neighborhood and the surrounding property making it a better tool to potentially increase density for a development where it is appropriate.

In addition to a potential community character impact, the large increase in density, especially in older established neighborhoods, may have unanalyzed impacts on the sanitary sewer, storm water systems, and traffic network.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

Applicant Response:

Horizon 2020 serves as a guideline for development and states on page 5-1, "A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments." Horizon 2020 also states on page 5-5, "High-density residential development, reflecting an overall density of 16 to 21 dwelling units per acre, is recommended at selected locations near high-intensity activity areas or near existing high density residential developments." It is important to note that Horizon 2020's definition for high-density doesn't currently and didn't previously list the allowable high density provided in the old or new zoning code but instead serves as a guideline for directing the type and location of high density development. Since Horizon 2020's initial adoption in 1996 public acceptance of creating more dense developments have changed as well as the concentrated effort to provide green developments with as minimal of a footprint as possible. While the City of Lawrence is not a densely populated metropolitan area with a million residents it does not exempt the community from taking on green development practices such as adopting a dense zoning district for development in order to reduce the building footprints in the City of Lawrence and Douglas County.

The proposed amendment is consistent with the Development code in that it does not endanger the health, safety and general welfare of the citizens of Lawrence.

Staff Response:

Horizon 2020 outlines an overall density range of 16-21 dwelling units per acre for high-density residential districts. The proposal is almost 3 times higher than the highest density outlined in the plan. This proposal is not in conformance with the comprehensive plan.

The purpose of the Code is to implement the comprehensive plan and not endanger the health, safety and general welfare of the citizens of Lawrence. The proposal is not consistent with *Horizon 2020* but would not endanger the health, safety and general welfare of the citizens if approved. It could potentially give unrealistic expectations for redevelopment that could not be achieved.

Staff Review

This text amendment was initiated for a specific project in the Oread Neighborhood. Additional text amendments are also being considered to accommodate this project at the same time as this; the RM32 District amendment was withdrawn and amendments to the Planning Development (PD) Overlay District. The PD Overlay has the potential for up to 25% density increase (up to 40 du/ac with the RM32 District as the base district) and possibly more with the proposed text amendment with the calculated density (up to 80 du/ac with the RM32 District as the base district). Staff feels that an increase in density may be more appropriate under the PD Overlay District as the density increase would be site specific with justification as to why the increase in density would be appropriate and take into consideration the character of the neighborhood and the surrounding property. This makes the PD Overlay District a better tool to potentially increase density for a development.

Staff Recommendation

Staff recommends that the Planning Commission forward a recommendation for denial of the proposed amendments TA-3-3-11 to the City of Lawrence Land Development Code to the City Commission.