

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
1/28/2013

ITEM NO. 1 Z-12-00325 RS7 (SINGLE-DWELLING RESIDENTIAL) DISTRICT TO RS5 (SINGLE-DWELLING RESIDENTIAL) DISTRICT; 10.56 ACRES (SLD)

Z-12-00325: Consider a request to rezone approximately 10.56 acres from RS7 (Single-Dwelling Residential) to RS5 (Single-Dwelling Residential) for Fairfield Farms East Addition, located SE of 25th Terrace and O'Connell Road. Submitted by CFS Engineers, for Fairfield Investors LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 10.56 acres, from RS7 (Single-Dwelling Residential) District to RS5 (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 subject to the following conditions:

1. Density shall be limited to 6 dwelling units per acre to prevent the total area from being replatted in the future that would exceed the low-density category.

Reason for Request: *The current filed plat shows this area as RM12D & RS7 zoning classifications. The subject area would be rezoned from RS7 to RS5 to allow for a handful of (8) smaller lot footprints.*

KEY POINTS

- Existing single-dwelling residential zoning.
- Previously approved subdivisions to accommodate low-density residential development.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PF-12-00252; Final Plat; Fairfield Farms Addition No 3; approved, pending recording.
- MS-12-00280; Minor Subdivision to revise interior lot lines; pending review.

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

1. Area map
2. *Southeast Area Plan* Future Land Use Map 3-1
3. Zoning Exhibit prepared by applicant
4. Approved preliminary plat
5. Final Plat – Phase I
6. Minor Subdivision – portion of Phase I
7. Summary of Associated Cases

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None to date

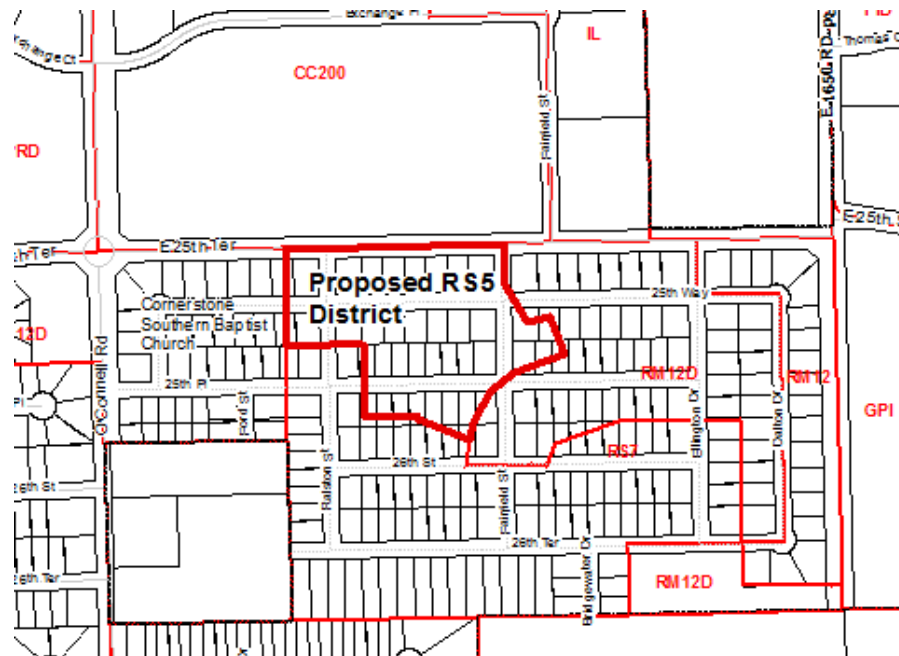
Project Summary:

Proposed request is for rezoning 10.56 acres within the Fairfield Farms Addition subdivision area to accommodate several smaller lots for future development. The property is located on the south side of 25th Terrace and is east of the future church lot located on the southeast corner of O'Connell Road and 25th Terrace.

Rezoning a portion of the area to RS5 will increase the total number of lots by 5. Partial lots are zoned 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 prior to rezoning	125		53	38	18	234
Proposed Platted Lots 2012	RS7		RM12D	RM12D- Church	RM12	
Total	122		46	1	18	187
Revised Platted Subdivision	RS7	RS5		RM12D- Church	RM12	
Total	89	40 (129)	46	1	18	188

The overall increase in the total number of RS lots is 7 (122 lots previously approved, 129 lots proposed with final plat and minor subdivision). Of the total 129 residential lots, a total of 8 of the lots would be less than 7,000 SF as proposed on the minor subdivision (MS-12-00280).



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 projects in the 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. *Horizon 2020* provides the framework for all area plans. Residential strategies include a preference for infill

development over new annexation of land and the provision of a mixture of housing types, styles and economic levels in new residential areas (*Horizon 2020, Chapter 5, 5-1*).

The proposed request, when reviewed concurrently with the minor subdivision, provides a subdivision with a variety of lot sizes that enhance the ability to provide a more mixed residential development. The smaller lots can be dispersed throughout the development to allow for larger and smaller lots within the same area.

The proposed RS5 zoning is identified in the *Southeast Area Plan* as a zoning district that could be considered in either the low density or medium density development areas. Primary uses in these areas district include *Detached Dwellings, Attached Dwellings, Duplex*, and 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 RS5 zoning allows some of these uses but is generally limited to dwellings that are *Detached Dwellings*.

The request as proposed creates an area within the neighborhood for smaller lots. The zoning boundary is intended to follow proposed 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; existing platted undeveloped lots.
Surrounding Zoning and Land Use:	CC200 (Community Commercial) District to the north, north side of E. 25 th Terrace; undeveloped land. RM12D (Multi-Dwelling Residential) District to the west; future church site. RS7 (Single-Dwelling Residential) District to the south; existing platted residential lots, future phases of the Fairfield Farms Addition subdivision. RM12D (Single-Dwelling Residential) District to the east; existing platted residential lots, future phases of the Fairfield Farms Addition subdivision.

Staff Finding – The property is surrounded by commercial zoning to the north and residential zoning to the south, east and west. This area is currently undeveloped. The subject property represents an initial phase of the residential development in this area.

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.

Approval of this request modifies the minimum lot size and overall density of development within this phase of the total subdivision. This district allows a minimum lot size of 5,000 SF compared to the current requirement of 7,000 SF. 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.

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 *Southeast Area Plan* include "*detached dwellings, attached dwellings, duplex, group homes, public and civic uses*". This request is intended to allow for the development of smaller lots within the residential neighborhood. Land use transition north and south is maintained with the pending minor subdivision that provides back-to-back relationships and buffer yards applicable to the future commercial development.

The RS10, RS7, RS5 and RM12D are districts noted as applicable to low-density residential areas within the plan area. The proposed request, when reviewed concurrently with the subdivision design, results in a low-density development pattern. 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 is/will remain residential. Rezoning part of the RS7 to RS5 would be to allow for a handful (8) of smaller entry-level lot footprints.*

Both the existing and proposed zoning districts are suitable for the proposed land use and the land use recommendation for the area. This review must be considered in context with the subdivision design to ensure compliance with the land use recommendations in terms of density.

The proposed district boundary includes 35 single-dwelling residential lots. If approved with the proposed minor subdivision, a total of 40 single-dwelling residential lots will be created.

Existing Density with RS7 zoning

- $35/10.56 = 3.3$ dwelling units per acre

Proposed Density with RS5 zoning

- $40/10.56 = 3.7$ dwelling units per acre

Allowed Density with RS5 zoning

- $43,560/5,000 = 8.7$ dwelling units per acre
- $8.7 \text{ DU} * 10.56 \text{ acres} = 91 \text{ units}$

Low-density residential development is defined as a development pattern with six or fewer dwelling units per acre. Both the existing and proposed zoning (together with the pending minor subdivision) comply with this definition and recommended land use for the area.

Basic neighborhood design concepts are defined in *Horizon 2020 in Chapter 5, Residential Land Use*. The Plan States:

3. Mixed Housing Types

Different types, styles, sizes, densities, and price ranges should be incorporated. Where possible rehabilitation of existing structures is encouraged. Live/Work opportunities should be explored. (Page 5-2)

The plan supports the mixture of housing types, styles and economic levels in new residential areas. The plan also supports compatible densities and housing types. These are included as Key Strategies for residential development.

Approval of the request modifies the minimum lot size and setback requirements, but does not impact the specific use as detached residential.

Staff Finding – The existing and proposed zoning are both suitable to the existing area. The approval of the request expands the ability to provide a greater range of housing types and economic diversity within the neighborhood by allowing smaller lots. When viewed at the neighborhood scale, the RS5 district is more suitable and provides both greater land use transition north to south but also increases the housing choices in this developing neighborhood.

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

Applicant's Response: *7 to 8 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. The most recent zoning change occurred in 2012 to establish a modified grid pattern and enhance land use transition north to south.

Staff Finding – The current zoning has been in place since March 2012.

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 is the existing zoning and plat.*

Staff Finding – The immediate area is undeveloped and under the control of the developer with the exception of the area owned by Cornerstone Southern Baptist Church. There are no immediate property owners that will be impacted by the proposed request.

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 make available 8 smaller, more affordable entry-level lots, 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 proposed request has been reviewed within the scope of an evolving neighborhood design that allows for a comprehensive assessment of the changes prior to construction of any portion of the neighborhood. This allows conflicts to be identified in the planning stages and provides a more efficient development process.

It should be noted that as the area develops more changes to the lot configuration and density may require revised utility studies in the future to assure that the developing neighborhood is consistent with the infrastructure capacity as the area is built out.

Staff recommends the zoning include a condition that caps the density at 6 units per acre to comply with the land use recommendation in this area and to maintain consistency with utilities planned for the area.

Staff Finding – The benefit to the community results from the provision of a greater variety of housing choices within the overall neighborhood.

9. PROFESSIONAL STAFF RECOMMENDATION

The original plan for this neighborhood has changed since the initial approvals in the early 2000's. The culmination of changes provides a greater variety for the neighborhood with clear expectations for a development pattern that includes a mix of uses and housing types. This project provides a range of housing choices and lot sizes for the east side of Lawrence.

CONCLUSION

The proposed request conforms with land use recommendations of the *Southeast Area Plan*. The related subdivision design results in a low-density residential development pattern.