

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

PC Staff Report  
06/20/2011

**ITEM NO. 4A RS7 TO RM12D; 4.6 ACRES; 25<sup>TH</sup> TERRACE & O'CONNELL RD (SLD)**

**Z-4-13-11:** Consider a request to rezone approximately 4.6 acres from RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential), located at 25<sup>th</sup> Terrace and O'Connell Road. Submitted by Johnson Group Engineering, for Fairfield Investors LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 4.6 acres, from RS7 (Single-Dwelling Residential) District to RM12D (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** *The current filed plat shows the area that will be replatted being divided into two different zoning classifications. The subject area would be split between RM12D and RS 7. Rezoning will incorporate the subject property into one unified zoning district which in the near future will be replatted into a church lot.*

**KEY POINTS**

- Project should be considered concurrently with the proposed preliminary plat.
- There is an approved neighborhood plan for the area.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- PP-4-5-11: Preliminary Plat; Fairfield Farms East Addition

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not applicable to residential request

**ATTACHMENTS**

- Area map
- *South East Area Plan* Future Land Use Map 3-1
- Residential Use Table

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None to date

**Project Summary:**

This proposed rezoning is intended to establish a zoning district boundary that follows the platted lot lines resulting from a replat of the Fairfield Farms East Subdivision. This request has been reviewed concurrently with the proposed preliminary plat, PP-4-5-11. The intent is to combine several lots and vacate portions of street right-of-way to create a single larger lot for the development of a future church site. This request represents a modification of the existing zoning boundaries to accommodate a revised subdivision lot configuration.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The current and existing zoning is residential neighborhood. This complies with the comprehensive plans for urban growth projections in the subject area.*

This property is located within the boundary of the *Southeast Area Plan*. The plan was amended into *Horizon 2020*, the City's comprehensive land use plan on December 1, 2008. The northeast corner of E. 25<sup>th</sup> Terrance and O'Connell Road included areas of both medium and low density residential development. The more intensive land use is intended to be located adjacent to the abutting collector streets using back to back lot arrangements to transition to the lower density residential area. The plan states: "Map 3-1 provides a general concept for the location of recommended land uses in the Southeast Area. It is not intended to provide a scalable map for determining specific land use/zoning boundaries within this area".

The plan describes applicable areas for medium density residential land use as:

- Area east of O'Connell Road, generally along the following streets: 25<sup>th</sup> Way, Ralston Street, Windham Street, Ellington Drive, and Dalton Drive.
- Area east of O'Connell Road, north of E. 28<sup>th</sup> Street extended, and west of Franklin Road.
- Area west of E. 1700 Road, north of the Kitsmiller Tributary, and just south of E. 28<sup>th</sup> Street extended.
- Area west of E. 1750 Road (Noria Road), north of the future alignment of the SLT/K-10 Highway, and east of the tributary green space.

The proposed RM12D zoning is identified in the plan as a zoning district that could be considered in either the low density or medium density development areas. Primary uses in the district includes Attached Dwellings, Cluster Dwellings, Duplex, various group living residential uses and community facilities such as schools and daycare centers, nursing homes, and Religious Assembly uses. A list of allowed uses is included with this report as an attachment – Residential Use Table.

**Staff Finding** – The proposed zoning is consistent with the land use recommendations of the *Southeast Area Plan* and with the comprehensive plan, *Horizon 2020*.

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

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; undeveloped property.

Surrounding Zoning and Land Use: RM12D (Multi-Dwelling Residential District) to the north; undeveloped property.

County A (Agricultural) District to the south; existing rural residential homes.

RS7 (Single-Dwelling Residential) District to the east; undeveloped property.

RS7 (Single-Dwelling Residential) District; and RM12D (Multi-Dwelling Residential District) to the west. Area west of O'Connell Road developed with residential uses.

**Staff Finding** – This property is surrounded by RM12D and RS7 zoning. Only the area west of O'Connell Road is developed at this time.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood area is all residential bordered by agricultural. Further north there is some commercial property.*

The property is located within the southeast area of Lawrence. Prairie Park Neighborhood is located to the southwest of the proposed rezoning. This proposed request is located within a developing neighborhood that includes a mix of uses. Residential uses dominate the area south of E. 25<sup>th</sup> Terrace. The subdivisions in the area provide the framework for the neighborhood pattern providing connectivity and access throughout the area. Lot orientation and zoning district boundaries are key features in establishing land use transition from the intensive activity planned along north of E. 25<sup>th</sup> Terrace and the low density residential uses to the south. Approval of the request allows for the future development of a church site on the southeast corner of E. 25<sup>th</sup> Terrace and O'Connell Road but would allow for all other uses of the RM12D District. Several non-residential/community facility uses, such as schools and churches, are commonly found in neighborhoods. The proposed request is consistent with anticipated neighborhood development.

**Staff Finding** – The area between O'Connell Road and Franklin Road is a developing neighborhood east of the Prairie Park Neighborhood. E. 25<sup>th</sup> Terrace is established as the boundary between the residential and commercial land uses planned for the area. The proposed request is consistent with developing character of the area.

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

As noted above, this property is within the Southeast Area Plan planning boundary. Land uses include low and medium density residential uses along O'Connell Road and E. 25<sup>th</sup> Terrace. Both the existing and proposed districts allow certain non-residential uses, including churches. The size of the church and related activities is generally governed by the base zoning district. Land use recommendations found in section 3.11 of the *South East Area Plan* include: "detached dwellings, attached dwellings, duplex, group homes, public and civic uses". Religious assembly uses are a type of use generally listed in the Use tables under the Public and Civic Use Group. This request is intended to modify the zoning district boundary but, as noted above, is consistent with the approved planning documents for the area.

**Staff Finding** – The proposed request is consistent with the land use recommendations included in the *Southeast Area Plan*.

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

Applicant's Response: *The single church lot would have two different zoning classifications making it difficult to ascertain which zoning regulations apply to the subject property.*

Staff concurs with the applicant that dual zoning on single lots is difficult to administer. Previous zoning applications have included amendments of zoning boundaries to follow platted lot lines. Assuming the preliminary plat is approved, the dual zoning would not be appropriate.

Consideration of the rezoning and the preliminary plat concurrently allows for a comprehensive review of intended development. Adequate transition between uses can be provided through both the planning (lot arrangement) and future site plan (required for church development).

**Staff Finding** –The existing zoning is not suitable given the intended development of a church and the replatting of the property to create a single larger lot on the southeast corner of E. 25<sup>th</sup> Terrace and O'Connell Road.

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

Applicant's Response: *Approximately 7 years.*

The property is undeveloped but platted for individual lot development. The property was originally rezoned to RMD (Duplex Residential) District in 2005. The district was renamed to RM12D (Multi-Dwelling Residential) District in 2006 with the adoption of the Land Development Code.

**Staff Finding** – The current zoning of RM12D has been in place since July 2006.

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

Applicant's Response: *The change will be negligible and will harmonize with adjoining existing properties. The area directly north is commercial and a church would enhance the area by giving a nice transition from commercial to residential.*

The purpose of this request is to allow for the future development of a Campus or Community Institution, a type of religious assembly. The area south of E. 25th Terrace and east of O'Connell Road is platted for duplex and detached housing but undeveloped at this time. The area west of O'Connell Road and south of E. 25th Terrace is developed with similar uses. The area immediately abutting O'Connell Road on the southwest corner of O'Connell Road and E. 25th Terrace is a 1.9 acre tract dedicated as a drainage easement. Lots abutting O'Connell Road along the west side of the street are situated with either rear or side yards adjacent to the street. The lot arrangement, separation of use and lot orientation allow for a proper transition of uses for the neighborhood.

Land use plans for the area designate both RS and RM12D as options for low density residential development and RM12D for medium density residential development. Approval of the request is a minor modification of the district boundary in the area around O'Connell Road and E. 25th Terrace. No detrimental impact is anticipated by this proposed change.

**Staff Finding** – The existing and planned development pattern including location of streets, lot orientation and planned land uses provide effective transition between uses. The area east of O'Connell Road is undeveloped. No detrimental impacts are anticipated by this application.

## **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: *By rezoning the subject property will be unified into one concurrent zoning district. To leave property as is will divide property into two different zoning districts and make the property ambiguous for its intent as a church lot.*

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.

The purpose of this request is to facilitate the future development of a church on the southeast corner of O'Connell Road and E. 25<sup>th</sup> Terrace. Churches, and other similar community facilities, can be associated with activities other than just worship. Common uses include religious education, childcare, summer programs as well as group meeting places. The land use known as Religious Institutions is included in the Public and Civic Use Group. These use group categories provide the typology structure for assigning specific uses into categories based on "*common function, product or physical characteristic*" (Section 20-1702). Many non-residential uses can be found in the residential zoning districts. This allows for land uses that define, support, and revitalize neighborhoods to be located in proximity to residential areas they serve.

However, approval of the request does not guarantee development of the site as a church or other community facility. Public benefits are not assured by the approval of this proposed request. Denial of the request would result in a proposed subdivision lot with dual zoning making development of the property intended for a future church significantly challenging in the future.

**Staff Finding** – Gain to the public is not assured by the approval of this request. However, when considered in conjunction with proposed preliminary plat, for a single lot, approval of the request will result in the simplification of administration of the Development Code for this area.

## 9. PROFESSIONAL STAFF RECOMMENDATION

The proposed request is consistent with neighborhood development patterns that include both residential and non-residential land uses. The rezoning and the replatting that create a larger lot on the southeast corner of E. 25<sup>th</sup> Terrace and O'Connell Road (both collector streets) provides a transition of land use to the interior portion of the development that is intended for low-density residential development.

The density of development based on the current platted lot configuration for the portion of the area that is currently zoned RM12D is 8.36 dwelling units per acre. Medium density residential development is between 7 and 15 dwelling units per acre as defined in the Southeast Area Plan.

### RM12 D Density Summary

19 platted duplex lots  
4.573 acres  
8.36 dwelling units per acre (density)



The density of development based on the current platted lot configuration for the area that is currently zoned RS7 (proposed to be rezoned to RM12D) has a potential of 4.7 dwelling units per acre.

### RS7 Density Summary

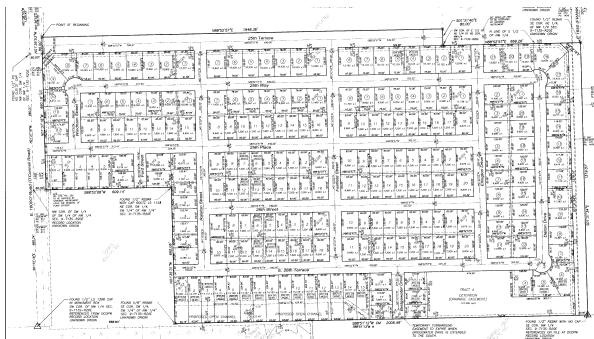
16 platted detached lots  
3.393 acres  
4.7 dwelling units per acre (density)



The redistricting of the RS7 and RM12D zoning will result in a revised development pattern for the northwest portion of the residential area of the Fairfield Farms Development.

### Subdivision plat configuration

Existing lot configuration



Proposed lot configuration



### CONCLUSION

This request is consistent with plans for the neighborhood and the developing land use pattern of the area. Staff recommends approval of the proposed rezoning.