

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
06/24/2013

**ITEM NO. 3C    Z-13-00166    UR (URBAN RESERVE) DISTRICT TO RM12 (MULTI-DWELLING RESIDENTIAL) DISTRICT; 15.89 ACRES (SLD)**

**Z-13-00166:** Consider a request to rezone approximately 15.89 acres from UR (Urban Reserve) District to RM12 (Multi-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 15.89 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.

**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 requests to provide land use transition across the entire acreage and compatibility with adjacent land uses in the immediate area.
- This portion of the development request represents a request for multi-dwelling residential use within the development area.

**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
- **Z-13-00166: 15.89 Acres RM12 [This Staff Report]**

**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. 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 RM12 request represents a multi-dwelling proposal within the 40 acres and is adjacent to a large and more intensive multi-dwelling residential development to the south.

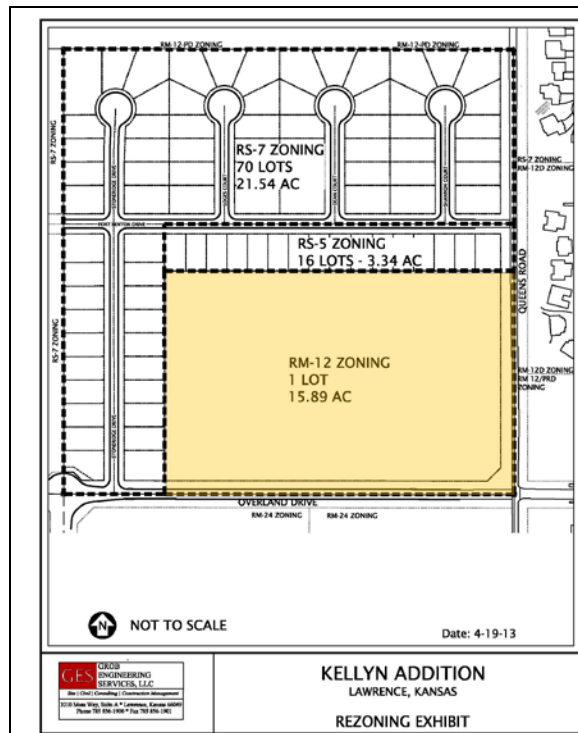


Figure 1: Proposed RM12 area

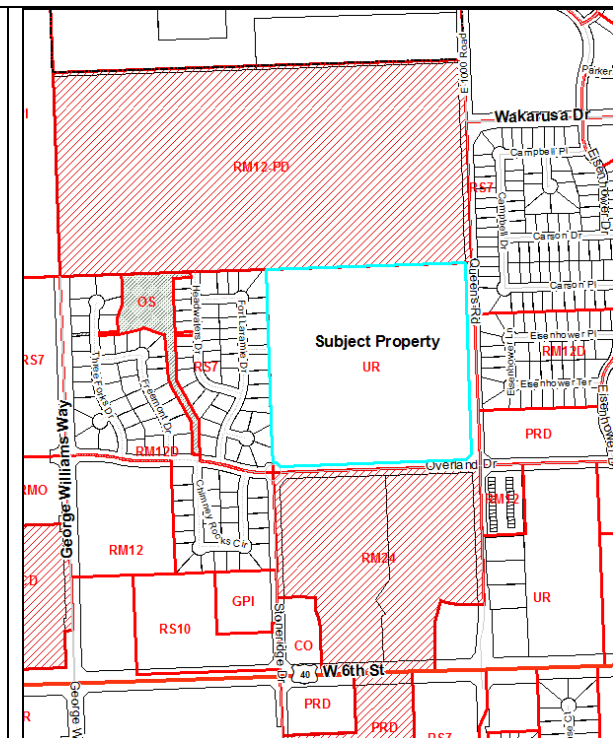


Figure 2: Surrounding Zoning

### 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 abut 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. This portion of the request abuts a multi-dwelling residential development to the south that includes 300 units with a density of 20 units per acre. The property also abuts multi-dwelling and duplex uses to the east (east side of Queens Road) with a density of 12.3 and 8.4 units per acre respectively. This property is also located at the intersection of two collector streets (Overland Drive and Queens Road).

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.

Medium-density residential use per *Horizon 2020* is 7-15 dwelling units per acre. The proposed RM12 portion of this development project represents 15.89 acres. The Preliminary Plat establishes a developable lot of approximately 14.34 acres (excludes right-of-way for the RM12 district). A maximum development intensity for this district at this size would be 172 units. The abutting property to the south is substantially more intensive. This request represents a transition between the lower density residential uses proposed to the north and the higher density developing uses to the south.

Chapter 5 includes goals regarding the compatibility transition of land use as well as the location criteria for medium and higher density residential development. The Plan recommends the consideration of land use relationships. Previous approval has been granted for development in all directions of the 40-acre development area. Higher intensity land uses are located to the south and east. Lower intensity uses are located north and west of the development area.

**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: Proposed RS5 (Single-Dwelling Residential); part of this development request.

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

To the South (south side of Overland Drive): RM24 (Multi-dwelling Residential) with conditions per Ordinance 8570, maximum density 20 dwelling units per acre.

To the west: Proposed RS7 (Single-Dwelling Residential); existing platted subdivision for detached housing also part of this development request.

**Staff Finding** – This area includes a mix of residential uses and densities. Lower density development is located to the north and west. Medium and high-density residential uses are located along W. 6<sup>th</sup> Street to the south and along Queens Road to the east. This request represents a comparable use to the immediate uses on the abutting three corners of Overland Drive and Queens Road.

## 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.*

This property is located within the Gateway Neighborhood located north of W. 6<sup>th</sup> Street between Queens Road and K-10 Highway. Portions of the neighborhood along W. 6<sup>th</sup> Street are developing. Various land use approvals, including subdivision and development plan approval for the Oregon Trail and Mercato developments, were granted by the City Commission within the neighborhood.

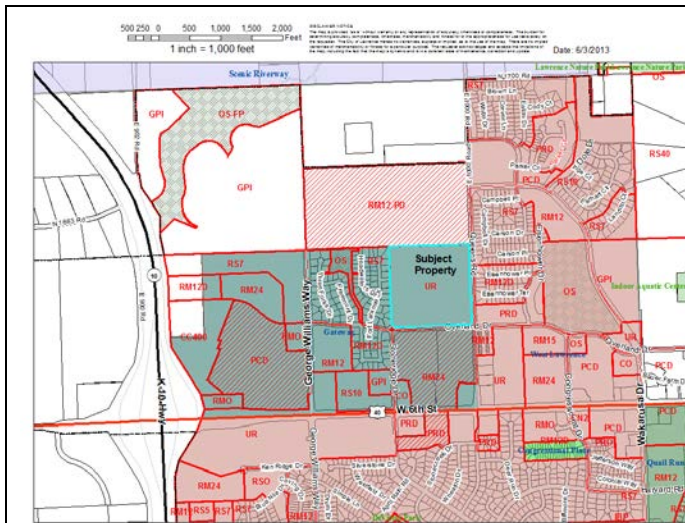


Figure 3: Gateway Neighborhood

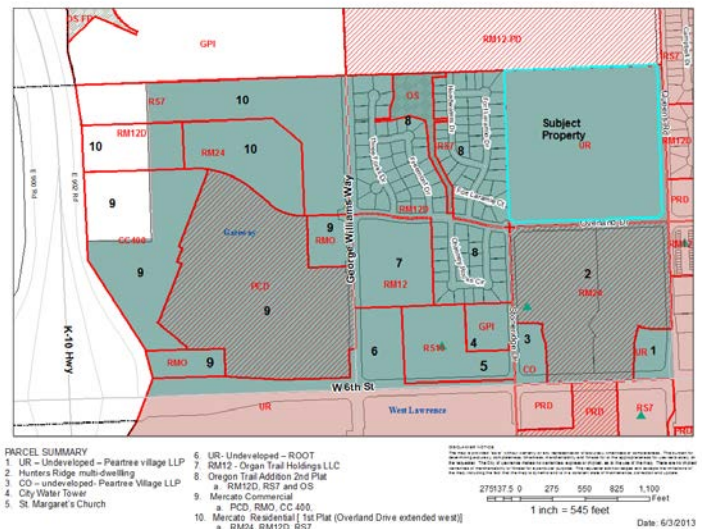


Figure 4: Gateway Neighborhood Development

The developed residential neighborhood to the east of Queens Road, part of the West Lawrence Neighborhood, ranges in density from 4.5 to 12 dwelling units per acre. The land to the west of the proposed development area, within the Gateway Neighborhood, is platted as a low-density residential subdivision comparable to the RS7 and RS5 districts proposed for the Kellyn Addition.

The proposed RM12 portion of the request is reflected in the Preliminary Plat as a single 14.34 acre lot. The overall density for this portion of the development will be restricted by requirements to provide off-street parking, amenities, and buffer yards along the north and west sides of the property. This is consistent with the land use transitions in the immediate area decreasing intensity from W. 6<sup>th</sup> Street northward.

**Staff Finding** – The area is developing with a range of residential land uses that transition from high-density residential uses along W. 6<sup>th</sup> Street to lower density north of Overland Drive. This request for RM12 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 Area Plan. The general area is shown as low-density residential development. The following graphic shows the Northwest Area Plan future land use map superimposed over current parcel and street data.

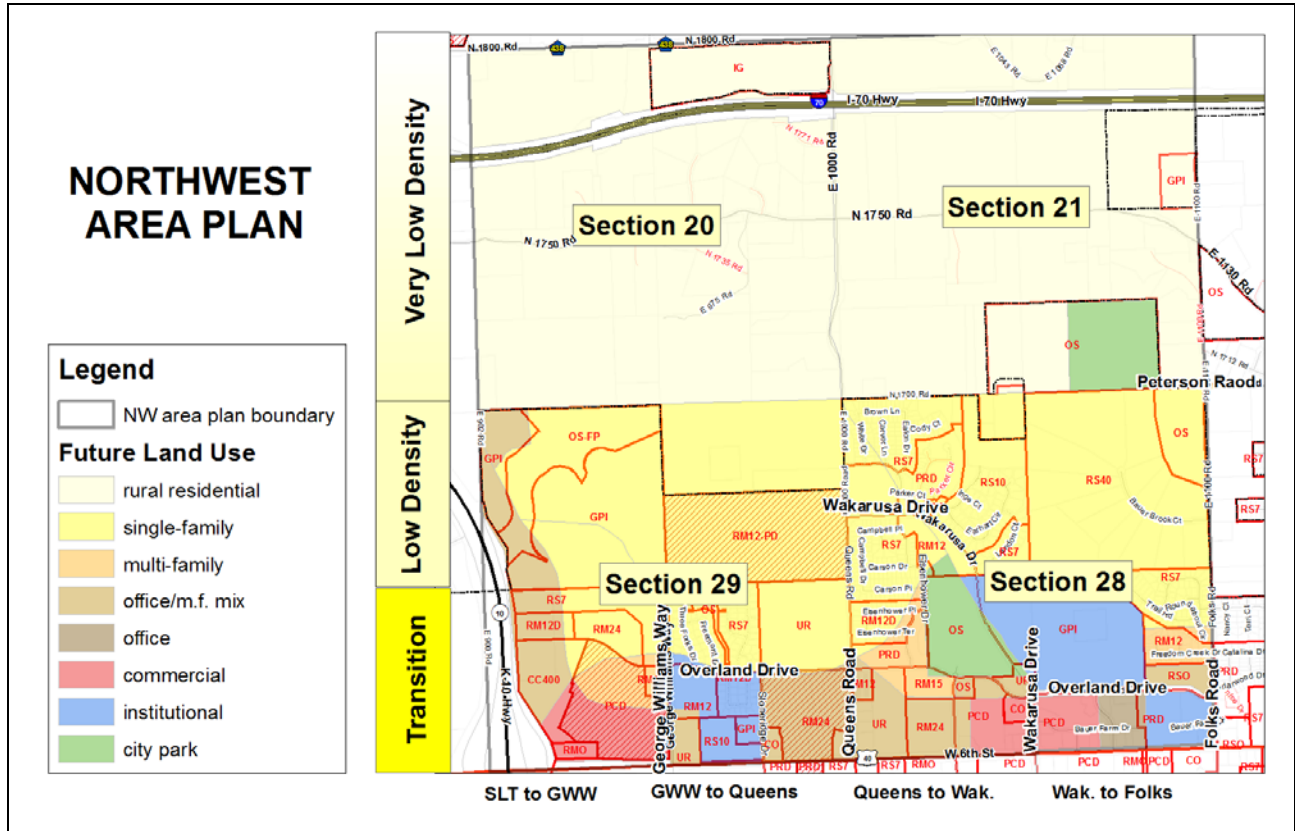


Figure 5: Future Land Use Northwest Plan

The neighborhood is characterized with higher intensity residential uses and commercial uses along W. 6<sup>th</sup> 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 RM12 (Multi-dwelling Residential) District. This district allows a maximum density of 12 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. If developed to the maximum potential of this district a total of 172 units could be added. Development would need to comply with height, area, bulk, setback, parking and screening requirements. These design standards often have the effect of reducing the maximum density allowed without providing underground parking and other more expensive construction alternatives.

This specific application includes the RM12 portion of the site. This district is intended to provide a transition between the existing multi-dwelling uses to the south and east and the lower density

residential uses proposed to the north and west. 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.

The proposed development project known as the Kellyn Addition is located within the transitional portion of the Northwest Area Plan. The following graphic illustrates the location of the proposed RM12 district within the Northwest Area Plan boundary.

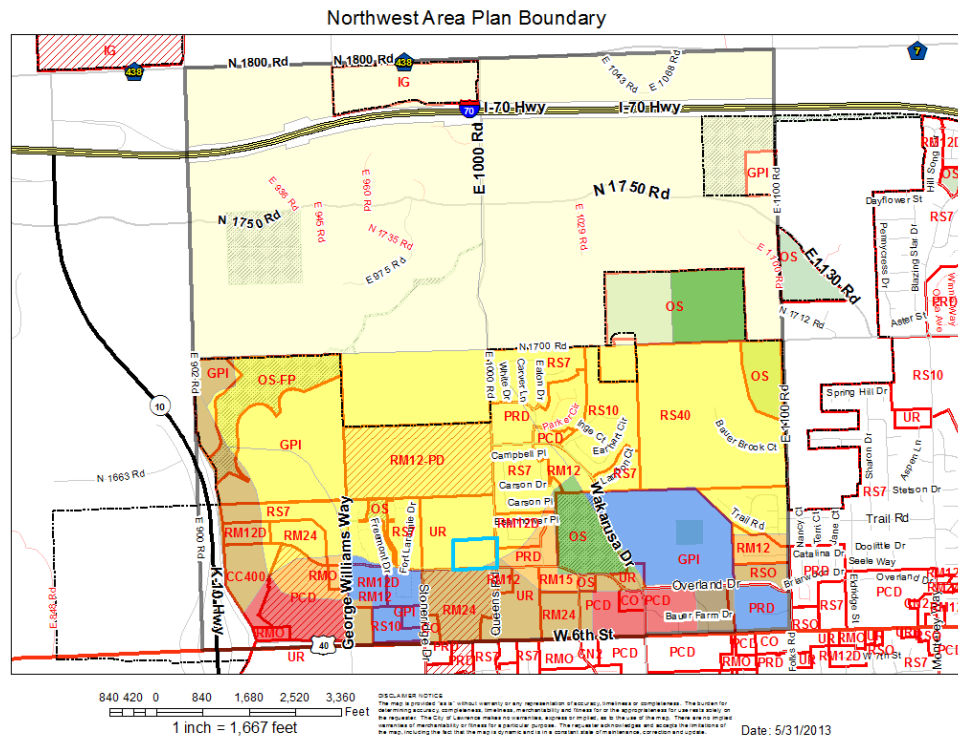


Figure 6: Future Land Use Northwest Plan

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

*...in the central portions of sections 28 and 29, conventional single family residential is planned. Multiple family residential land uses (duplex through multi-unit apartments) is primarily planned only in the southern portions of section 28 and 29. Multiple family land use in the context of this plan should be limited to medium density, 15 dwelling units per acre, or lower. Multiple family adjacent to single family land use should be the lowest density multi family, such as duplex townhouse. Horizon 2020 goals and policies on*

*appropriate transition methods between different housing types and land use densities and intensities shall apply.*

The proposed RM12 zoning is located within the overall development area and is proposed as a land use transition between the RM24 Hunters Ridge development to the south as well as the Overland Point development to the southeast, the Parkwest development to the east (12 dwelling units per acre), and the proposed RS7 and RS5 districts to the north and west. 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 and the undeveloped 40-acre development application that includes this RM12 request.

**Staff Finding** – The proposed RM12 district is consistent with the land use recommendations found in the Northwest Plan as they relate to land use transition and placement of medium and higher intensity land uses.

## **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 RM12 zoning is suitable for medium-density residential development as a transitional land use between abutting higher and lower land uses.

Figures 7 and 8 show a comparison of the land uses per the approved Northwest Plan and the developing land use pattern for the same area. Pockets of medium density residential development are located both north and south of the midline of the transition area within the Northwest Plan boundary. The proposed RM12 request follows this pattern. This district will function as a transition between the existing RM24 and RM12 districts on the south side of Overland Drive and east and the RS7 and RS5 districts proposed to the north and west.

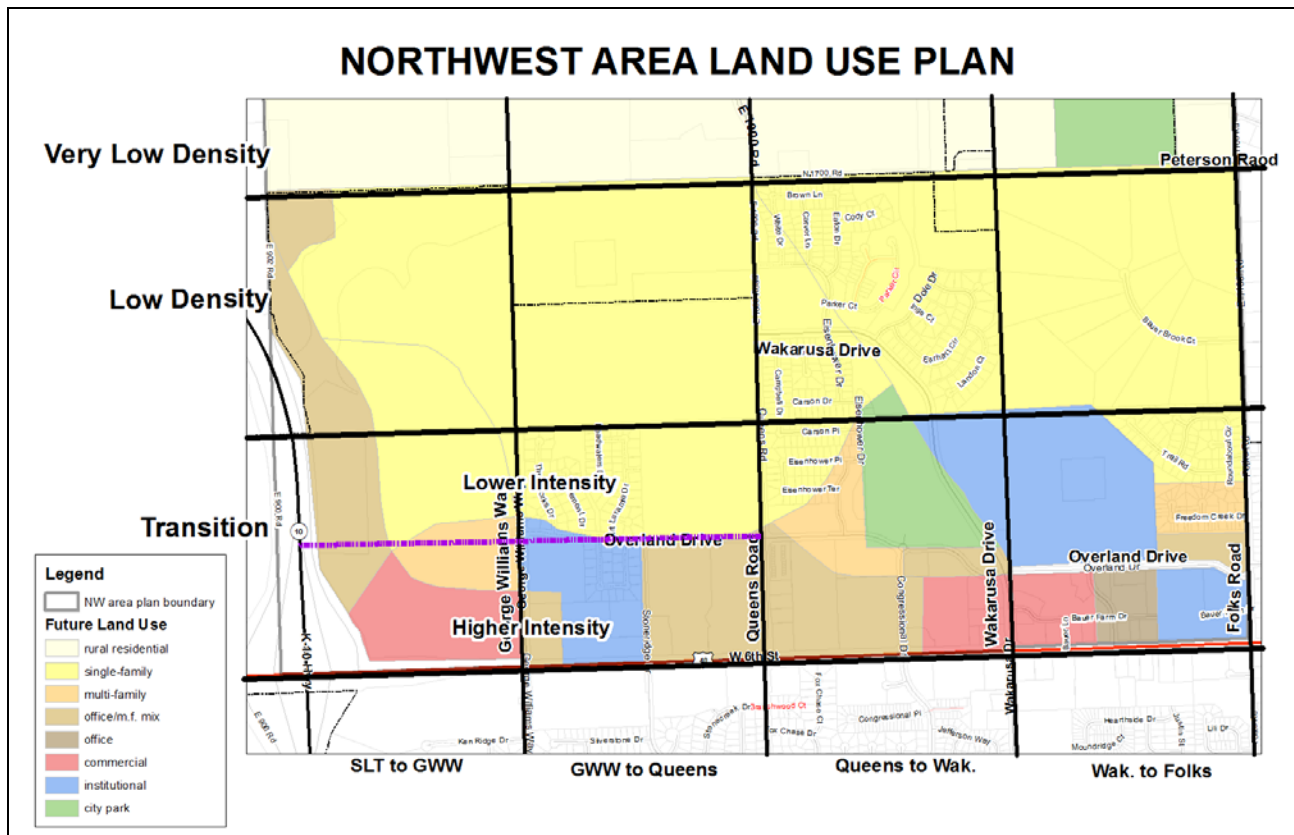


Figure 7: Northwest Area Plan Land Use

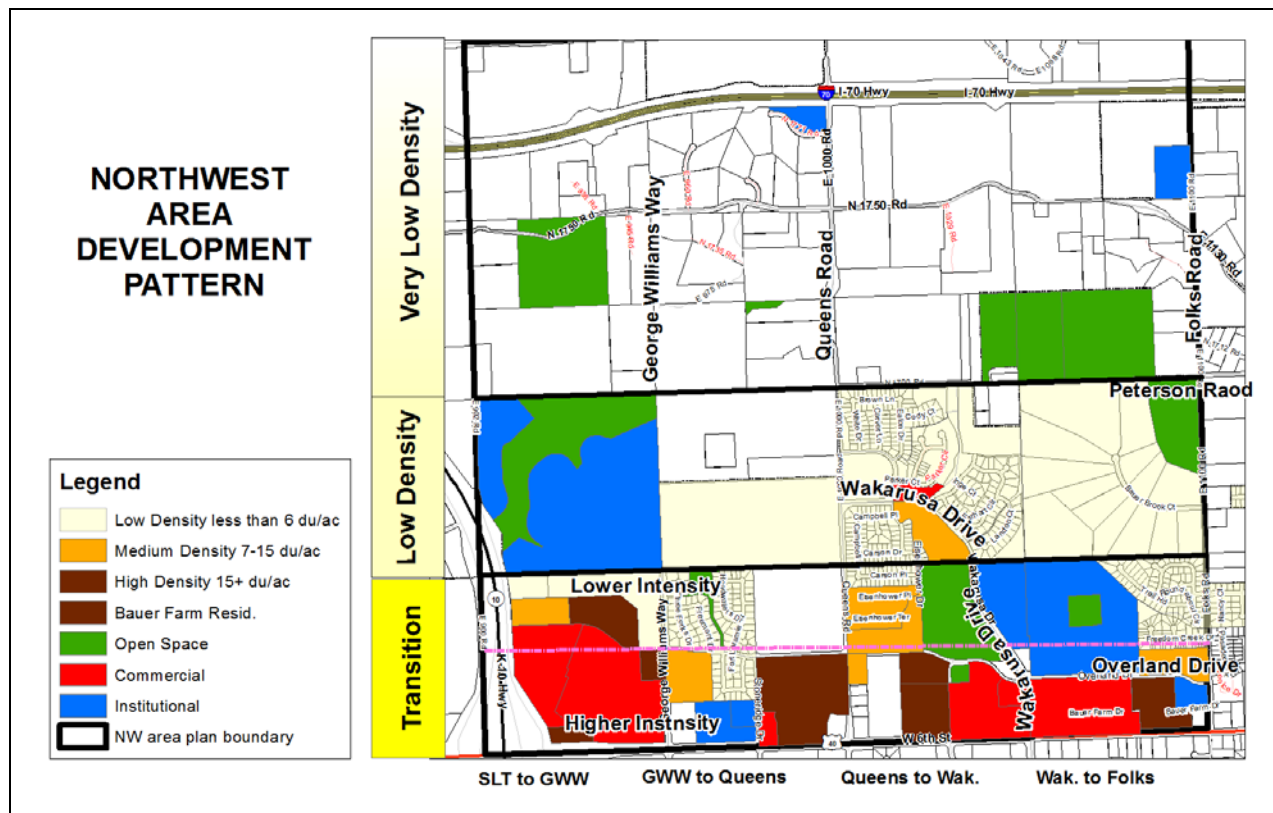


Figure 8: Northwest Area Development Pattern

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 RM12 district extended south to Overland Drive uses a larger lot size (deeper rear yard area) to provide a buffer between along the abutting RM12 District. The proposed RM12 district is large enough to provide a substantial buffer yard along the common boundaries created by the proposed RS7 and RS5 Districts. The following exhibit highlights the location of applicable buffer yard.

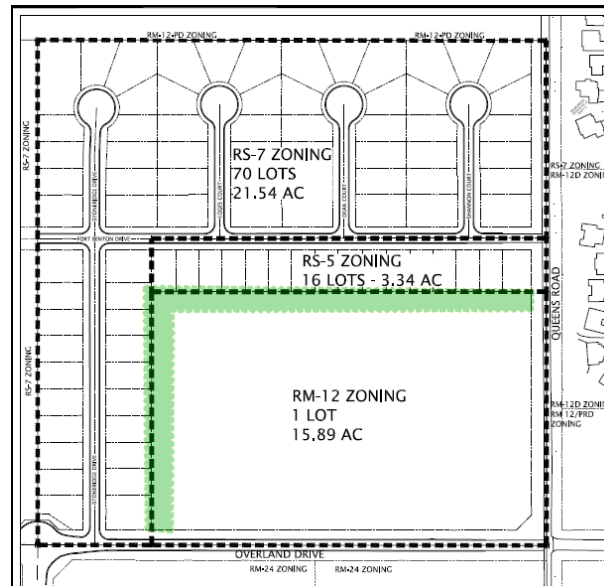


Figure 8: Required Buffer Yard Area

**Staff Finding** – The existing UR zoning is not suitable for development. Rezoning is required for development of this property. The proposed RM12 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. This portion of the development (RM12) reflects the existing approval of higher and more intensive development along the edges of the proposed development area.

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.

The RM12 district provides land use transition north to south as well as east to west when considered concurrently with the related development applications for RS7, RS5, and the Preliminary Plat. This is important because the land use south of Overland Drive (Hunters Ridge) is more intensive at 20 dwelling units per acre in multi-story apartment buildings and the land use adjacent to the proposed RS7 zoning to the north (The Links) is a multi-dwelling residential development limited to 6 dwelling units per acre developed around large areas of open space. Both multi-dwelling projects (Hunters Ridge and The Links) include zoning conditions that limit the intensity of development. The subject property is located between these two developments.

Attached to this staff report is an exhibit that shows the two approved multi-dwelling projects as they relate to the proposed development application including all districts and lot configuration. A portion of the proposed RS7 district will abut this proposed RM12 district. Lots along the east side of Stoneridge Drive are 120' deep. This allows some buffering to occur on the detached residential side of the property in the rear yard area. A buffer yard will be required along the west property line of the proposed RM12 district as part of a future site plan, if approved.

**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 RM12 district in the southeast portion of the development area. Multi-dwelling development that abuts detached residential development will be required to provide an appropriate buffer yard 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. This application specifically provides a transition between the existing higher-density multi-dwelling residential uses to the south and east and the proposed lower density uses to the north and west. Other benefits of the development include the extension of basic utility infrastructure and completion of the street network.

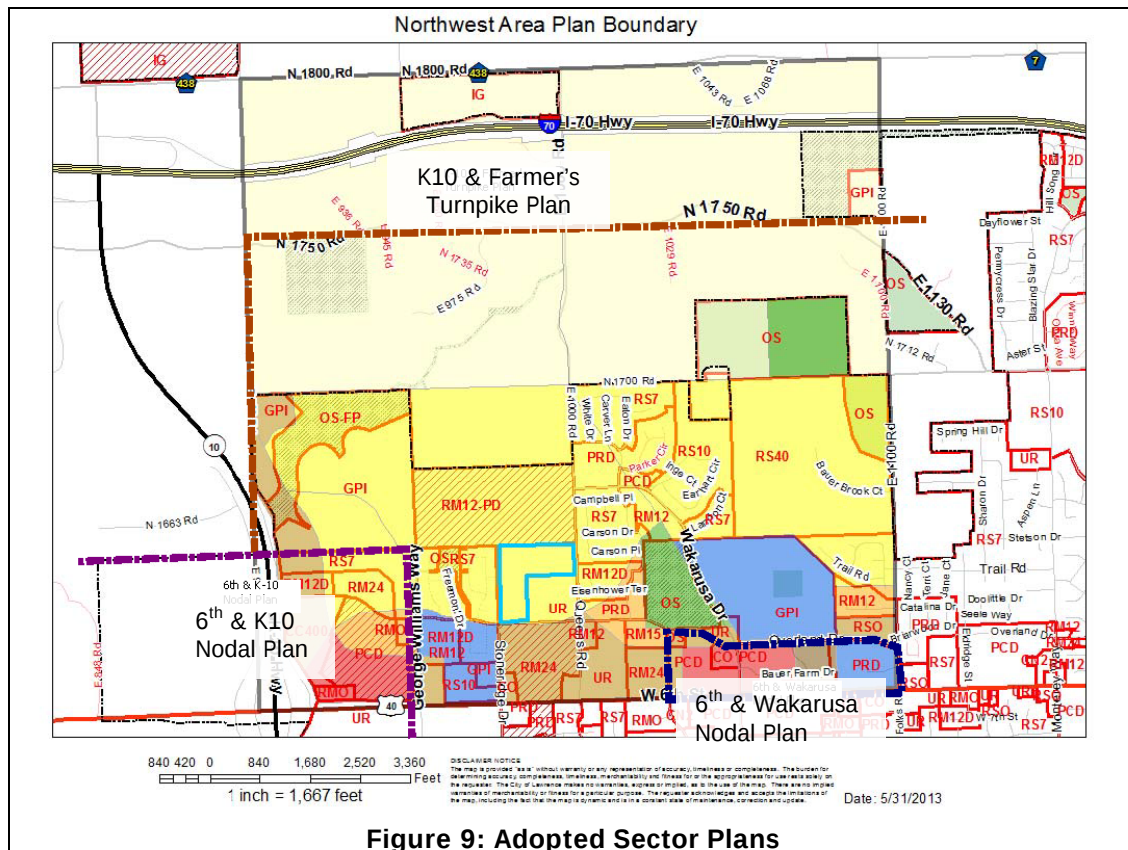
Denial of the request will delay the infill development of this area. There are no identified capacity limitations to development in this area.

**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**

This 40-acre parcel was the subject of two previous development applications for residential development. In 2005, a preliminary plat known as Stultzland, renamed as Loges, along with RM-D and RS-2 was approved contingent upon final platting of the property. In 2006 a final plat was submitted. The Northwest Area Plan was originally adopted in 1997; since then several significant actions have occurred:

- Additional sector plans have been adopted that modify land use recommendations within the boundary of the Northwest Area Plan Boundary.
  - ❖ **2003:** *6<sup>th</sup> Street and K-10 Nodal Plan* adopted in 2003 amending the northeast quadrant of the intersection between K10 highway and George Williams Way. This area of the Northwest Area Plan was part of the transitional area.
  - ❖ **2008:** *K-10 & Farmer's Turnpike Plan* adopted in 2008 amending the north portions of Section 20 and 21 designated for Very Low Density residential development.
  - ❖ **2012:** *6<sup>th</sup> Street and Wakarusa Drive Nodal Plan*, adopted in 2003 and amended in 2012. This plan includes the area between Congressional Drive and Folks Road between W. 6<sup>th</sup> Street and Overland Drive. This area is also part of the transitional area within the Northwest Area Plan.



- **2006:** The Land Development Code was adopted in 2006 establishing specific design regulations addressing buffer yards.
- **2009-2011:** RM12 and RM24 zoning approved north and south of development area. Hunters Ridge site plan approved 2011. Original approval for The Links occurred in 2009 and was revised in 2012.

These factors have influenced some of the overall land use decisions within the plan boundary and the development of this 40-acre development request. Hunters Ridge development along the south side of the proposed RM12 district significantly influences the appropriateness of certain forms of residential development. The north-south transects, with diminishing intensity northward from 6<sup>th</sup> 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 RS5 and with the Preliminary Plat for Kellyn Addition. This portion of the development request represents the multi-dwelling residential area of land within the Kellyn development.

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

The total project density including all zoning districts and all types of dwelling units 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 proposed zoning districts prescribe the applicable residential form of development for the area. The RM12 portion of the request specifically responds to the developing higher intensity residential development to the south and east. It provides the needed

land use transition between higher and lower land uses proposed to the north and south of the RM12 request.

Staff recommends approval of the RM12 district request.

### **CONCLUSION**

As noted, above this request is considered concurrently with but as a unique request for residential zoning in the Gateway Neighborhood. At the size and location requested, the proposed RM12 is an applicable and suitable zoning designation for this area.