

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/26/11

ITEM NO. 6A: RM15 to RM24; 15.171 ACRES; 4100 W 24TH PLACE (SLD)

Z-8-12-10: Consider a request to rezone approximately 15 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential), located at 4100 W. 24th Place. Submitted by BG Consultants, Inc., for Remington Square LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request [Z-8-12-10] for 15.171 acres from RM15 (Multi-Dwelling Residential) to RM24 (Multi-Dwelling Residential) 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 and subject to the following conditions:

1. As a means to implement the recommendation of the Inverness Park District Plan, the City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.
2. Building types shall be limited to a maximum of two (2) stories and the maximum number of bedrooms per unit shall be one (1) bedroom.

Applicant's reason for request: *"The rezoning is requested because the owner desires to build additional buildings on the property. The apartment complex is fully leased with a waiting list for available units. The property has room for additional buildings."*

KEY POINTS

- Deferred by Planning Commission on 10/27/10.
- Property is partially developed with multi-dwelling structures.
- Property was included in original 160 acre development known as the Getto property (Inverness Park Addition) and zoned RO-1B per the 1966 Zoning Code. The RO-1B district allowed multi-dwelling development up to 12 dwelling units per acre.
- A previous application for a retirement center included this property (UPR-09-04-07). The approval for the retirement center expired.
- This property was rezoned to RM15 to facilitate multi-dwelling residential development (Z-10-26-07) allowing multi-dwelling development up to 15 dwelling units per acre.
- Property is developed as an apartment complex with 224 1-bedroom units.
- The Planning Commission approved the Inverness Park District Plan on July 27, 2011.
- The City Commission approved the Inverness Park District Plan on September 13, 2011.
- The County Commission approved the Inverness Park District Plan on October 12, 2011.
- The proposed density is consistent with the approved Inverness Park District Plan.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- Property is located within an area planned for multi-dwelling residential development.
- The property is located along Clinton Parkway a major arterial street.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with the general principles of *Horizon 2020* and the Inverness Park District Plan as discussed in the body of the staff report.

OTHER ACTION REQUIRED

- SP-9-56-11; site plan for additional development on east end of property.
- FP-9-14-11; a local floodplain development permit for the proposed development.

ASSOCIATED CASES

- SP-6-38-08; approved plan for existing multi-dwelling development (Remington Square Apartments)
- FP-06-11-08; a local floodplain development permit for the development of Lot 1 of the subject property.
- MS-06-09-08; minor subdivision to amend interior lot line.
- Z-10-26-07; RSO to RM15 for only that part of the subject property known as Lot 1.

ATTACHMENTS

- Area map
- Inverness Park District Plan Land Use Map.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Resident called regarding proposed development indicating opposition to additional density.
- Representative of the Legends of KU called inquiring about meeting details.

Project Summary:

The property is located on the north side of 24th Place. It is bounded on the north by Clinton Parkway. The property is developed with 224 1-bedroom apartments. The proposed request is intended to change the base density to allow additional apartment development on the east side of the property. If approved, an additional 136 units could be constructed, resulting in a total of 360 units on the property.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"The request conforms with the Inverness Park District Plan approved by the Lawrence-Douglas County Planning Commission on July 27, 2011. The Plan envisions a Residential – High Density zoning for the Remington Square Property. The Plan limits the development to 1-bedroom 2-story apartments and a maximum density of 24 dwelling units per acre. The site plan is designed to meet the recommendations of the Plan with respect to building type and density.*

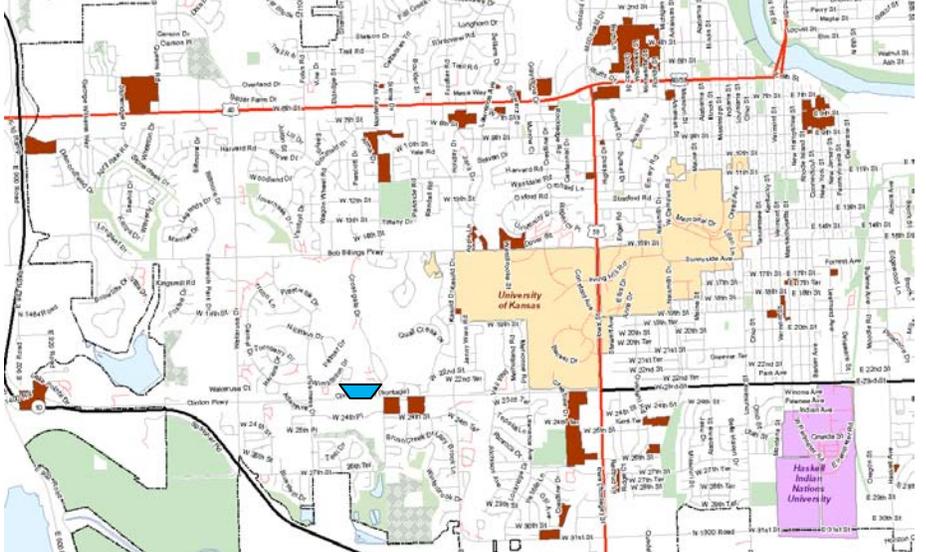
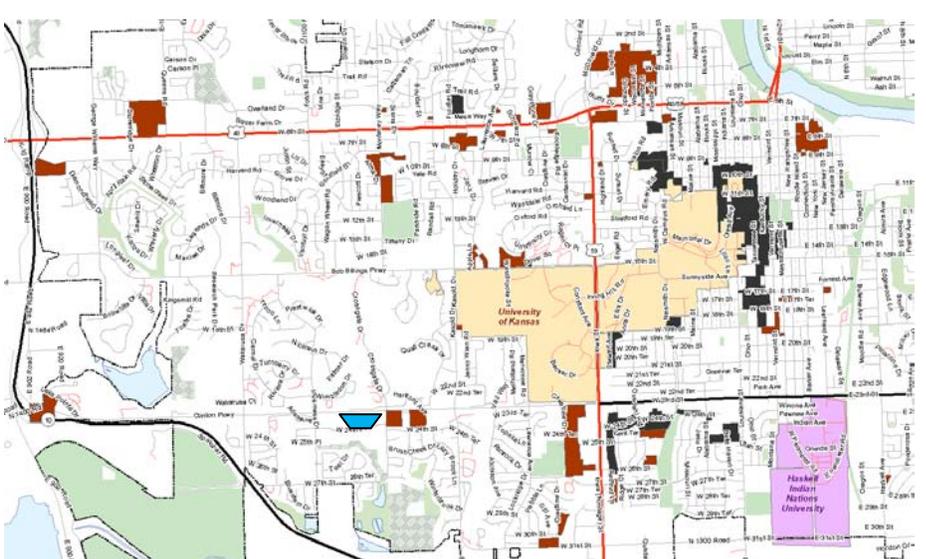
The existing zoning is RM15 and the existing density is 14.93 units per acre with 14.93 bedrooms per acre. The proposed zoning is 24 units per acre with 24 bedrooms per acre. High density residential zoning should be located along major roadways. This project is located along Clinton Parkway. The proposed project will consist of 16 and 24 unit apartment buildings. The proposed buildings will be consistent with the existing buildings on the property."

Residential development is addressed in *Horizon 2020* - Chapter 5. The plan recognizes the need to provide a variety of housing opportunities. A key residential strategy states: *"Infill residential development should be considered prior to annexation of new residential areas."*

The Plan further strives to encourage the enhancement of neighborhoods with compatible densities and housing types. Architectural styles are recommended to reflect the quality and style of an existing neighborhood.

High-density residential development is defined in *Horizon 2020* as density occurring between 16 to 21 dwelling units per acre. The Development Code includes zoning districts that allow up to 32 dwelling units per acre. Several areas in the community can be found with this type of density.

Typically, high density areas are located near university property. The proposed request is considered to be high-density as defined in *Horizon 2020* and in the Land Development Code. This type of development is typically found along major arterial streets and in proximity to high intensity activity areas.

High Density Zoning	District Character
	<p>RM24 Zoning 335 acres total</p> <p>Sample (70 Acres in Pinckney) (35 acres Hunters Ridge – <i>Conditioned to cap density at 20 DU/acre</i>) (40 acres along Crestline Drive south of Clinton Parkway)</p> <p>Subject Property </p>
	<p>RM32 Zoning 270 acres total</p> <p>Sample (195 acres around University) (57 acres south of 23rd Street)</p> <p>Subject Property </p>

Highest density zoning is generally located near the university and as a transitional use between commercial corridors and lower density residential development. Not all RM24 and RM32 areas have been developed to maximum capacity. Several developments are much less dense than the permitted maximum density of the development.

Medium and high density residential land use includes the following policy: *“Policy 2.7(b): Encourage the use of a variety of housing types, including town homes, patio homes, zero lot line homes, cluster housing, garden apartments and retirement housing.”* Additional policies address compatibility with surrounding land uses and adequate vehicular circulation within developments. This consideration is included in the Site Plan discussion (SP-9-56-11).

The Inverness Park District Plan was recommended for approval by the Planning Commission on July 27, 2011. The City Commission approved the Plan on September 13, 2011. The Inverness Park District Plan will, upon final approval by the County Commission, be incorporated into *Horizon 2020* by reference. The Plan states in Section IV Future Land Use:

Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

The Inverness Park District Plan recommends increased residential density along Clinton Parkway. This request for high-density residential development is consistent with the District Plan and the Comprehensive Plan.

Staff Finding – Approval of the request will allow infill development in an area currently built with multi-story apartments. The proposed high density residential development is consistent with the Comprehensive Plan.

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

GENERAL INFORMATION	
Current Zoning and Land Use:	RM15 (Multi-Dwelling Residential); existing multi-dwelling residential development.
	<p>To the north; RM12 (Multi-Dwelling Residential) District; Bishop Seabury Academy and apartment development.</p> <p>To the west; RSO (Single-Dwelling Residential Office) District; undeveloped land.</p> <p>To the east; existing RSO (Single-Dwelling Residential Office) District; undeveloped land. Proposed CN2 (Neighborhood Commercial) District; proposed gas and fuel sales, car wash, and office building.</p> <p>To the South; PRD [The Legends and The Grove]; existing multi-family residential developments, university oriented housing.</p>

This property is surrounded by a variety of land uses and zoning districts. The area to the east was recently considered and recommended for approval by the Planning Commission proposed for CN2 zoning and the development of a gas convenience store (Z-7-21-11) is pending consideration by the City Commission on October 18, 2011.

The property to the west was proposed for multi-dwelling residential development in 2009 which was denied by the City Commission (Z-7-11-09). The area located along the south side of W 24th Place is developed with apartments (Legends at KU and The Grove). These apartments include 2, 3, and 4 bedroom units. Another apartment complex is located southeast of this request. That development (Wyndam Place), along Crossgate Drive, includes 1 and 2 bedroom units. It is designed for residents 55 years and older.

An additional multi-family development is being constructed north of the Wyndam Place project along Crossgate Drive (Crossgate Casitas). This project includes single-story attached housing in groups of 6 and 8 units. The area located on the north side of Clinton Parkway includes a variety of uses including Bishop Seabury Academy, a private school, apartments and condominiums.

Detached residential uses are located on the east side of Crossgate Drive and the west side of Inverness Drive. An existing drainage easement south of the apartment development, on the south side of 24th Place, is designated as a future park. The area is intended to include trails for passive recreation within the neighborhood. The area south of the future park (south of 24th Place) is also zoned and developed with detached residential housing. The east side of the subject property is encumbered by a drainage easement. The drainage features of the site establish a natural boundary for development.

The zoning pattern for the subject property and the immediately surrounding area was established as part of a master plan for the original 160 acre tract that incorporated the existing drainage courses and boundary street network as the development pattern. The alignment of W 24th Place was established to provide access to abutting lots with maximum separation from Clinton Parkway and the cross street intersections. The zoning districts were established to provide a land use transition south of Clinton Parkway (arterial street) and the southern portion of the 160 acre development. Approval of the requested RM24 zoning will extend the variety of housing options between Clinton Parkway and the developed neighborhoods to the south.

Staff Finding -- There are a variety of zoning districts and uses in this area. The property is zoned RM15 and developed with apartments. Surrounding land uses include a school and vacant land. The area is dominated by residential development in the form of apartment buildings and townhouses. The development pattern of the area is defined by the existing street grid, drainage, and built structures of the surrounding area. This site has been re-designated for high density residential development through the Inverness Park District Plan.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"The property to the east and west is currently vacant. The properties to the south consist of medium density multi-family residential. The property to the north consists of mixed uses including medium density multi-family residential (RM12 zoning)."*

The subject property was part of a 160 acre development that used a neighborhood approach as a framework for establishing the base zoning districts. The low density single/duplex family residential area located in the southern half of the original 160 acres was the first section to develop. The multi-family development has filled in and the remaining vacant areas are still being considered for various development opportunities including neighborhood commercial uses to the east of the proposed RM24 property.

The surrounding area includes a variety of housing choices and a range of development densities. Higher intensity uses are generally located along Clinton Parkway with decreasing intensity north and south of Clinton Parkway. Clinton Parkway is developed as a boulevard with a continuous green center median dividing the east and west bound traffic. This street profile also creates a boundary or edge between the north and south "neighborhood areas".

The traffic circles located at the intersections of W 24th Place with Crossgate Drive and Inverness Drive provides traffic calming and intersection control. They also signal a transition to lower

intensity development south of Clinton Parkway. Existing development is oriented with rear yard areas to Clinton Parkway.

This property is located within the boundaries of the Inverness Park District Plan. The plan describes the neighborhood as:

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1. (Section II. Existing Conditions)

The Inverness Park District Plan discusses the subject property as follows:

No 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B-RSO and Rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acre parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- *The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.*
- *Owner plans to maintain 1 bedroom development.*

The following table provides a brief summary of the location of existing multi-dwelling development in the immediate areas south of Clinton Parkway. Density is equal to the number of dwelling units per acre regardless of the number of bedrooms provided in the unit.

Multi Dwelling Development		
	Density	Units
Remington (Proposed)	15 (24)	224 (360)
Legends	12	200
The Grove	14	172
Wyndam	10	45
Crossgate Casitas	10	46



Staff Finding -- The property is located on the north boundary of the Inverness Park District Plan area. The neighborhood is dominated by residential uses. Higher-intensity residential development is located along the arterial streets. Lower intensity, attached townhomes and detached single family dwellings are located interior to the overall neighborhood 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 the subject property is located within the boundary of the Inverness Park District Plan. The Plan has been recommended for adoption by the Planning Commission. The Plan was considered and approved by the City Commission on September 13, 2011. The Plan was considered and approved by the Douglas County Board of County Commissioners on October 12, 2011.

The Inverness Park District plan addresses undeveloped properties within the boundary of the planning areas. The Plan includes specific land use recommendations for the remainder of the property known as Remington Square. This plan supports high density residential development in the form of RM24 (Multi-Dwelling Residential) and PD (Planned Development Overlay District) zoning districts requiring a public review process of development along Clinton Parkway. To implement this policy of the plan a condition is recommended to require that any site plan be considered and approved by the City Commission prior to building permits being issued.

Staff Finding -- The subject property is located within the Inverness Park District Plan. This plan supports high density residential development as proposed. As a means to implement the recommendation of the Inverness Park District Plan, staff recommends that the City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.

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

Applicant's response: *"The use of the subject property for multi-family residential is suitable."*

The applicant submitted an additional comment with regard to the development such that the rezoning be subject to the following conditions:

- 1. Residential development on the subject property shall be limited to 1-bedroom 2-story apartments, as recommend by the Inverness Park District Plan.*
- 2. The City Commission shall approve all site plans on this subject property.*

This property represents one of a few remaining undeveloped parcels located within the Inverness Park area. Considerable public discussion has been provided to the Planning Commission and to staff regarding the feasibility and desirability of multi-family development in the area along W 24th Place. The RM districts are intended to accommodate multi-dwelling housing. These districts allow the creation and maintenance of higher density housing opportunities in areas with good transportation access.

- The RM15 district has a corresponding *Horizon 2020* designation of "medium density" limited to 15 dwelling units per acre.
- The proposed RM24 district has a corresponding *Horizon 2020* Designation of "high density" designation limited to 24 dwelling units per acre.

The property has been developed, as zoned, to its maximum potential with regard to density. The property includes roughly 5 acres on the east side that is currently open space. If approved this open space area could accommodate additional development. Infill development maximizes the

building potential without creating sprawl. The proposed development is considered infill development.

The Remington project was developed as a complex with 1-bedroom units. Comparatively, other projects in the immediate area include 2, 3 or 4 bedroom units. The density calculation is "dwelling unit" regardless of the number of bedrooms in an individual dwelling unit. The number of bedrooms impacts the building size. Buildings that include units with 2, 3 or more bedrooms are larger creating more mass and bulk than a development with buildings including only 1 bedroom units. It is for this reason that the Remington Square project has a smaller overall footprint of buildings compared to the two developments on the south side of W 24th Place. If the Remington project was renovated, consolidating some of the 1 bedroom units into multi-bedroom units, additional construction could be added to the site without changing the base density.

The recently approved Inverness Park District Plan identifies an area for high density residential development along Clinton Parkway. The Plan states:

Residential- High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property's unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development code minimums such as open space, landscaping, building design, etc.

The existing zoning, RM15, underutilizes the property with regard to the recommended land use stated in the Inverness Park District Plan. A change in zoning is required to implement the land use recommendations for increased density along Clinton Parkway thus accommodating infill development in this area.

Staff Finding – The existing buildings could be remodeled combining units and adding bedrooms thus allowing construction of more buildings at the same base density. Approval of the proposed rezoning with restrictions would allow the project to retain its existing character and add additional units on the east side of the property. The existing zoning is not suitable to accommodate the recommended higher density land use and proposed infill development of this property.

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

Applicant's Response: *"The property was developed in 2008 under the RM15 zoning."*

In 2008 the Planning Commission voted unanimously to recommend rezoning the property from RSO to RM15. The base density did not change with the zoning approval at that time. The change did modify the allowable building type and prohibited office uses allowed in the RSO district. The property is developed with 224 1-bedroom apartment units and surface parking. Current development also includes a pool and office/laundry facility. This property has been rezoned a number of times in the past.

- RO-1B zoned approved as part of the original Inverness Park development project (1999-2006).
- RSO zoned in 2006 per the adoption of the Development Code.
- RM15 zoned in 2008 as part of the Remington Square development project.
- Inverness Park Plan: Recommended for approval by the Planning Commission on July 27, 2011. City Commission approved the plan on September 13, 2011. County Commission approved the plan on October 12, 2011.

Staff Finding – The subject property is developed. It was zoned for the current multi-dwelling residential use in 2008. A site plan was approved in 2008 for multi-dwelling residential development.

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

Applicant's response: *"The proposed rezoning will not detrimentally affect nearby properties. The properties to the west and east are currently undeveloped. The properties to the south have multi-family apartments on them. The Legends development has an existing density of 11.85 units per acre and 37.4 bedrooms per acre. The Grove development has an existing density of 13.71 units per acre and 39.8 bedrooms per acre. The proposed development will have only 24 bedrooms per acre."*

The applicant is requesting that 15.171 acres of land be rezoned to RM24. The subject property abuts an existing arterial street (Clinton Parkway) and is located across from an existing multi-dwelling residential development. Approval of the request will allow development of additional buildings on the east side of the property. Staff acknowledges that units with more bedrooms directly correlate to more people per unit. Multi-dwelling zoning districts allow a maximum of 4 unrelated individuals per unit (includes RMO, RM12, RM12 D, RM15, RM24, RM32 and RMG zoning districts). If approved the proposed development would occur on the east end of the property with the density spread across the entire 15 acres. Additionally, the proposed development would be located interior to the existing multi-dwelling area rather than creating a new area for apartment development within the neighborhood or on the fringe of the existing urban areas.



The proposed request is consistent with land use recommendations included in the Inverness Park District Plan. The property is interior to a multi-dwelling area with access to a local street. In order to implement the plan, specific development is recommended to be subject to a public review process.

Detrimental effects are generally considered to be traffic, noise, and incompatible land uses. Approval of the Inverness Park District Plan incorporates a change of land use consistent with this proposed request for high density development. Noise and other visual impacts will be addressed

through appropriate site design and enforcement. A site plan is also submitted for public review and approval. These physical elements are addressed in more detail in the Site Plan staff report.

Traffic is the most obvious impact that will affect the surrounding area and road network. The property abuts an arterial street (Clinton Parkway) on the north and a local street (W 24th Place) on the south. The east property line is encumbered by the regulatory floodplain and a dedicated drainage easement. Direct access to Clinton Parkway is not proposed nor recommended. The proposed development will generate increased traffic. The existing street network is capable of accommodating the resultant traffic. No street improvements have been identified as needed as a result of this proposed development.

A concern noted in public comment regarding a previous development application for the southeast east corner of Clinton Parkway and Inverness (just west of subject property) included statements related to overbuilding of apartments in this general area. Not all multi-dwelling units function the same or serve the same market. Approval will allow additional development on this site in keeping with the development pattern in terms of building coverage. Approval will also allow additional housing options in the area but should not negatively affect the single-family residences to the south and southwest.

Staff Finding – Physical elements such as screening and buffering are addressed through site design requirements (such as setback and landscaping). The proposed request is consistent with land use recommendations included in the Inverness Park District Plan and provides a land use transition from Clinton Parkway on the north and the lower density residential development south of W 24th Place.

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: *"If this application is approved it will allow the Developer to construct 136 residential units which will increase the property tax base of the City of Lawrence. The public infrastructure is in place in and around the development so the impact to the public system is minimal. The hardship imposed upon the landowner if the application is denied is such that the additional units will not be built at this time."*

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.

Existing services are available to the property for development purposes. Approval of the request as infill development is preferable to fringe development with regard to extension of municipal services. Approval of the request will accommodate additional housing in the area in a less intense format because of the limited number of bedrooms associated with the development.

While unlikely, if denied, the applicant could remodel the existing units to add additional bedrooms without altering the base density. This would likely displace current residents of the development.

Staff Finding -- Approving the rezoning request would allow additional 1 bedroom residential housing choices in the community. Existing infrastructure is available to serve this property. Development will not alter existing public health, safety and welfare.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property is a portion of a larger 160 acre tract originally annexed and zoned in 1999. The property was later platted with large tracts along Clinton Parkway. The area along Clinton Parkway was zoned for the most intensive development as part of the planned development. The area south of W 24th Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots south of the open space/drainage area.

Approval of this request increases the base density on the north side of W 24th Place consistent with the land use recommendations in the Inverness Park District Plan. The developed properties on the south side of W 24th Place would continue to function as transitional uses between Clinton Parkway at the north end and single-dwelling residences at the south end of the original 160 acre parcel. Approval of the request allows additional construction on the east 5 acres as infill development.

The Inverness Park District Plan recommends a public process for site planning the properties along Clinton Parkway such as rezoning with a Planned Development Overlay or conditional zoning such that the site plan would require City Commission Approval. The proposed request meets the basic test of compliance with the Comprehensive Plan.

This specific request is accompanied by Site Plan that is being processed through a public review process of a specific development for this property.

CONCLUSION

The area immediately south of the subject property is developed with multi-story units with multiple bedrooms. The units on the south side of 24th Place (The Grove and Legends at KU) are marketed to college age occupants, the units located along Crossgate (Wyndam Place) are marketed to adult residents 55 years and older. This development (Remington Square) is not specifically designed or marketed to a particular age group and provides another housing option within the district.

For the reasons noted in this report, staff supports this rezoning request to RM24 conditioned on a requirement that any use include City Commission review and approval of a site plan prior to issuance of a building permit and limitations of building type to be consistent with the recommendations in the Inverness Park District Plan.