

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
08/24/2011

ITEM NO. 5A: Z-7-18-11 U-KU (University-Kansas University) District TO RM32PD (Multi-Dwelling Residential) District Planned Development; 0.08 Acres (LBZ)

Z-7-18-11: Consider a request to rezone approximately 0.80 acres from U-KU (University-Kansas University) to RM32-PD (Multi-Dwelling Residential-Planned Development), located at 1043 Indiana Street. Submitted by Paul Werner Architects, for Triple T LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 0.08 acres, from **U-KU (University-Kansas University) District TO RM32PD (Multi-Dwelling Residential) District Planned Development** based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Currently the property is zoned U-KU and development is being planned by a private developer which requires the property to be rezoned to a City zoning designation. We are requesting the site be rezoned from U-KU to RM32 to a level of high density as designated in the Oread Neighborhood Plan. In addition, this zoning will allow a majority of 2-bedroom units.*

KEY POINTS

- The property is located in the environs of the Oread Historic District and the Michael D. Greenlee House, National Register of Historic Places.
- The property is located in the Oread Neighborhood Plan area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- **PDP-7-1-11 Preliminary Development Plan for 1043 Indiana Street**
- **DR-4-49-11 Design Review for 1043 Indiana Street**
- **Final Development Plan**
- **City Commission Approval**
- **Publication of the Zoning Ordinance**

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

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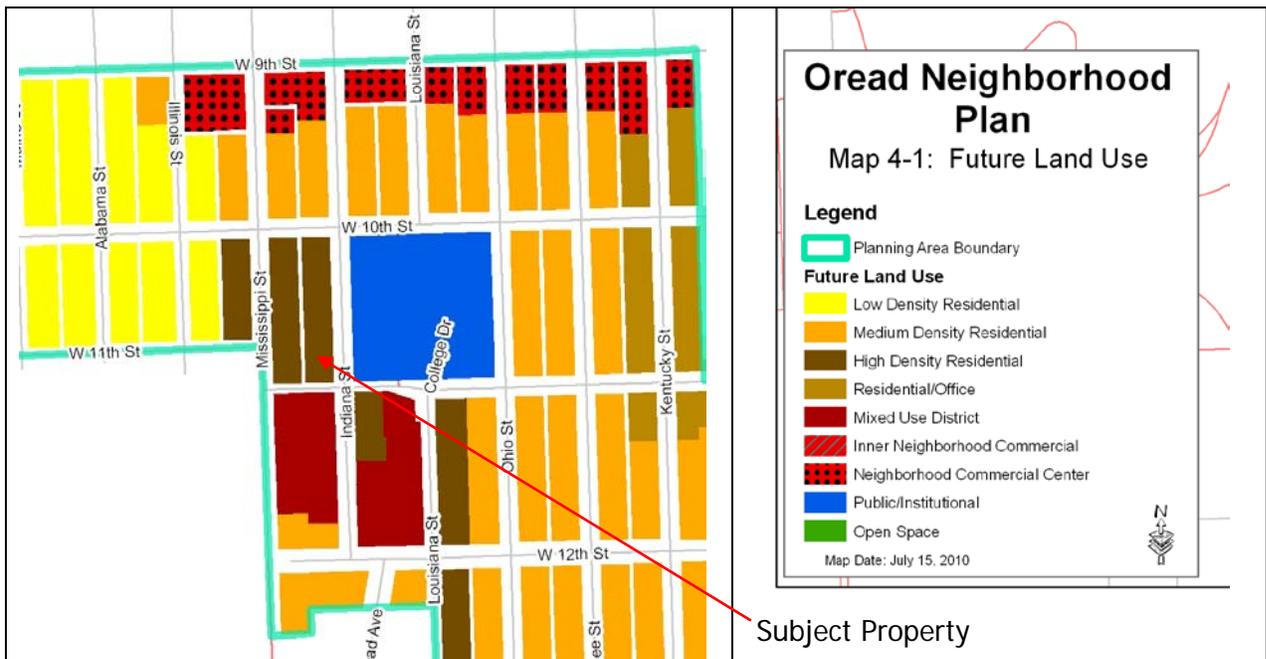
Project Summary:

The proposed request is for rezoning to allow for redevelopment of the property as a multi-dwelling apartment building. The proposed redevelopment will also require a preliminary development plan, a final development plan, a final plat, and Historic Resources Commission review. The current zoning allows only the University of Kansas to develop the property in accordance with the Cooperation Agreement Between the City of Lawrence, Kansas, and the University of Kansas, dated April 7, 2005. The University of Kansas no longer owns the property nor will the property be developed or used by the University. Therefore, it is necessary to rezone the property to a City zoning district. The new property owner desires to develop the property with a multi-family apartment building and the existing structure will be moved to the north end of the proposed development and will be used as a congregate residence. The proposed development will have a total of 51 dwelling units including the congregate residence.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The Comprehensive Plan show this area developing as medium or high density residential. The Oread Neighborhood Plan, a more recent plan, designates this area as high density as well.*

Staff Finding – Staff finds that the proposal is in conformance with the comprehensive plan. Chapter Five – Residential Land Use identifies as the second strategy infill residential development. The fifth strategy for Residential Development identifies “The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods.” Chapter 14 – Specific Plans, Oread Neighborhood Plan identifies this area on the Future Land Use map as High Density Residential.



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

Current Zoning and Land Use:	U-KU (University-Kansas University) District, vacant structure and parking lot
Surrounding Zoning and Land Use:	North: RM32, multi-dwelling, apartments South: RM32, multi-dwelling, apartments East: U-KU, parking structure and University residence halls West: RM32, multi-dwelling, apartments

Staff Finding – The existing zoning U-KU does not allow for development because the University of Kansas no longer owns the property. The surrounding zoning other than the U-KU zoning to the east is all RM32. Currently the existing area is a mixture of multi-family residential in the forms of apartments, Greek housing, and residence halls. Directly to the east is the University parking structure that provides parking for the residence halls – GSP and Corbin – that are adjacent to the east. The area to the north includes large single family structures that have been converted into apartments or congregate residences. The proposed zoning is consistent with the zoning and uses in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Many older apartments, many 3 stories, converted single family homes, parking structures, large dormitories, and greek housing.*

Staff Finding – The Oread Neighborhood is a mixture of historic building stock, large apartment complexes, and University residence halls/buildings. The neighborhood wraps around the north and east of the University of Kansas and is between the University and the downtown area. Two National Register of Historic Places districts exist in this neighborhood as well as twelve individually listed properties. Historically, this area of the Oread neighborhood developed with a combination of large houses on multiple lots and standard size houses on single lots. The 1918 Sanborn Fire Insurance Map shows 1043 Indiana, constructed in 1908, as a Fraternity and the lot to the north as vacant. Old College, the original University building, was in the center of what is labeled University Park (now GSP and Corbin area) is directly to the east where the housing pattern was more developed with most lots supporting structures by 1918. In 1918 it also appears that the area to the north of the 1000 Block of Indiana and Old College had developed with a mix of smaller and moderate size dwellings. To the west of the 1000 Block of Indiana Street, Mississippi Street developed with moderate size houses on individual lots. The alley was used for accessory access with accompanying structures. The historic structures, narrow streets, alleys, location and diverse housing make the area ideal for individuals that desire to live close to downtown and the University. Because of the desirability of the area, many of the lots have been combined over time to redevelop as both small and large apartment complexes to serve the growing student population of the University. The Oread Neighborhood Plan identifies the area as “predominantly rental” and as a place “where a diverse array of people live, work, study, and celebrate.”

Table 2-1 Existing Land Use Summary from the Oread Plan

Land Use	Acres	Percent of Acreage
Single-Dwelling Residential	51.19	32%
Duplex	16.63	10%
Triplex	10.09	6%
Fourplex	12.44	8%
Congregate Living	10.81	7%
Multiple-Dwelling Residential	26.23	16%
Vacant Residential	1.08	1%
Mixed Use	1.90	1%
Commercial	8.06	5%
Parking Lot	2.96	2%
Parks/Rec/Open Space	6.43	4%
Public/Institutional	14.26	9%
Total Acres	162.07	100%

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

Staff Finding – The subject property is located in the Oread Neighborhood Plan area. The Oread Neighborhood Plan was adopted by the Lawrence City Commission on September 21, 2010. The plan identifies goals, policies and implementation strategies for the area with outlines for future land uses and a long-term guide for urban development and redevelopment. According to the plan,

3.1.1 Goal 1 – Land Use

Maintain a variety of housing types to provide a balance in the diversity of people living in the neighborhood while maintaining strong neighborhood scale commercial areas.

3.1.1.1 Land Use Policies

E. New development should respect the historic integrity of the neighborhood.

3.1.2 Goal 2 - Preservation

Preserve and improve the character of the neighborhood by encouraging the preservation of existing historic structures and features and by supporting infill development that is compatible with the surrounding neighborhood.

3.1.2.1 Preservation Policies

A. Continue the preservation and protection of historic resources in the neighborhood.

B. Infill structures should be compatible with the massing, scale, and bulk of the historic structures in the surrounding area.

The future land use map for the Oread Neighborhood Plan (shown above) identifies areas that are recommended for "High-Density Residential". The intent of the high-density residential use is to allow for compact residential development at a density of more than 16 units per acre. The Oread Neighborhood Plan also identifies overlay districts for the plan area. District 2

(which includes the subject property) is designated to be a High-Density Overlay District that should develop and redevelop as high-density and mixed use.

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

Applicant's Response: *It is currently zoned KU and was previously designated RD which was the highest zoning category available at the time.*

Staff Finding –The 1996 city-wide rezoning designated properties owned by the University of Kansas as U-KU to reflect the land use agreement between the City of Lawrence and the University of Kansas. The subject property has recently been sold by the University of Kansas and is no longer subject to the agreement. Before development or redevelopment can occur, the property must be zoned to a zoning district that can allow for development by a non University entity. Prior to the 1996 rezoning, the subject property was zoned RD- Residential Dormitory District. The purpose of the RD district was to provide areas for high population density. The district was intended to permit the development of land for multiple-family dwellings and dormitory-type residence halls in properly planned and centrally located areas in a residential environment. In 2006, properties zoned RD were zoned RM32 as part of the adoption of the Land Development Code. Because the University no longer owns the subject property, the U-KU zoning is no longer appropriate.

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

Applicant's Response: *It has been unoccupied for 4 years.*

Staff Finding – The parking area (Lots 7-10) is currently in use. The existing structure located at 1043 Indiana on Lots 11 and 12 is currently vacant and has been so for approximately four years. The property was sold to the current owner in August of 2009.

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

Applicant's Response: *Surrounding properties are currently zoned RM32. There will be no detrimental affect to the neighbors.*

Staff Finding – The properties to the north, south, and west are all zoned RM32 and have multi-dwelling uses. The property to the east is a parking structure. Historically this area has been a high density area. The existing structure located at 1043 Indiana, while constructed for a single family use, was converted to a fraternity use by 1920. The RM32 zoning is compatible and consistent with the surrounding zoning and should not detrimentally affect the nearby properties.

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: *The gain to the community would be new higher and energy efficient apartments adjacent to KU, and near downtown. The hardship is the property cannot be developed under current zoning (U-KU).*

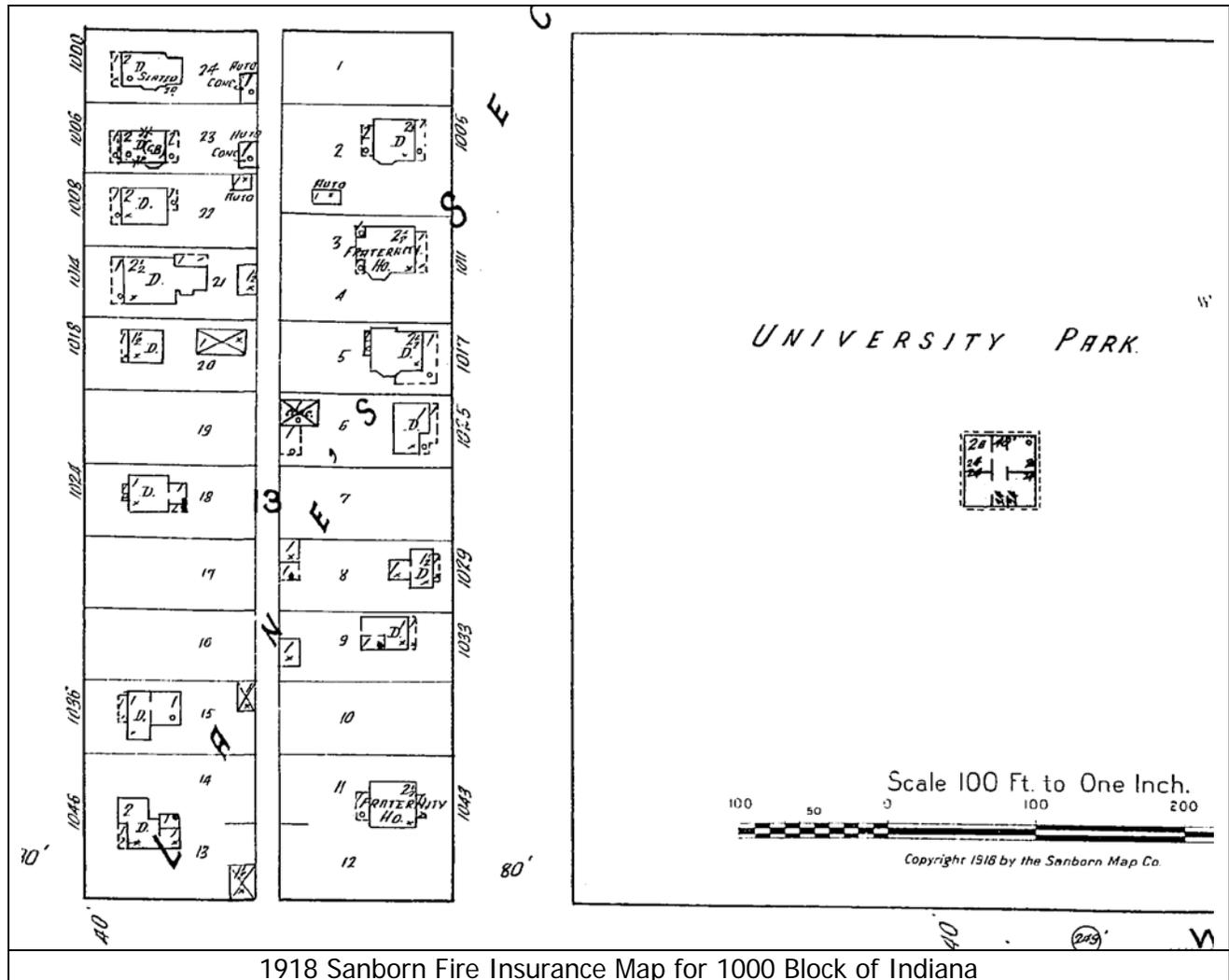
Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

Staff Finding – This rezoning request is part of a development proposal for the property that includes the moving of the existing structure to the north end of the property and the construction of a new 50 unit apartment building of approximately 69,728 sf and two levels of underground parking. The existing structure is historic although not listed on any register. The demolition of the structure would be a negative impact to the preservation principles outlined in the Oread Neighborhood Plan. The retention of the structure and the utilization of the property for infill development achieves goals addressed in the Oread Neighborhood Plan and the Comprehensive Plan. There is currently a hardship on the owner of the property as U-KU zoning is a specific zoning district for the University of Kansas. The denial of the application for rezoning would preclude any development on the land because the University no longer owns the property. For infill development to occur, the property must be zoned to a district other than U-KU.

9. PROFESSIONAL STAFF RECOMMENDATION

The structure located at 1043 Indiana Street was built in 1908 for Professor William Christian Hoad, a distinguished professor of Civil Engineering. Hoad was Assistant Professor, Associate Professor, and Professor of Civil Engineering and head of that department at the University of Kansas between 1900 and 1912. Hoad was also the Chief Engineer for the Kansas State Board of Public Health from 1907-1912. In this position, Hoad advised more than 200 Kansas cities and towns on public sanitation and initiated the 1907 law of sewage standards. Later, Hoad became the Professor of Municipal and Sanitary Engineering at the University of Michigan from 1912-1944.

1043 Indiana Street was converted to fraternity use by 1918. 1043 Indiana Street was purchased by KU in 1950. Commonly called the Varsity House, 1043 Indiana Street has housed various departments and groups from the University of Kansas. It was most notably known as the residence hall for football players during the 1950s, called Jock's Niche.



The existing zoning for the property is U-KU. This zoning was designed to reflect the City of Lawrence and the University of Kansas Land Use Agreement. The property is no longer owned by the University and is no longer subject to that agreement. The property must be rezoned to a zoning district that will allow for ownership other than the University.

The Oread Neighborhood Plan identifies this area on the future land use map as high density residential. The RM32 District is the appropriate district for high density residential. Rezoning with the Planned Development Overlay provides flexibility on the owner's part and additional review on the community's part for this significant infill development project.

CONCLUSION

Staff recommends approval of the request to rezone approximately 0.0807 acres, from **U-KU (University-Kansas University) District TO RM32PD (Multi-Dwelling Residential) District Planned Development** based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.