

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
1/28/2013

ITEM NO 3C: Z-12-00231 UR (Urban Reserve) District to RS7 (Single-Dwelling Residential) District; 9.206 acres (SLD)

Z-12-00231: Consider a request to rezone approximately 9.206 **9.122** acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential), located north and south of Crystal Lane and Palisades Drive extended, as shown in the preliminary plat of Langston Heights Addition. Submitted by Landplan Engineering, for Langston Heights, LC, property owner of record. **Deferred from the December 2012 Planning Commission Meeting.**

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 9.206 **9.122** acres from UR (Urban Reserve) District to RS7 (Single 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 developer, RSR, Inc., intends to subdivide and rezone the subject property to support detached dwelling single-family development (see attached concept plan).*

Note: Revised Language is shown in **blue bold** text.

KEY POINTS

- Request is part of an overall development package that includes RM12D, **RS5**, and RM12 Zoning and a preliminary plat.
- This request is adjacent to a developing Detached-Dwelling subdivision.
- **The area proposed for RS7 is only slightly modified from the previous request. This is a result in corrections to bearings and distances used to describe the area.**

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-12-00229: 8.564 acres **4.582 acres** from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential)
- Z-12-00231: ~~9.206~~ acres **9.122 acres** from UR (Urban Reserve) to RS7 (Single-Dwelling Residential)
- Z-12-00232: ~~10.025~~ acres **9.980 acres** from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential)
- **Z-13-00015: 3.88 acres from UR (Urban Reserve) to RS5 (Single-Dwelling Residential) as a lesser change from a portion of the proposed RM12D application.**
- PP-12-00228: Preliminary Plat Langston Heights

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
- Concept plan December 2012
- **Concept Plan January 2013**
- 6th & K-10 land use map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Communications are attached.

Project Summary:

Proposed request is for **9.122** acres of low-density residential zoning to accommodate development of Detached Dwellings on individual lots. This request is part of a larger development request that includes RM12D, **RS5**, and RM12 zoning with a preliminary plat. The relative density of **5.8** dwelling units per acre is spread across the entire 27-acre development site to meet the low-density land use recommendations for this area. This report discusses the RS7 portion of the development request.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *the Lawrence future Land Use Map (3-2) in Horizon 2020 does not specifically designate a land use for this subject property, however, adjacent existing residential development is consistent with low-density residential land uses of 6 or fewer dwelling units per acre. When considered with the two (2) other rezoning applications accompanying this one, all three conform to the Residential Development Strategy (pg. 5-1) of providing a mixture of housing types, styles and economic levels for new residential development.*

This property is located within the boundary of the *6th Street and K-10 Nodal Plan*, refer to attachment. This request is part of a package of requests that include medium-density residential zoning in the form of duplex and multi-dwelling zoning districts and a preliminary plat that establishes the integrated layout of the overall development pattern planned for this area. The Nodal Plan, amended into the Comprehensive Plan, shows this area to be developed with low-density residential uses except for an area located along the south side of W. 6th Street and a portion of highway south of W. 6th Street.

The nodal plan provides a narrative description of the recommended land use development for each quadrant of the intersection of W. 6th Street and K-10 Highway. The plan states:

The Southeast Corner

Like its northern counterpart, this corner provides opportunity for a variety of residential, commercial, and office activities. This nodal plan designates the majority of this corner appropriate for residential development and the remaining area appropriate for commercial and office uses. This nodal plan also designates the majority of its residential uses appropriate for low-density, single-family neighborhoods with a small portion considered appropriate for medium-density residential development. This medium-density development serves as primary buffer between single-family neighborhoods and commercial activities. The commercial and office activities of the southeast corner along West 6th Street mirror those of the northeast corner - the majority of such activities are designated appropriate for commercial with the remainder for office uses.

This nodal plan anticipates more low-density, single-family residential development in the areas surrounding this corner and therefore much of this corner was designated appropriate for similar development to maintain compatibility of surrounding land uses. Open space areas are also highly encouraged to serve as buffers between residential, commercial, and office land use activities, as well as provide opportunities for linkages to the surrounding neighborhoods to the southeast of this nodal study area.

In addition to density recommendations, *Horizon 2020* provides key strategies that are applicable to this development request and the related applications. They are:

- *Infill residential development should be considered prior to annexation of new residential areas.*
- *A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.*
- *Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.*
- *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.*

This request represents infill development and the first step in a plan to provide a transition of uses between the existing development and the Highway. The proposed RS7 district is a low-density residential district consistent with the recommended land use found in the comprehensive plan and the nodal plan.

Staff Finding – The proposed RS7 district conforms to the land use recommendations included in *Horizon 2020* and in the 6th & K-10 Nodal Plan. **There are no changes to this finding of fact.**

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

Current Zoning and Land Use: UR (Urban Reserve) District; undeveloped property.

Surrounding Zoning and Land Use: RM24 (Multi-Dwelling Residential) District to the north. Undeveloped land.

RS7 (Single-Dwelling Residential) District to the east. Developing residential subdivision.

UR (Urban Reserve) District to the south. Undeveloped land.

Existing UR (Urban Reserve) District and Proposed RM12D (Multi-Dwelling Residential) District to the west; undeveloped land. K-10 Highway is the west boundary of the development site.

In addition to the immediate zoning and land use, the Langston Hughes Elementary School site is located to the southeast. The school site property includes GPI (General Public and institutional) District zoning for the immediate school improvements. The balance of the school property is zoned RS10 (Single-Dwelling Residential) District.

Staff Finding – This area is surrounded by a mix of zoning. The predominate land use is residential. **There are no changes to this finding of fact.**

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject property is a vacant piece of abandon farmland. It is bordered to the west by the SLT right-of-way, which also includes the SLT recreation path. To the north lies vacant ground platted as part of the Diamondhead subdivision and zoned RM24. To the east lie properties platted under the Diamondhead subdivision, zoned RS7 and developed as detached single-family homes, all constructed within the past 5-7 years. To the south rests vacant unplatted property zoned UR and of similar natural character to the subject property. Langston Hughes School is a short distance to the southeast.*

The west portion of the development site abuts the K-10 Highway (higher density proposed). The east portion of the development site abuts developing single-dwelling subdivision known as Diamondhead Subdivision. This requested RS7 district provides an extension and transition between the existing low-density development pattern and the planned higher intensity development to the west along the Highway frontage.

This property is located within the West Lawrence Neighborhood. This section of the neighborhood includes several undeveloped parcels to the north and south along the K-10 Highway. This neighborhood is characterized by the dominance of residential use, primarily low-density detached housing. Higher intensity uses are located along major streets in the neighborhood. Existing and planned non-residential uses are located at major intersections throughout the neighborhood.

Staff Finding – The overall neighborhood is characterized by and dominated by residential uses. Higher density uses are located along the arterial streets of W. 6th Street and Bob Billings Parkway. **There are no changes to this finding of fact.**

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 area is located within the boundary of the 6th Street and K-10 Highway Nodal Plan. The area is generally recommended for low-density residential development with a small portion considered appropriate for medium density residential development. This request is consistent with that land use recommendation.

Staff Finding – The proposed RS7 zoning is consistent with the low-density residential land use recommended in the nodal plan applicable to this area. **There are no changes to this finding of fact.**

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

Applicant's Response: *The UR district has served this vacant ground adequately but will not permit new development of any kind. Development that provides an appropriate transition from the existing RS7 neighborhood to the east, the future RM32 development to the north and the existing SLT to the west requires a new zoning classification.*

Staff concurs that the UR zoning is no longer desirable given plans to develop the property. The current zoning serves as a holding zone until property is ready for development. The proposed request conforms to the overall land use recommendations and is upheld by the proposed preliminary plat arrangement of lots and streets for this area.

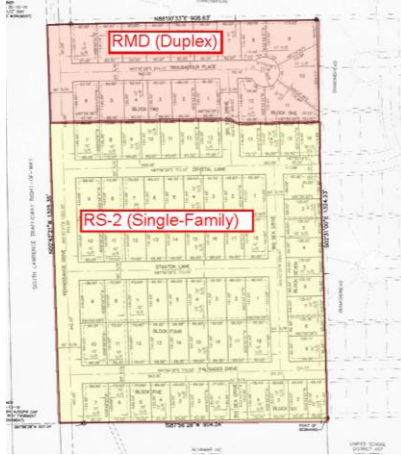
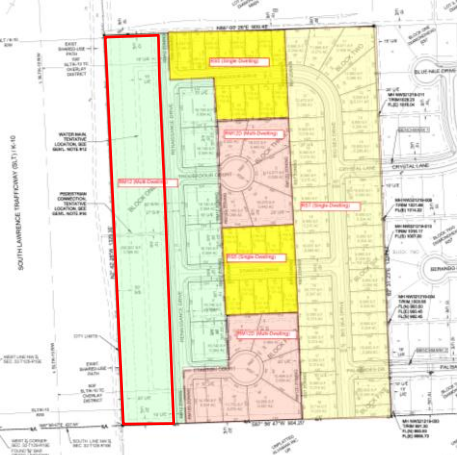
Staff Finding – The existing UR (Urban Reserve) District is no longer a suitable zoning district for this property since development applications have been made. **There are no changes to this finding of fact.**

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

Applicant's Response: *the property has remained vacant since being annexed into the City in the early 2000's.*

This property is undeveloped (vacant). The existing zoning, UR, was established in 2006 with the adoption of the Development Code. Prior to that time the property was zoned A (Agricultural). The surrounding area to the north and east (Diamondhead) was annexed and rezoned for various uses in October 1998.

This property was part of a 27.23-acre request for RS-2 zoning submitted in October 2002 (Z-10-39-02) but later withdrawn and replaced by two later applications in 2005. (Z-9-63-05 and Z-9-64-05). The 2005 requests were for 6.8 acres of RMD (Duplex Residential District) and 20.77 Acres of RS-2 (Single-Family Residential District). These requests were approved by the Planning Commission on November 16, 2005. They were accompanied by a preliminary plat that included connected grid streets. The approval was subject to the recording of a final plat for the property. The Final Plat for the property was approved in 2006 and the approval was extended in 2008. The property owner did not complete the requirements and record the final plat. Therefore, the zoning was never published and made effective.

Development Density Comparison		
2005 Proposed: 	December 2012 Request: 	2005 Proposed: 6.80 Acres – Duplex Zoning 20.22 Acres – Detached Residential Zoning Total Units -104 December 2012 Request: 9.20 Acres – Detached Residential Zoning 7.49 Acres – Duplex Zoning 10.02 Acres – Multi-Dwelling Zoning. Total Units - 165
	 Note: Lot 1, Block 1, outlined in red will not be developed until connection of Renaissance Drive to the south to Bob Billings Parkway, refer to Preliminary Plat.	2005 Proposed: 6.80 Acres – Duplex Zoning 20.22 Acres – Detached Residential Zoning Total Units 104 December 2012 Request: 9.20 Acres – Detached Residential Zoning 7.49 Acres – Duplex Zoning 10.02 Acres – Multi-Dwelling Zoning. Total Units - 165 January 2013 Request: 13.002 Acres – Detached Residential Zoning [9.122 + 3.88] 4.582 Acres – Duplex Zoning 9.980 Acres – Multi-Dwelling Zoning Total Units - 160

Staff Finding – The area is undeveloped. The property was zoned A Agricultural from 1966 to 2006. **There are no changes to this finding of fact.**

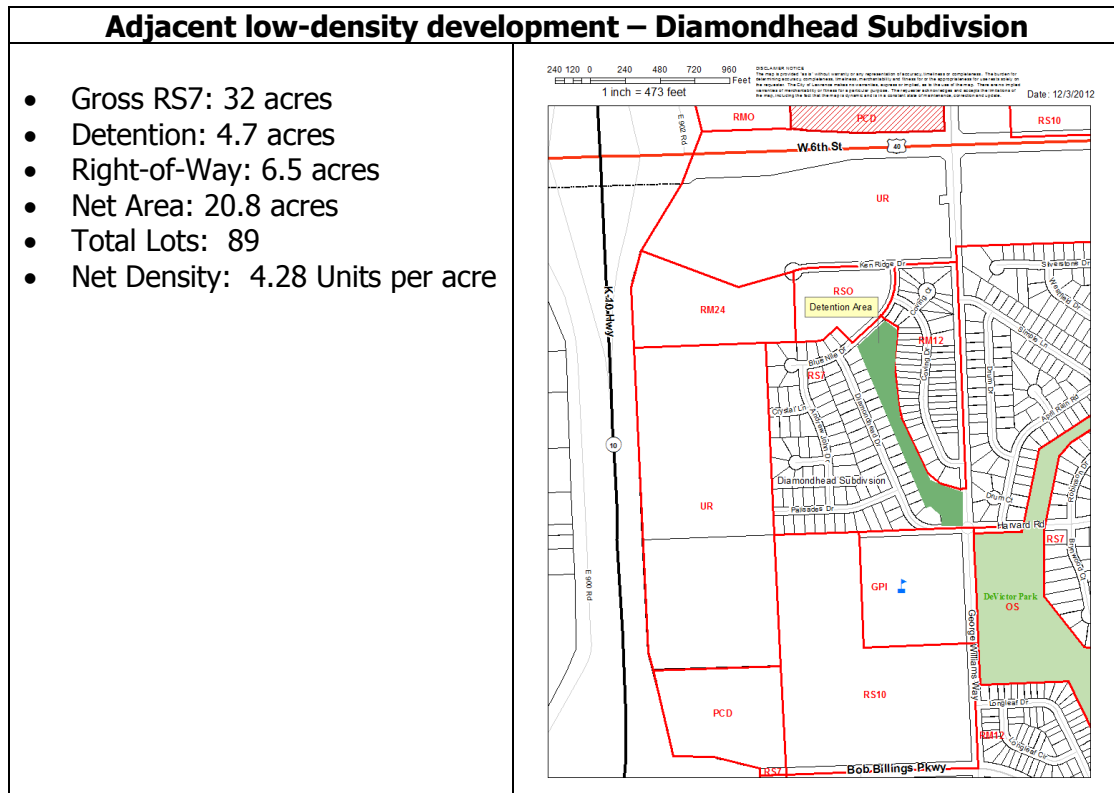
7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's Response: *Approving this rezoning will pose no detrimental effect to nearby properties. Approval will facilitate appropriate residential development adjacent to the SLT and set a development precedent for adjacent vacant parcels.*

The proposed RS7 zoning is a low-density residential district with a maximum density of 6 dwelling units per acre and a minimum lot size of 7,000 SF per lot. The proposed preliminary plat design includes 29 lots for single-dwelling detached residential development. The net unit density of the proposed RS7 portion of the development is reflected on the concurrent proposed preliminary plat as only 4.2 units per acre. This net density calculation excludes rights-of-way. As a comparison,

the developing subdivision to the east, known as the Diamondhead Subdivision, includes 89 residential lots (detached RS7 zoning) on 32.28 acres. Excluding rights-of-way (streets) and the 4.7 acres of detention along the east sides of the subdivision, the developable area is 20.8 acres making the Diamondhead Subdivision a low-density development with 4.28 units per acre.

The proposed request extends the existing development pattern to the west. Both Crystal Lane and Palisades Drive were platted to be extended to the area to the west. Additional traffic will be added to the local streets as this area develops. The increase in traffic is consistent with local street designs. There are no detrimental effects to adjacent properties.



Staff Finding – The proposed request is consistent with the planned development for the area. **There are no changes to this finding of fact.**

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 gains to public welfare proposed by this application are the gains associated with creating appropriate transitional residential development adjacent to established neighborhoods and highway corridors. Denial of this application will perpetuate the vacancy of this land.*

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 the UR District is to accommodate properties that have been annexed into the City of Lawrence until development or redevelopment is planned. This property is proposed to be

developed for a variety of residential land uses including low-density detached residential structures on individual lots. This area can be served by the extension of existing utility infrastructure. This project represents infill development. Approval of the request will facilitate additional housing choices in this area and provide a land use transition between existing development and the proposed development.

Staff Finding – Approval of this request facilitates infill development and economies of scale with regard to utility service delivery. Approval of the request provides additional housing choices to this portion of the neighborhood. **There are no changes to this finding of fact.**

9. PROFESSIONAL STAFF RECOMMENDATION

This request is considered concurrently with the RM12D, **RS5**, and RM12 zoning requests and includes the related preliminary plat that combined make up the Langston Heights Development. Separate reports are provided for each individual request. The RS7 request extends the existing development pattern to the west consistent with previous plans for the area and consistent with the low-density residential development of the area. This maximum density allowed for the RS7 district is 6 dwelling units per acre. The proposed density for this portion of the Langston Heights Development is only 4.2 units per acre. This allows the remaining areas to cluster development and spread the density across the entire acreage to provide a transition of land uses and housing types east of K-10 highway. Staff recommends approval of the proposed RS7 zoning.

CONCLUSION

The proposed request is consistent with anticipated low-density residential development. This request extends the existing residential pattern to the west.