

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
08/22/2011

ITEM NO. 1 RM12D to RM12; 8.0 ACRES; 25TH TERRACE AND ELLINGTON DRIVE (SLD)

Z-6-16-11: Consider a request to rezone approximately 8.0 acres from RM12D (Multi-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 25th Terrace and proposed Ellington Drive. Submitted by Johnson Group LLC, for Fairfield Investors LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 8.0 acres, from RM12D (Multi-Dwelling Residential) District to RM12 (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 this area as RM12D zoning classification. The subject area would be rezoned to a RM12, allowing for the construction of town homes. A Minor Subdivision may be necessary to adjust lot lines.*

KEY POINTS

- There is an approved neighborhood plan for the area.
- This rezoning is an attempt to provide a different land use transition between the industrial and public uses to the east and the low density residential uses to the west.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Possible subdivision changes and site plan dependent upon the housing type to be constructed.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning – letter provided to staff outlining development intent.
- *Drainage Study* – Not required for rezoning – letter provided to staff outlining development intent.
- *Retail Market Study* – Not applicable to residential request.

ATTACHMENTS

1. Area map
2. *Southeast Area Plan* Future Land Use Map 3-1
3. Residential Use Table
4. Dwelling Unit table type
5. Development concept plans provided by applicant.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date

Project Summary:

This requested rezoning will establish a district boundary that follows the platted lot lines within the eastern portion of the Fairfield Farms East Subdivision. The intent is to provide a more defined land use transition between the Douglas County Jail and developing industrial property east of Franklin Road (extended) and planned low density residential lots to the west by using housing type and building form.

The proposed request is for RM12 zoning. Both the existing RM12D and the proposed RM 12 districts permit medium density development. Both districts have the same density and dimensional standards for setback, lot width, and building height. The maximum development density for both districts is 12 dwelling units per acre. The difference between the two districts is that the RM12 district allows multi-dwelling construction (three or more units) on a single lot while the RM12D district allows duplex (two units) on a single lot but restricts multi-dwelling development. This report will discuss the similarities and differences between attached dwellings, multi-dwellings, duplex and detached housing. This understanding is critical to the consideration of the base zoning district.

Household Living is a category of uses within the Residential Use Group found in the Development Code. Duplexes are defined as a single building with two dwelling units on a single platted lot. Multi-dwelling structures are buildings with three or more dwelling units on a single lot. The Development Code does not define a "townhouse" as a Household Living type (20-1734). This use is also not listed in Section 20-403 of the Development Code in the Residential Use Group. The terms townhouse or rowhouse are often used to describe individual ownership of a dwelling unit that is part of a larger building such as a duplex or multi-dwelling structure. The attached table is provided as a reference for the types of housing allowed in the various zoning districts.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Proposed and existing zoning is residential neighborhood. This complies with the comprehensive plans for urban growth projects 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 County Commission initiated a revision to the plan on September 29, 2010 (CPA-10-8-10) to reflect the 31st Street alignment. Additional items were identified for updates. The plan will be considered by the Planning Commission as a separate item. No changes to the medium density residential land use recommendations are proposed in the update.

Intensive land use is planned 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".

Medium density residential land use is described as 7-15 dwelling units per acre. The plan identified the following areas for medium density residential land use:

- *Area east of O'Connell Road, generally along the following streets: 25th Way, Ralston Street, Windham Street, Ellington Drive, and Dalton Drive.*
- *Area east of O'Connell Road, north of E 28th Street extended, and west of Franklin Road.*
- *Area west of E 1700 Road, north of the Kitsmiller Tributary, and just south of E 28th 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 RM12 zoning is identified in the plan as a zoning district that could be considered in medium density residential areas. Primary uses in the district include: Attached Dwellings, Cluster Dwellings, Duplex, Multi-Dwelling structures, various group living residential uses, and Community Facilities. A list of allowed uses is included with this report as an attachment – Residential Use Table.

Approval of the request does not modify the base density allowed within the proposed boundary. The housing type however is altered. Approval of the RM12 request will allow development of multi-dwelling (apartments) units.

The area plan recommends in Policy 3.2:

*"...residential uses maintain a "back to back" relationship to more intense uses".
"Medium-density residential development shall take the form of small lot, detached, attached or cluster type housing."*

"Medium-density residential use is not intended to provide for large scale apartment development."

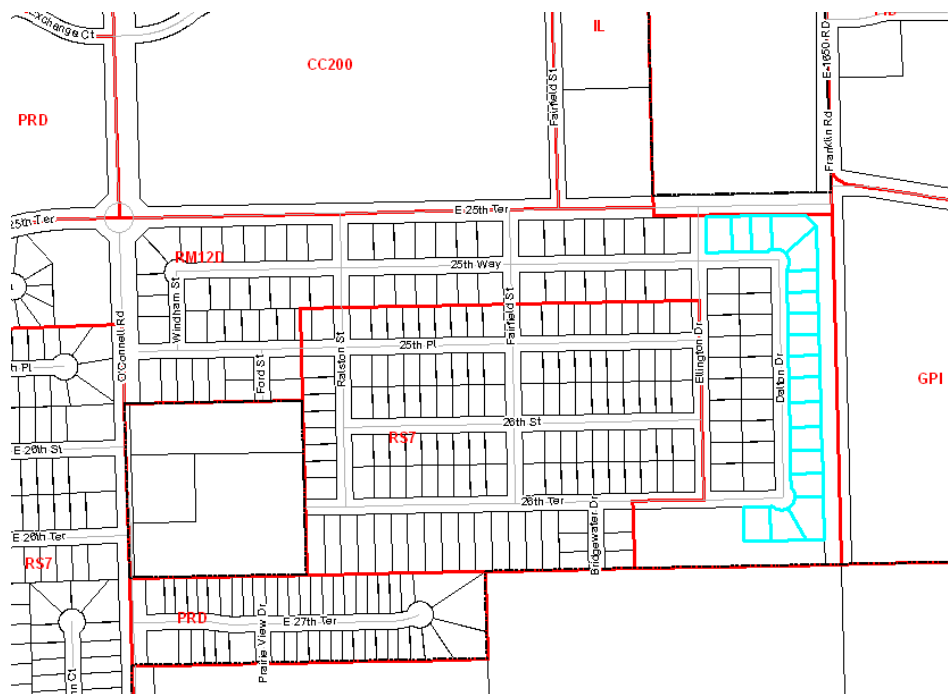
The proposed configuration of the zoning boundary does not accommodate a typical apartment complex development. The boundary includes a single row of lots between two platted streets (to be constructed). The overall lot depth within the proposed boundary along with setbacks and screening requirements will result in narrower buildings.

Building facades that face the remaining RM12D should retain a compatible appearance. There are no specific design guidelines or regulations to require a review of this type of detail.

Staff Finding – The proposed zoning is consistent with the land use recommendations, with regard to density and location, of the *Southeast Area Plan* and with the comprehensive plan, *Horizon 2020*. The plan addresses building form in that "large scale apartment development" is specifically not recommended. Compliance of this recommendation will require review of the subdivision and zoning regulations at the time a specific development proposal is submitted.

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

IL (Limited Industrial) to the northwest, north side of E 25th Street; developing non-residential area.



Staff Finding – This property is surrounded by both residential and non-residential zoning. The area is developing west of Franklin Road with industrial type uses. The area north of E 25th Terrace is planned for retail oriented development. The area to the west and south is planned for residential development.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood area is all residential bordered by agricultural, industrial and County Jail to the east, Further north there is some commercial property.*

The property is located within the southeast area of Lawrence. This request is located within a developing neighborhood that will include a mix of uses. Residential uses will dominate the area south of E 25th Terrace.

The subdivision provides 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 north of E 25th Terrace and the low density residential uses to the south. The area located along E 25th Terrace and O'Connell Road was recently rezoned and preliminarily platted to accommodate a future church location on a single large lot. This proposed request is consistent with anticipated neighborhood development.

Staff Finding – The area between O'Connell Road and Franklin Road is a developing neighborhood. E 25th 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 south of E 25th Terrace between O'Connell Road and Franklin Road. Land use recommendations found in Section 3.11 of the *Southeast Area Plan* include:

"Detached dwellings, attached dwellings, duplex, group homes, public and civic uses".

The proposed request is intended to accommodate a type of attached housing referred to as townhouses. By code, attached housing is defined as individual dwelling units (house) on individual lots that share common walls. This request is intended to modify the zoning district boundary to accommodate a different type of housing form. The overall density proposed is consistent with the approved planning documents for the area.

Staff Finding – The proposed request is consistent with the density and location 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 existing zoning classification would only allow for duplex construction, and would not have the flexibility for town homes. This would allow for alternatives, while maintaining residential and allow densities of the existing zoning.*

The purpose of the RM12D “duplex” zoning is to provide a buffer and land use transition between the industrial development east of Franklin Road and the detached residential lots to the west. The current RM12D zoning anticipated only duplexes or one building with two units on each platted lot.

Attached housing is allowed in the RM12D district. Attached housing, each unit on a platted lot would result in massive buildings covering the lots from side yard to side yard across multiple lots. The existing lot configuration would result in substantially larger units inconsistent with the average housing types in the area.

The applicant proposes to construct a housing type referred to as “rowhouse” or “townhouse”. These units are typically narrow and may or may not be located on an individual lot. The Development Code response to this type of residential unit is either multi-dwelling (as side by side units, rather than stacked apartments) or attached housing where each unit is located on an individual lot.

The platted lot sizes do not conform to the planned “rowhouse” or “townhouse” development. Existing lots are substantially wide given the proposed building form. Narrower lots, 50’ or less, are generally anticipated for attached housing developments. If approved, the current platted lot configuration would allow a mix of two, three, and four units attached on a single lot.

Development potential (number of units) for RM12D and RM12 as platted						
LOT	Area (SF)	Width (ft)	acres	Density RM12D	Maximum Density RM12	Developed RM12
21	12825	95	0.2944	2	3.5	3
20	10125	75	0.2324	2	2.8	2
19	10066	75	0.2311	2	2.8	2
18	16634	56	0.3819	2	4.6	4
17	13431	67	0.3083	2	3.7	3
16	9232	80	0.2119	2	2.5	2
15	9232	80	0.2119	2	2.5	2
14	9323	80	0.2140	2	2.6	2
13	9369	80	0.2151	2	2.6	2
12	9414	80	0.2161	2	2.6	2
11	11120	94	0.2553	2	3.1	3
10	11183	94	0.2567	2	3.1	3
9	10526	88	0.2416	2	2.9	2
8	10581	88	0.2429	2	2.9	2
7	10260	91	0.2355	2	2.8	2
6	16998	50	0.3902	2	4.7	4
5	12316	63	0.2827	2	3.4	3
4	13067	101	0.3000	2	3.6	3
TOTAL	205702		4.7223	36	56.7	46
Minimum Density	6000	60		7.6 du/ acre	12 du/ acre	9.7 du/ acre

The approved area plan does not support large scale apartment type housing, though the proposed RM12 district would allow this use. The platted lot configuration limits the development intensity because of the limited block depth. Replatting the property to combine lots or to establish smaller (narrower lots) accommodating attached housing is possible.

As platted, the area could develop with a total of 36 units (in duplex form). This is equal to 7.6 dwelling units per acre. If approved the total number of units built on the 4.7 acres would increase to a maximum of 12 units per acre. The more probable development pattern will result in 9-10 dwelling units per acre. The proposed change would allow more efficient use of the same area with more units without adding land area to be served with municipal services.

The purpose of the RM zoning districts, including both the RM12D and the RM12 district *"is to accommodate multi-Dwelling housing. The districts are intended to create, maintain and promote higher density housing opportunities in areas with good transportation access."* (Section 20-204 of the Development Code) Both the RM12D and the RM12 zoning districts represent a medium density residential development pattern (7 to 15 dwelling units per acre).

Medium density residential zoning districts are frequently used as transition between land uses. The existing RM12D zoning provides only a nominal transition between the industrial and detached residential development separated by a future arterial street. As zoned the housing type is very homogenous with no real mix of housing type, scale or density proposed for the developing neighborhood.

Staff Finding –The existing zoning is suitable given the original development plans for the neighborhood and platted configuration with wide lots for duplex development. Both the existing and proposed zoning districts are suitable as transitional land uses. Both the existing and proposed zoning district accommodates medium density residential development. The proposed change accommodates a more efficient use of land with more units in the same area and consistent with the density recommendation for the area.

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

Applicant's Response: *Approximately 6 years.*

The property is undeveloped but platted for duplex (two units on a single platted lot) development. The property was originally rezoned to RMD (Duplex Residential) District in 2005. The district was converted to RM12D (Multi-Dwelling Residential) District in 2006 with the adoption of the Land Development Code. The designation "D" in the label denotes duplex development and the dominant land use in the district.

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 east is the County Jail and this would give a nice transition and variety of town home to duplex to single family as you go east to west.*

Land use plans for the area designate RS5, RS3, RM12, RM12D and RM15, and Planned Development Overlay districts as suitable for medium density residential development. The residential portion of the area is undeveloped south of 25th Street. Industrial/Commercial development is planned north of 25th Street. Industrial and institutional uses exist to the east of the property. The intent of both the existing and the proposed zoning is to provide an adequate land use transition between the more intensive non-residential uses and the planned lower density residential uses to the west.

The conceptual development plan includes three story residential uses with rear entry garages (garages to jail) facing Franklin Road and row house facades facing Dalton Drive (townhouse to duplex)



Approval of the zoning in advance of other lower intensity residential development results in clear expectations for future property owners as the area develops. Provision of appropriate infrastructure accommodates development with adequate public services for water, sewer, and streets.

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 between Franklin Road and 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 would provide flexibility and alternatives for the construction while still keeping it residential. To leave property as is would result in duplex only, and a less variety of living options.*

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 future residential development and to protect or enhance the value of the detached single family lots with appropriate land use transition between residential and non-residential uses. Staff concurs that approval of the request increases housing options in the general area. Approval of the request would accommodate duplex, triplex as well as multi-unit development along the edge of the developing neighborhood. Intensity can be controlled through the subdivision plat process to limit or expand the number of attached units, based on lot size, as the property is replatted.

However, approval of the request does not guarantee development of the site with a particular housing type. Public benefits are not assured by the approval of this proposed request. Denial of the request would result in development of the subdivision with two types of housing options, detached and duplex housing.

Staff Finding – Gain to the public is not assured by the approval of this request. However, when considered in conjunction with the conceptual development, approval of the request will result in additional housing options for this area.

9. PROFESSIONAL STAFF RECOMMENDATION

The proposed request is consistent with neighborhood development plan recommendations for medium density development. The property abuts an arterial street and provides a land use transition between the industrial and institutional development to the east and the detached residential lots to the west. Approval of the request allows for a different building type and housing options within the neighborhood.

The property was originally subdivided in 2006. Since that time, surrounding development includes the new Tractor Supply Store along Fairfield Street to the north, storage facility along Thomas Court, part of the Mt. Blue PID, approval of the Lawrence Community Shelter to the east, and potential development of land for the Douglas County Public Works Department, consolidated operations south of E 25th Street. The Douglas County Jail site also includes a second phase that would include a building addition between the south side of the building and the south parking lot. In summary the area east of Franklin Road is developing with industrial type uses as anticipated. Development of a transitional land use such as the proposed row-house development in advance of the future detached housing will buffer uses and reduce impacts on the residential neighborhood as it develops out.

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.