

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/24/2013

ITEM NO. 3B Z-13-00165 UR (URBAN RESERVE) DISTRICT TO RS5 (SINGLE-DWELLING RESIDENTIAL) DISTRICT; 3.34 ACRES (SLD)

Z-13-00165: Consider a request to rezone approximately 3.34 acres from UR (Urban Reserve) District to RS5 (Single-Dwelling Residential), located on the northwest corner of Queens Road & Overland Drive. Submitted by Highland Construction Inc., for Prairie Rose Holdings, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 3.34 acres from UR (Urban Reserve) 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.

Reason for Request: *The Subject property (the "Property") consists of 40 acres located at the Northwest corner of Queens Road and Overland Drive, and is presently zoned "UR-Urban Reserve." The Property is surrounded by approved residential uses, and is close to the proposed city recreation center and KU athletic facilities. The proposed project is an integrated neighborhood. Single-family homeowners will have the option to access the pool and clubhouse constructed on the RM12 project. The occupants of the RM12 project will have easy access to the walking, jogging and biking routes created by the construction of the single-family neighborhood. This application is necessary to enable the development of the Property for uses expressly contemplated by Horizon 2020 and the Northwest Area Plan, and it is configured for optimal integration with current uses.*

KEY POINTS

- Proposed development request includes multiple zoning districts.
- Development request is submitted concurrently with a preliminary plat and related rezoning to provide land use transition across the entire acreage and compatibility with adjacent land uses.
- This portion of the development request represents the smallest portion of land area and is proposed for low density detached residential development.
- This district will be located between the proposed RS7 north of Fort Benton Drive and the proposed RM12 to the south as a transition use.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PP-13-00148: Kellyn Addition
- Z-13-00149: 21.54 Acres RS7
- **Z-13-00165: 3.34 Acres RS-5 [This Staff Report]**
- Z-13-00166: 15.89 Acres RM12

PLANS AND STUDIES REQUIRED

Refer to Preliminary Plat staff report for discussion on streets and utilities.

- *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. Rezoning Exhibit

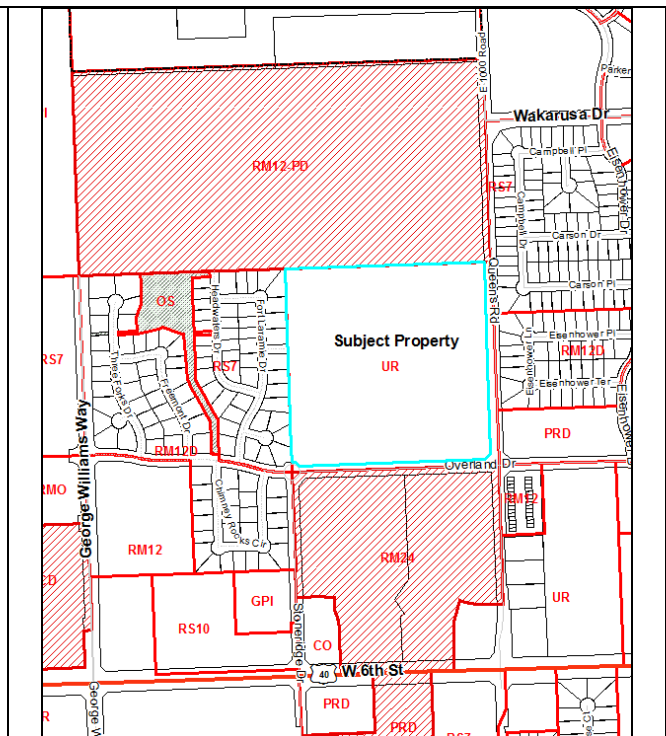
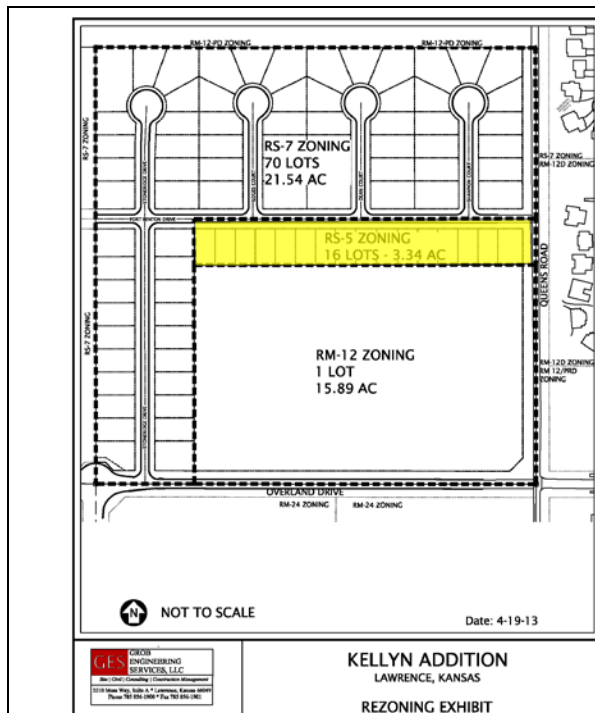
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received to date

Project Summary:

This project includes a mix of residential land uses including detached housing and multi-dwelling lots. Three separate zoning districts are proposed within the entire 40-acre site. The developer has submitted a Preliminary Plat concurrently with the rezoning. This RS5 zoning request represents a transition of land use within the development project between the proposed RM12 to the south and the RS7 to the north. The plan uses a back-to-back land use relationship while focusing on detached residential land use within a majority of the land area of the development project. The RS5 combined with the RS7 land area makes up 61% of the total development area devoted to detached residential land use.

The following graphic highlights the portion of the area proposed for RS5 and the surrounding zoning for the entire acreage.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The timing of this rezoning request is appropriate under Policy 1.3 of Horizon 2020, Chapter 4 because residential uses have been approved for each of the neighborhood properties. The project, if approved will facilitate the extension of Queens Road and*

will use existing City infrastructure, consistent with Policy 1.4 of Horizon 2020, Chapter 4, and Policy 1.5, Chapter 5. This application satisfies Goal 3, Chapter 5 of Horizon 2020, because this project is consistent with existing neighborhoods, and promotes integration between multi-family and single-family units. This is an in-fill project surrounded by existing residential developments. Policy 3.3, Chapter 5. The Property takes primary access from Overland Drive and Queens Road, which are designated as Collector Streets, consistent with Chapter 5, Policy 3.4 – Minimize Traffic Impact Through Neighborhoods. The upscale construction of the project is compatible with the quality of adjacent residential uses, consistent with Policies 3.6, and Goal 4 of Chapter 5. The proposed RM12 project is an appropriate transition from higher to lower density residential uses. Policy 6.1.c. The proposed RS7 lots abuts the RS7 neighborhoods to the east and west of the Property, and the RM12 project abuts RM12D and RM12 properties to the east (across Queens Road) and RM24 to the south.

The project's configuration is consistent with the Land Use Recommendations of the Northwest Area Plan, because the majority of the project is planned for low-density residential. The RM12 medium density residential project is located in the Southeast quadrant of the property, at a location permitted by the Northwest Area Plan for medium density residential. See page 6 of the Northwest Plan. The overall density of the Property is compatible with the Northwest Area Plan.

Key features of the plan are listed in chapter 3 of *Horizon 2020*. These features include support of infill development, which “provides a range of residential, commercial, office and industrial and public uses compatible with the established land use pattern in surrounding areas.” Another key feature of the plan is the “development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area.” The plan supports development of neighborhoods in a range of densities and the development of progressively intense uses to achieve transition between areas of low and high intensity levels of use. As noted this proposed RS5 request represents a transition between the higher density RM12 zoning proposed to the south and the lower density proposed RS7 to the north.

These features are expanded in chapter 5 of *Horizon 2020*. This chapter addresses compatibility with existing development and the use of appropriate transition zones between uses. Neighborhood plans, area development plans and sector plans provide further specificity to land use development patterns for areas within and around the City. Key elements of neighborhood development is connectivity. This occurs through both vehicular and non-vehicular networks and is implemented through subdivision plats. The zoning district boundary helps to establish connection and transition points between land uses. Low-density residential land use is recommended per the Northwest Development Plan. This project is surrounded by developing or approved residential development in all directions.

Low-density residential use per *Horizon 2020* is 6 dwelling units per acre or less. The proposed RS5 portion of this development project represents 4.7 dwelling units per acre as limited by the subdivision plat design.

Chapter 5 includes Goal 6 *Compatible Transition from Low-Density Residential Development to More Intensive Land Uses*. The purpose of this goal is to “ensure transition from low-density residential neighborhood is compatible with more intensive residential and non-residential uses.” *Horizon 2020* identifies specific methods that may be implemented to achieve this goal including, the use of back-to-back relationships, incorporation of natural land features such as sensitive lands, and topographic change as well as screening and landscaping. All of these methods will be employed with the development project. The proposed RS5 district maintains the detached

residential land use within the area while providing smaller lots and a slightly higher density to transition between the proposed RS7 to the north and the proposed RM12 to the south.

This project is surrounded by developing or approved residential development in all directions.

Staff Finding – The proposed request is consistent with residential land use recommendations and policies of *Horizon 2020*.

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

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

Surrounding Zoning and Land Use: To the North (along the north side of Fort Benton Drive); Proposed RS7 (Single-Dwelling Residential) District [Z-13-00149] also part of this development request. This portion of the property is undeveloped.

To the East (east side of Queens Road): RS7 (Single-Dwelling Residential), RM12D (Multi-Dwelling Residential) and PRD–[Parkwest]; existing detached single-dwelling homes, duplex and apartment development respectively.

To the South (north side of Overland Drive): Proposed RM12 (Multi-dwelling Residential) [Z-13-00166] also part of this development request. This portion of the property is undeveloped.

To the west: Proposed RS7 (Single-Dwelling Residential) District [Z-13-00149] also part of this development request. This portion of the property is undeveloped.

Staff Finding – This area includes a mix of residential uses and densities. Lower density development is located to the north, east and west. Medium density residential use is proposed to the south of this RS5 request. Higher density residential use (Hunters Ridge) is located along W. 6th Street on the south side of Overland Drive. This request represents a transitional use within the development but maintains a majority of the area as detached residential development.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The Property is adjacent to RM24 to the South, RM12-PD to the North, RS7 to the West and a mixture of RS7, RM12D and PRD to the East. The Property is located in a "band" of predominantly RM12 and RM12D uses along Overland Drive, from Congressional Drive to George Williams Way. There are a number of RM12, RM12D, and PRD districts located Northwest of the Property. Thus, the existing neighborhood consists of a mix of high, medium and low density residential uses. The overall size, scope and density of the Property is compatible with adjacent and nearby neighborhoods.*

Figure 3: Gateway Neighborhood

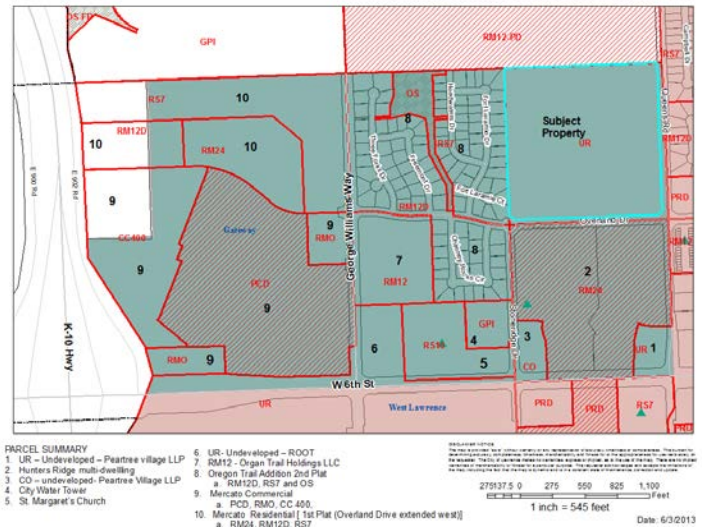


Figure 4: Gateway Neighborhood Development

The proposed RS5 portion of the request is reflected in the preliminary plat. The RS5 area includes 3.34 acres and 16 detached residential lots. The overall density for this portion of the development is 4.7 dwelling units per acre. This is consistent with the land use transitions in the immediate area to the east, west, and decreasing intensity from W. 6th Street northward. The proposed district is oriented to allow similar detached residential uses to front each other (RS5 to RS7) and orient the rear lots of the RS5 district to the adjacent proposed RM12 district.

Staff Finding – The area is developing with a range of residential land uses that transition from higher density along W. 6th Street to lower density north of Overland Drive. This request for RS5 is consistent with the developing character of the neighborhood.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

This property is located within the boundary of the Northwest Plan. The area north of Overland Drive is shown in the Future Land Use Map as low-density residential. The following graphic illustrates the Northwest Plan future land use map superimposed over current parcel and street data. Platted subdivisions are also visible in this graphic.

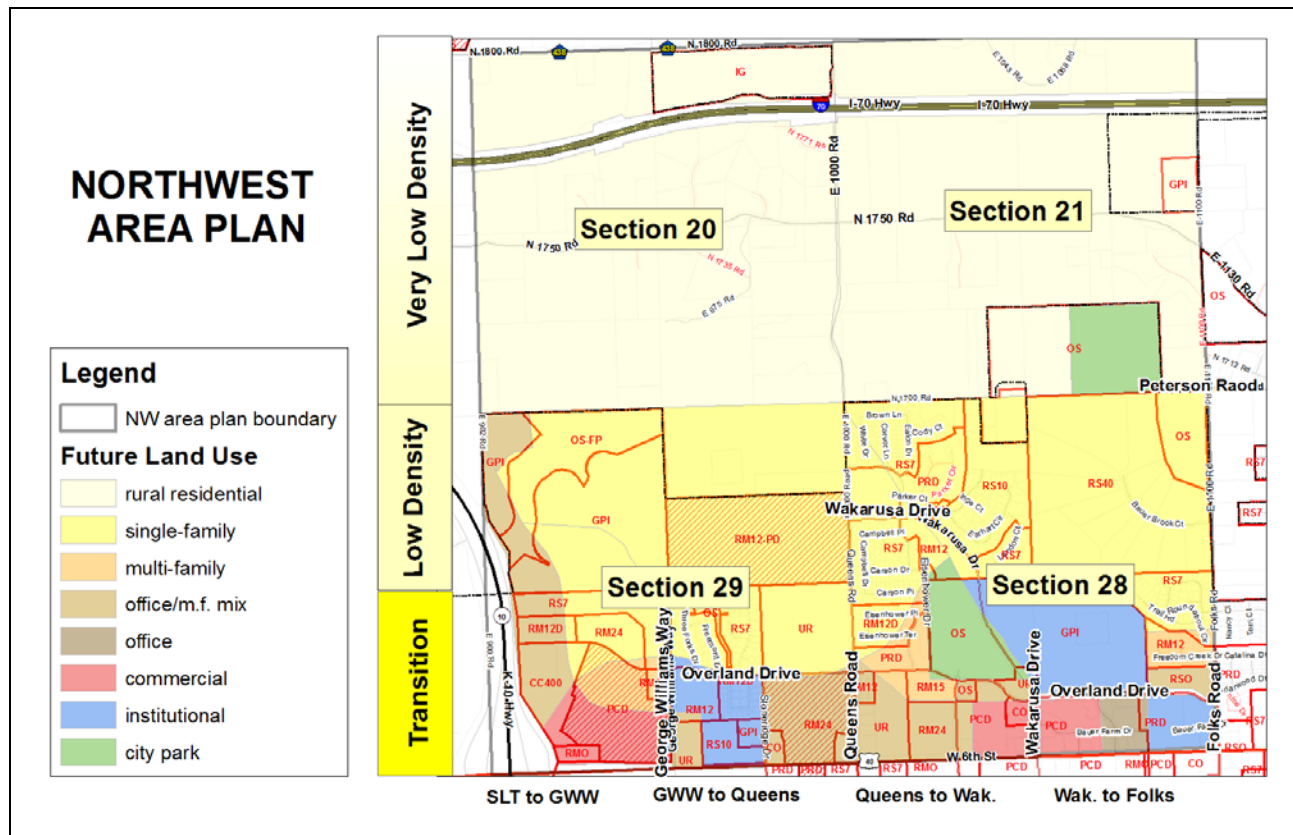


Figure 5: Future Land Use Northwest Plan

The neighborhood is characterized with higher intensity residential uses and commercial uses along W. 6th Street and lower intensity residential land uses extended to the north with a progressively less intensive range from south to north.

This portion of the development request is for RS5 (Single-dwelling Residential) District. This district allows a maximum density of 8.7 dwelling units per acre. This maximum density is consistent with a medium-density definition found in *Horizon 2020* of 7 -15 dwelling units or less. When reviewed with typical subdivision designs the overall density is generally much lower. This specific application includes the RS5 portion of the site designed with a maximum density of only 4.7 dwelling units per acre, consistent with a low-density development pattern. Additionally, this district is restricted to detached dwellings. This is consistent with the development pattern within this east/west band of the area plan.

The plan specifically states: “A variety of housing types and costs is encouraged in the southern part of Sections 28 and 29. Single family residential is encouraged in the central and northern parts of 28 and 29. Planning for neighborhoods should follow the neighborhood planning concept.” (Page 4-5). The plan also recommends the City acquire more park land in the plan boundary. The City has acquired substantially more open space than originally identified in the plan document. Open space, both public and private, creates a less dense neighborhood, protects natural resources and encourages development to be clustered within the neighborhood. Patterned green spaces highlight the additional open space that has been acquired within the plan area. Private open spaces, such as that within The Links project, are not mapped at this time.

[illegible]

The plan provides specific land use recommendations with regard to residential land use as follows:

The proposed RS5 zoning is located within the overall development area and is proposed as a land use transition between the RM12 and RS7 districts. The overall area includes approved land uses that must be taken into account within the context of the approved land use pattern for the larger Northwest Area Plan.

Staff Finding – The proposed RS5 district is consistent with the land use recommendations found in the Northwest Plan for low-density residential development.

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

Applicant's Response: *The Property is ideally suited for the proposed mix of single and multi-family uses, in relation to surrounding uses and as recommended by the City's long-range plans. The Northwest Area Plan does not contemplate commercial or industrial applications for the Property. The proposed development is a mixed use, integrated neighborhood, where the pool and clubhouse amenities of the RM12 project will be available to the single-family lots on a voluntary membership basis. The primary target market for the RM12 project are adults and families of all ages, such that the project may be an attractive option for both young professionals and retirees. The aesthetics of the RM12 project will be complementary to the adjacent single-family homes.*

The current UR (Urban Reserve) zoning does not accommodate development. Rezoning is required to develop property. As noted above the RS5 zoning is suitable for low-density residential development.

The use also will function as a transition between the proposed RM12 district and the RS7 district. The subdivision design together with the zoning district boundary provide a change in use and intensity north to south. The proposed RS7 lot arrangement along the west side of the proposed RS5 district extended south to Overland Drive uses a larger lot size (deeper rear yard area) to provide a buffer along the abutting RM12 District.

Staff Finding – The existing UR zoning is not suitable for development. Rezoning is required for development of this property. The proposed RS5 zoning is suitable to comply with land use recommendations and the developing residential pattern of the area north of Overland Drive.

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

Applicant's Response: *The Property has been vacant since its annexation into the City.*

This property has previously been considered for residential development with zoning approved for 19.5 acres for detached dwelling residential development (Z-9-59-05) and 21.23 acres for duplex residential development (Z-9-58-05). A condition of the zoning was that the property be platted. A Final Plat was approved but was not recorded and expired in September 2007. (PF-7-19-06)

Staff Finding – The property has remained vacant since annexation in 2001.

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

Applicant's Response: *The rezoning will have no detrimental impact on nearby properties because the proposed single-family lots are adjacent to existing single-family neighborhoods, and the RM12 project is adjacent to RM24, RM12 and RM12D districts. The project will take primary access along collector streets, consistent with the traffic network envisioned in Transportation 2040. The proposed residential uses are compatible in location and scope with existing residential uses approved in the Northwest Area Plan.*

Approval of the request will facilitate the infill development of a 40-acre parcel within the existing City Limits. The applicant has worked with staff to develop a plan that provides an appropriate transition between developments both east/west and north/south. The subdivision design provides

a connection between the Oregon Trail subdivision to the west and the Park West Subdivision to the east.

Queens Road north of Overland Drive is constructed as a County road. This unpaved road generates dust for nearby residents. As the area develops, Queens Road must be improved to City standards. The development requests, associated with this application, facilitate the future improvement of Queens Road. Refer to the Preliminary Plat staff report for additional discussion on this topic.

Staff Finding – There is no detrimental impact to nearby properties proposed by this zoning. Interior buffering between land uses within the development will be accommodated through the use of the RS5 district along the south side of Fort Benton Drive and required buffer standards applicable to multi-dwelling development that abuts detached residential development as part of site planning. Approval of the request facilitates infill development and the improvement of Queens Road north of Overland Drive.

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: *There continues to be strong demand for upscale mixed use housing projects, especially as our community increases its efforts to market Lawrence as a retirement destination. The proposed uses are consistent with the City's long-range planning and are compatible with existing neighborhoods. The project facilitates the extension of Queens Road to the North, which advances Transportation 2040's objectives of providing a comprehensive street network. The construction of Queens Road also alleviates local traffic from The Links project to the North. The project increases the tax base and promotes an appropriate variety of available single-family options for new construction in the community. The Project creates a supply of housing options in close vicinity to the new recreational and commercial uses recently approved along the K-10/US-40 interchange.*

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.

As discussed in previous parts of this staff report, approval of this request facilitates infill development and provides a range of residential densities and housing types within the Gateway Neighborhood. Other benefits of the development include the extension of basic utility infrastructure and completion of the street network, see Figure 7 included in staff report Z-13-00149.

Denial of the request will delay the infill development of this area. There are no identified capacity limitations to development in this area.

Staff Finding – Approval of this request facilitates infill development within this designated neighborhood. Approval also facilitates the expansion and connection of water, sanitary sewer, and street network in this area.

9. PROFESSIONAL STAFF RECOMMENDATION

RM12D (duplex housing) is commonly used as a land use transition between multi-dwelling and detached dwelling land uses. Both RM12D and RS5 zoning districts are identified in the Zoning Code as having a corresponding Comprehensive Plan designation of medium-density, however the RS5 district has an additional designation of low-density. Refer to Section 20-201 of the Land Development Code for the full table. This district, RS5, can function as either low or high and is ideally suited to a transition zone application. Density within the RS5 district is a function of and directly corresponds to a specific subdivision design. This application of the RS5 district will be low-density, less than 6 dwelling units per acre. The smaller lots are limited to detached housing and provide a visual similarity to the proposed RS7 to the north while accommodating the land use transition through a slightly higher density between the proposed RS7 and RM12 districts north and south of this request.

At the time the Northwest Plan was created the RS5 district did not exist. This district was recently approved for use in the Langston Heights subdivision as a method of land use transition in a similar application between RS and RM zoning districts. Since the adoption of the Northwest Area Plan more area has been established for open space and institutional uses than originally identified in the plan. Additionally, the Development Code was adopted in 2006 creating specific design standards for buffer yards applicable to new development between RS and RM zoning districts. These factors have influenced some of the overall land use decisions within the plan boundary. However, the north-south transects with diminishing intensity northward from 6th Street are developing consistent with the overall land use recommendations of the Plan.

Staff has reviewed this application concurrently with a request for RS7 and RM12 and with the Preliminary Plat for Kellyn Addition. This portion of the development request represents the smallest area of land within the Kellyn development. For reference, the proposed densities are as follows:

- RS7 – 21.54 Acres; 70 units; 3.2 DU/AC, gross density
- RS5 – 3.34 Acres; 16 units; 4.7 DU/AC, gross density
- RM12 – 15.89 Acres; 172 Units, per TIS; 10.8 DU/AC, gross density

The total project density including all types of dwelling units and net area (less Right-of-way) is 7.8 dwelling units per acre. This overall impact provides transition from the south to the north as recommended in the applicable land use plans. The RS5 portion of the request specifically responds to the detached residential nature of the adjacent area to the east and west. It provides the needed land use transition between higher and lower land uses proposed to the north and south of the RS5 request.

Staff recommends approval of the RS5 district request.

CONCLUSION

As noted above, this request is considered concurrently with but as a unique request for residential zoning in the Gateway Neighborhood. The proposed RS5 is an applicable and suitable zoning designation for this area.