

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
1/28/2013

ITEM NO 5D: Z-12-00232 UR (Urban Reserve) District to RM12 (Multi-Dwelling Residential) District; 9.794 ~~10.025~~ 9.980 acres (SLD)

Z-12-00232: Consider a request to rezone approximately ~~10.025~~ **9.980** acres from UR (Urban Reserve) to RM12 (Multi-Dwelling Residential), located along the east side of K-10 Highway south of W. 6th Street and along the west side of a proposed street known as Renaissance Drive, 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 ~~10.025~~ **9.980** acres from UR (Urban Reserve) 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 subject to a maximum development of of 62 units along K-10 Highway and 6 lots of 4-plex units adjacent to the proposed RM12D district (86 total units).

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 RS7, RM12D, **and RS5** Zoning and a preliminary plat.
- This district serves as a transitional use between the highway to the west and the lower density uses to the east.

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**

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Communications are attached

Project Summary:

This proposed request for RM12 zoning is for ~~10.025~~ **9.980** acres to accommodate multi-dwelling development and a total of 86 dwelling units. This district is defined in Section 20-201 of the Development Code as corresponding to a "Medium-Density" comprehensive plan designation. This request is intended to be considered concurrently with the RM12D, **RS5**, and RS7 zoning requests and the preliminary plat, PP-12-00228 Langston Heights, that creates a lot arrangement that results in a lower-density pattern per acre and provides a land use transition between the highway to the west and lower density development to the east. This property is encumbered by the Transportation Corridor Overlay District for the South Lawrence Trafficway/K-10 Highway.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

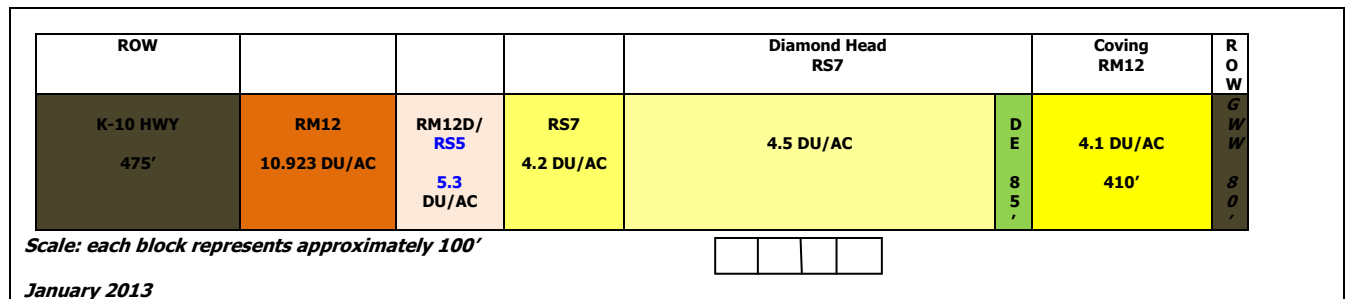
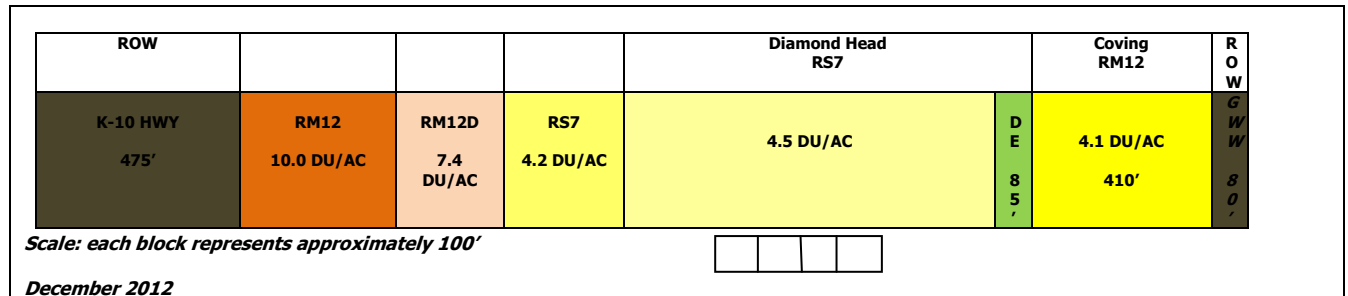
Applicant's Response: *the Lawrence future Land Use Map (3-2) in Horizon 2020 does not specifically designate a land use for this subject property, however, adjacent existing residential development is consistent with low-density residential land uses of 6 or fewer dwelling units per acre. When considered 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.*

As noted in the related zoning reports this area is included in the boundary of the 6th Street and K-10 Nodal Plan. This plan was amended into *Horizon 2020*.

Key strategies included in *Horizon 2020* provide the framework for area, nodal and neighborhood plans. Key policies related to this development 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.*

As discussed in the concurrent zoning reports, related to this request, this project represents infill development. This request, considered concurrently with the RS7, **RS5**, and the RM12D applications provide a graduated development pattern that provides a mix of housing types and styles in a new residential development. The individual density for this area between George Williams Way and the highway is represented by the following graphic.



While the **RM12** subject area includes ~~10.025~~ **9.980** acres is a medium-density zoning district, the gross density of this development project, when spread across the entire 27 acres is ~~5.9~~ 5.805 units per acre. **The revised development proposal adds 3.880 acres of detached dwelling zoning through the RS5 district.**

Horizon 2020 states that medium density residential development (7-15 dwelling units per acre) *is recommended as cluster development at selected locations along major roadways, near high-intensity activities areas and when adjacent to important natural amenities.* In this application, the development is located along a major roadway, K-10 Highway. Density is clustered to accommodate a transition of uses from the west along the highway to the east using the concurrent RM12D and RS7 applications with the proposed preliminary plat. There are no natural amenities that were identified to be preserved for this property.

This use is intended to promote a mix of housing types within a planned development area. *Horizon 2020* states that *medium density areas should include a mix of single-family, detached and attached homes, cluster homes, townhouses, and similar housing types.* The development of this property seeks to implement this policy using combined zoning applications that establish base districts across the entire acreage and delineate the boundary of the transitions through the district boundaries.

The Plan also states that medium density uses should be *designed to help avoid major and abrupt changes in density or use.*

Various goals and policies address the land use transition between low and high-density areas. Specific recommendations include the use of vegetation and screening to buffer land uses. The preliminary plat serves to establish back-to-back relationships between land uses. This policy is implemented through the subdivision design standards and applicable landscape and buffering requirements contained in the Development Code.

Staff Finding – This request is considered concurrently with the companion RS7, **RS5**, and RM12D zoning request and the preliminary plat. The intent of the request is to provide a

cluster development that situates the higher density residential use next to the highway and provide a transition of land use between the highway and the low-density development to the east. The preliminary plat establishes the framework for the designation of the boundary of the district. The specific RM12 request orients the medium density development adjacent to the highway with access to a local street that will be extended to the north and south as the area develops. This request **when combined with the related zoning and preliminary plat requests** spreads the density of the overall development across the entire 27 acres to achieve the recommended low-density residential land use identified in the nodal plan.

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

Current Zoning and Land Use: UR (Urban Reserve) District and TC (SLT/K-10 Major Transportation Corridor Overlay) District; undeveloped property.

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

Proposed RM12D (Multiple-Dwelling Residential) **and RS5 (Single-Dwelling Residential)** District to the east. Developing residential subdivision to the east of the proposed development area.

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

K-10 Highway is the west boundary of the development site. The Highway right-of-way and properties to the west are located within the unincorporated portion of Douglas County and are zoned A (Agricultural).

Staff Finding – The proposed RM12 district represents the west portion of the development area. Land to the immediate north, south, east and west are undeveloped. **Land to the immediate west includes over 400' of right-of-way for the K10 Highway.** Land to the immediate east is proposed for duplex development as part of this development request.

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 K-10 Highway (higher density proposed). The east portion of the development site abuts developing single-dwelling subdivision known as Diamondhead Subdivision. This requested RM12 district clusters the higher density development adjacent to the highway.

This property is located within the West Lawrence Neighborhood. This section of the neighborhood includes several undeveloped parcels to the north and south along 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 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 when considered concurrently with the preliminary plat and concurrent RM12D , **RS5**, and RS7 zoning requests that spreads density across the entire 27 acres. Taken alone, the RM12 zoning is not compliant with the *6th Street and K-10 highway Nodal Plan*. However, this request is part of a combined development request for 27 acres of residential development that abuts K-10 Highway on the west side.

Staff Finding – Taken alone, the RM12 zoning is not compliant with the W. 6th Street and K-10 Highway Nodal Plan. However, the proposed RM12 zoning is consistent with the low-density residential land use recommended in the nodal plan applicable to this area when reviewed concurrently with the preliminary plat. **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 is for RM12 to accommodate development along the highway. The proposed request includes a subdivision design that shows multi-dwelling lots along the highway as a transition between the highway and the proposed duplex area to the east. Considered concurrently with the preliminary plat, this specific development provides a buffer between the highway and the lower-density uses proposed to the east.

Approval of the request facilitates infill development and the provision of additional housing choices in this area. The use of the RM12 district in this application facilitates an appropriate land use transition between low-density residential development and the highway.

Staff Finding – The existing UR (Urban Reserve) District is no longer a suitable zoning district for this property since development applications have been made. The proposed RM12 district is intended as a land use transition between the highway and the existing and proposed

residential development to the east. This is a suitable use of the RM12 district. **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 and 20.77 Acres of RS-2. 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. The 2005 request for RMD included the north portion of the subject property that abutted the RM24 zoning. That Development pattern included only one block of duplex lots terminating in a cul-de-sac.

Staff Finding – The area is undeveloped. The property was zoned A (Agricultural) from 1966 to 2006. The UR district was established in 2006 and remains to the present. **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 area to the north and south is undeveloped. As such, no direct detrimental impacts are anticipated for these properties. **The area to the north is currently zoned for high-density residential development (RM24) but is undeveloped at this time. The area to the south is zoned UR and is also undeveloped.**

Approval of the rezoning request facilitates the extension of streets and utilities to this area. As the areas to the north and south develop, street connections will be made that connect the proposed development with the adjacent properties. **City Staff, KDOT and property owners, including the School District, have discussed options for the connection between Bob Billings Parkway and the subject property. Refer to the preliminary plat staff report for additional discussion about this connection.**

~~For the interim period, areas along the proposed Renaissance Drive will take access to the street network via Crystal Lane, Palisades Drive. Residents in the developed area to the east have expressed opposition to this pattern citing concerns of traffic and devaluation of property. Staff does not conduct an appraisal analysis of development on property values. With regard to traffic concerns, the proposed development will not generate excessive traffic through this area.~~

~~Furthermore, traffic will diminish as additional local street connections are made to the north and south. Development of this property extends a benefit to the undeveloped properties by the extension of infrastructure.~~

The revised preliminary plat terminates Crystal Lane and Palisades Drive at a T intersection with offset streets, Stanton Drive and Troubadour Drive, providing connection to Renaissance Drive. Big Sea Drive is extended to the north and south to provide internal connection without orienting traffic directly to the east. Until such time as Renaissance Drive is connected to the south traffic will use the eastern street connections.

Another concern expressed by residents of the developed area to the east regards intensification of uses. Previous land use approvals conveyed an expectation for continued low-density development in the form of detached dwelling units on individual lots. The previous land use approvals for the detached and duplex zoning expired as discussed earlier in this report. This proposed request alters that expectation by moving the proposed duplex use from the north portion of the site to the central portion of the site and introducing multi-dwelling uses along the highway.

Existing residences will experience an increase in traffic since the local streets currently dead-end at undeveloped property. An increase in traffic should be expected. The local street network has capacity to service this area even with the addition of the proposed development. There are no future collector streets planned for the area between George Williams Way and K-10 Highway between W. 6th Street and Bob Billings Parkway. Traffic generated from this area will utilize the local street network to access the larger collector and arterial street network per approved plans. Increased traffic on existing local streets should be expected. As the area develops, additional street connections will be made dispersing some local street traffic.

The developer plans to restrict construction of the multi-dwelling portion of the Langston Heights development until Renaissance Drive is connected to Bob Billings Parkway.

Staff Finding – The significant change anticipated by this request is the increase in traffic for this area and the introduction of multiple housing choices in the form of duplex and multi-dwelling units. These concerns have been expressed by area residents and potential detrimental impacts. **The total area included in the RM12D has been slightly reduced.** While traffic will increase on the existing streets, sufficient capacity exists to accommodate the proposed land uses included in this development request. The overall impact of the proposed request is negligible to the existing development and surrounding undeveloped areas. **The proposed zoning as defined with the preliminary plat includes a limitation on development of the multi-dwelling area until a street connection is made to the south with Bob Billings Parkway. This connection will have the impact of reducing the overall internal traffic by proving a more direct connection to the larger street network.**

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.

This portion of the development request is the most controversial. It introduces an opportunity for multi-dwelling development of 62 units along K-10 Highway and 6 lots of 4-plex units adjacent to the proposed RM12D district (86 total units). This request facilitates the development of vacant property for residential purposes. The project extends the city's infrastructure within the existing boundaries of the city as infill development. As streets are constructed additional connectivity to this area west of George Williams Way will be added.

If this application is denied, the applicant could seek a request for a different zoning district. Development of the property has been anticipated for residential development since 2002. Development of this area is one of timing as it relates to the developer's schedule. There are no impediments to extending public infrastructure to this area. Development of the site facilitates vehicular and pedestrian connectivity.

A plat restriction provides a timing guarantee which will minimize the impact of the proposed development.

Staff Finding – Approval of the request facilitates infill residential development between George Williams Way and K-10 Highway and the efficient extension of public services and utilities. Denial of the request would result in a revised development plan for the area. **This zoning request with the preliminary plat includes a provision to limit the RM12 development until Renaissance Drive is extended to the south to connect with Bob Billings Parkway. This will mitigate development impacts on the developed area to the east.**

9. PROFESSIONAL STAFF RECOMMENDATION

The purpose of the RM12 district is found in Section 20-204 of the Development Code. This district is included with all other RM districts. The Development Code states:

The primary purpose of the RM districts is to accommodate multi-dwelling housing. The district is intended to create, maintain and promote higher density housing opportunities in areas with good transportation access.

The RM12D and the RM12 have the same density and dimensional standards. However, the RM12 district accommodates multi-dwelling development in the form of triplex, 4-plex and apartment type units. Each lot may be developed with more than one structure.

Staff has received numerous calls regarding the proposed Langston Heights development project specifically as it relates to the use of the RM12D and RM12 zoning districts. A key consideration in this evaluation is the concurrent application of the preliminary plat that is used to define the boundary of each district of the request.

Previous applications provided either full development of the subject property as an exclusively single-dwelling detached lot subdivision or provided duplex zoning as a transition from north to south. The only transition provided for K-10 Highway was a public street with a single row of lots facing the highway. The current request provides a reasonable transition of land uses with back-to-back lot orientations and a decrease in intensity east of the highway. The RM12 portion of the request provides the specific buffer adjacent to K-10 Highway. The concept plan depicts 62 dwelling units along the highway. These units would have a smaller profile and are expected to be 1-2 stories limiting the bulk and massing of the structures. This building type increases the compatibility of the future development to the lower density developments to the east.

The RM12 district allows 35' tall structures, which would permit a greater number of stories than reflected on the concept plan. If the physical components of the RM12 portion of the project are important to achieve as great of compatibility as possible, the Planning Commission may wish to consider conditioning the zoning on a maximum density of 86 units and a maximum number of stories to two.

Lot 1, Block 1, of the preliminary plat represents the multi-dwelling portion of the request on the west side of Renaissance Drive. This portion of the development provides a buffer between the highway and the lower density development to the east. The Preliminary Plat states "*Building permits for structures in Lot 1, Block 1 will not be made available until such time that Renaissance Drive is constructed and completed south to Bob Billings Parkway.*" This is a self-restricting condition the applicant has proposed to mitigate the impact of the project impacts on the developed are to the east.

CONCLUSION

The proposed use of RM12 is a reasonable approach for land use adjacent to a highway. Considered concurrently with the preliminary plat **and plat restrictions** the proposed request limits the intensity of the overall development to a use compatible with the planned and existing uses to the east. This request is part of a larger development request that integrates the land use, density and subdivision design for property.

The project facilitates infill development and the efficient extension of utilities.

Proposed Land Use Transition				
DU – Dwelling Units	7 lot 86 DU 62 multi-dwelling 24 4-plex	25 Lots 50 DU	29 Lots 29 DU	
DU – Dwelling Units	7 Lots 86 DU 62 multi-dwelling 24 4-plex	33 Lots 45 UD 23 SFR 22 duplex	29 Lots 29 DU	