

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
02/27/2012

ITEM NO. 1A RS7 AND RM12D TO RS7 AND RM12D; 14.42 ACRES; 25TH TERRACE & O'CONNELL RD (SLD)

Z-12-37-11: Consider a request to rezone approximately 14.52 acres from RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential) to RM12D (Multi-Dwelling Residential) and RS7 (Single-Dwelling Residential), to adjust zoning boundaries, located southeast of 25th Terrace & O'Connell Road. Submitted by Johnson Group, LLC, for Fairfield Investors, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to modify the boundary line of the RM12D and RS7 district boundary affecting 14.52 acres in the area located southeast of 25th Terrace and O'Connell Road 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 and RS7 zoning classification. The subject area rezoning would still be RM12D and RS7, the zoning boundaries just needs to be adjusted to match the new layout.*

KEY POINTS

- Project reviewed concurrently with the proposed Preliminary Plat – PP-12-15-11.
- There is an approved neighborhood plan for the area.
- Adjusting the zoning results in a net loss of 16 detached residential lots (125.5 existing 109 proposed) and a loss of 7 duplex lots (53 existing 46 proposed).
- There is no change in the lots zoned RM12.
- Approximately 38.5 RM12D lots combined into 1 lot for development of a future church.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-4-13-11; 4.6 acres from RS7 to RM12D; future church lot in northwest corner of plat.
- Z-6-16-11; 8 acres from RM12D to RM12; future townhouse development along Dalton Drive.
- PP-4-5-11; Preliminary Plat; Fairfield Farms East Addition; to create church lot, revised right-of-way and change orientation of lots along Ralston Street.
- PP-12-15-11; Preliminary Plat; Fairfield Farms Addition; concurrent request.

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date

Project Summary:

This proposed rezoning is to amend the RS7/RM12D zoning district boundary that follows the currently platted lot lines. This request has been reviewed concurrently with the proposed Preliminary Plat, PP-12-15-11. This request represents a modification of the existing zoning boundaries to accommodate a revised subdivision lot configuration. Figures 1 and 2 (end of report) are provided as a comparison of the existing and proposed development pattern that would result if this request is approved.

Adjusting the zoning boundary will result in a net loss of 16 detached residential lots and a loss of 7 duplex lots. Half lots are created on the eastern edge of the Church property because the RM12D boundary has been adjusted to accommodate a future church, but the property has not yet been Final Platted to correspond with this boundary. No changes to the RM12 district are included in this application.

Existing Platted Lots	RS7	RM12D	RM12D- Church	RM12	Total
Total	125.5	53	38.5	18	235
Proposed Platted Lots	RS7	RM12D	RM12D- Church	RM12	
Total	109	46	1	18	174

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 projections in this 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 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: 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.*

These recommendations recognized a specific development pattern established by the lot and block arrangement of the platted area.

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 include *Detached Dwellings, Attached Dwellings, Cluster Dwellings, Duplex*, various group living residential uses and community facilities such as *Schools and Daycare Centers, Extended Care Facilities* (nursing homes), and *Religious Assembly* uses. The proposed RS7 zoning allows a similar list of uses but is generally limited to dwellings that are *Detached Dwellings*.

The request as proposed modifies the zoning boundary from the dominant east west transition to one that expands the land use transition east and west. The zoning boundary is intended to follow platted lot lines. The zoning coupled with the subdivision plat arrangement results in a low density development pattern.

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, RM12D (Multi-Dwelling Residential District), and RM12 (Multi-Dwelling Residential) District; undeveloped property.

Surrounding Zoning and Land Use: To the North:
CC200 (Community Commercial) District, and IL (Limited Industrial) District, and County A (Agricultural) District to the north along E 25th Street.

To the West:
RM12D (Multi-Dwelling Residential District), and RS7 (Single-Dwelling Residential) District along O'Connell Road. Developed residential subdivision.

To the South:
County A (Agricultural) District; existing rural residential homes, and

PD-[Prairie View PRD], existing duplex development.

To the East:
GPI (General Public and Institutional) District to the east; existing Douglas County Jail east of Franklin Road Extended.

Staff Finding – This residential portion of Fairfield Farms property is surrounded by a variety of zoning districts. Residential land uses dominate the development pattern to the west and south sides of the property. Institutional and industrial uses dominate the land use to the east.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood area is all residential bordered by agricultural, industrial and the County Jail to the east. 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 request is located within a developing neighborhood that includes a mix of uses. Residential uses will dominate the area south of E. 25th Terrace. The subdivisions in the area provide the framework for the neighborhood pattern providing connectivity and access throughout the area. Both 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 east of Franklin Road and the low density residential uses to the

south and west. The concern for land use transition, from the east to the west, is reflected in this application. The north/south transition is accommodated by a back to back building lot relationship. The addition of street trees and a commercial buffer yard with the commercial development will provide necessary buffering between land uses north and south. This area has always been intended as a mixed use area with non-residential uses located within walking distance to residential uses.

Approval of the request will not: Impact the future development of a church site on the southeast corner of E. 25th Terrace and O'Connell Road previously approved per Z-4-13-11 or impact the future development of townhouses along Dalton Drive previously approved per Z-6-16-11. The proposed request is consistent with anticipated neighborhood development. See Figure 3.

Staff Finding – The area between O'Connell Road and Franklin Road is a developing neighborhood east of the Prairie Park 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 along O'Connell Road and E. 25th Terrace. 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*”. This request is intended to modify the zoning district boundary to provide greater land use transition east to west. Land use transition north and south is maintained with the use of back to back relationships and buffer yards applicable to the future commercial development. This request 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 existing zoning classification remains the same, (RM12D & RS7, the zoning boundaries just need to be adjusted to match the new layout.*

Previous zoning applications have included amendments of zoning boundaries to follow platted lot lines. It is more efficient to administer land use regulations where zoning boundaries are logically located. Approval of the Preliminary Plat without modification to the zoning boundary would result in lots with dual zoning. The proposed change does not alter the suitability for the general area to be developed with low and medium residential uses.

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 plans required for the church development and non-residential uses to the north of 25th Terrace.

Staff Finding – The existing zoning boundary is not suitable given the intended revisions to the subdivision design.

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 zoning boundary was originally established in 2005. The districts were renamed to RS7 (Single-Dwelling Residential) District and RM12D (Multi-Dwelling Residential) District in 2006 with the adoption of the Land Development Code.

Staff Finding – The current zoning 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 remains residential as existing zoning and plat.*

The purpose of this request is to reconfigure lots and streets to provide more land use transition from the east to the west. 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 collector street. The proposed subdivision will result in a large church lot adjacent to the east side of O'Connell Road providing additional land use transition to the area east of the intersection.

Land uses east of Franklin Road include the Jail, south of E. 25th Street, and both industrial and consumer uses north of E. 25th Street. These parcels are developed and not anticipated to be affected by this development. Franklin Road is designated as a future arterial street and anticipated to accommodate traffic from the surrounding area and developments.

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 modification of the district boundary. 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 areas east of O'Connell Road and north of E. 25th Terrace are 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 a more marketable layout, while keeping it residential.*

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 planned residential neighborhood. This area has been incorporated in several land use and utility service delivery documents for the extension of services as the area develops.

Staff Finding – Gain to the public is not assured by the approval of this request. However, when considered in conjunction with proposed Preliminary Plat approval of the request will result in the simplification of administration of the Development Code for this neighborhood.

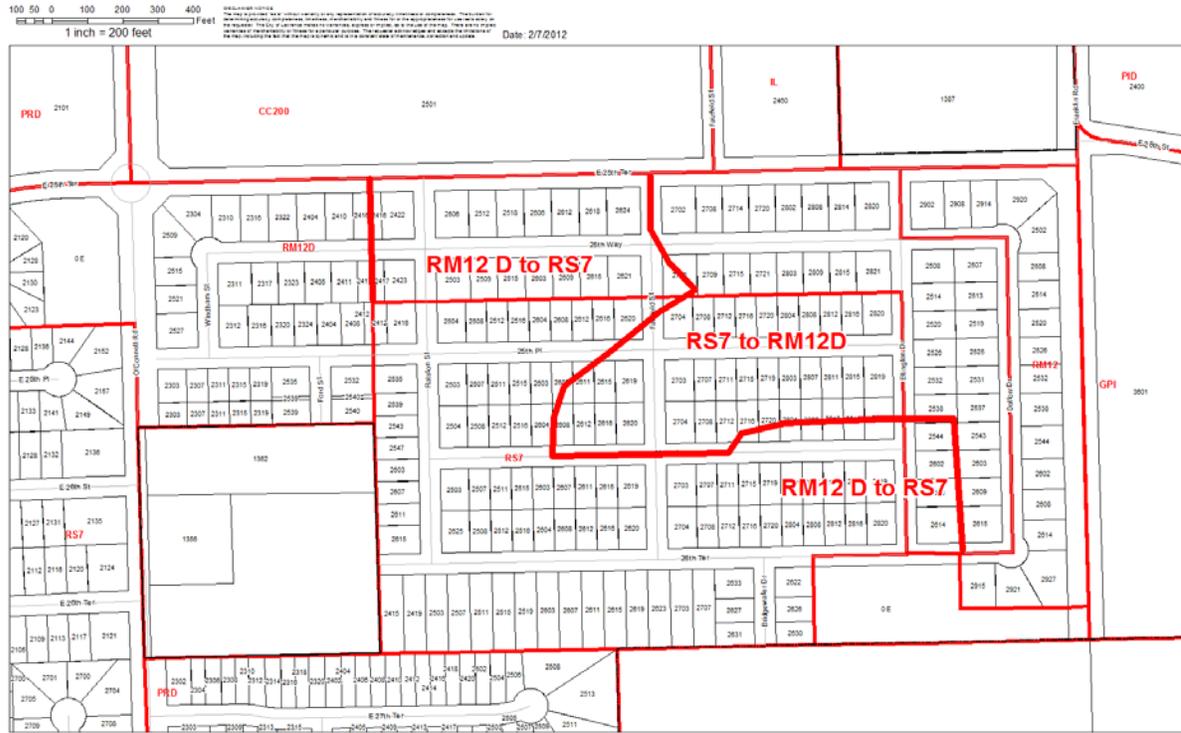
9. PROFESSIONAL STAFF RECOMMENDATION

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 transition of land use to the interior portion of the development that is intended for low-density residential development. The redistricting of the RS7 and RM12D zoning will result in a revised development pattern for the Fairfield Farms Development.

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.

Figure 2
Proposed Zoning Boundary



Proposed Plat configuration Detached Dwelling (RS7 District) Highlighted



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Fairfield Farms East Addition No. 2
 Rezoning Map

7.500' Scale

