

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

PC Staff Report  
8/26/2013

**ITEM NO. 1C UR TO RM12D; 3.195 ACRES; N OF BOB BILLINGS PKWY & E OF K-10 (SLD)**

**Z-13-00253:** Consider a request to rezone approximately 3.195 acres from UR (Urban Reserve) District to RM12D (Multi-Dwelling Residential) District, located north of Bob Billings Pkwy and east of K-10. Submitted by Landplan Engineering PA, for Alvamar Inc., property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 2.674 acres from UR (Urban Reserve) District to RM12D (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 developer and contract purchaser, RSR, Inc., intends to subdivide and rezone the property to support townhouse style duplex development (see attached development concepts).*

**KEY POINT**

- Request is part of an overall development package with multiple Zoning requests and a Preliminary Plat.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Z-13-00251: 4.712 acres from UR (Urban Reserve) to RS7 (Single-Dwelling Residential)
- Z-13-00252: 2.674 acres from UR (Urban Reserve) to RS5 (Single-Dwelling Residential)
- **Z-13-00253: 3.195 acres from UR (Urban Reserve) to RM12D (Multi-Dwelling Residential)**
- Z-13-00254: 3.349 acres from UR (Urban Reserve) to RM12 (Single-Dwelling Residential)
- Z-13-00255: 4.182 acres from UR (Urban Reserve) and PD (Bob Billings Parkway Center PCD) to OS (Open Space)
- Z-13-00256: 16.619 acres from UR (Urban Reserve) and PCD Planned Commercial District to CN2 (Neighborhood Commercial) District
- PP-13-00257: Preliminary Plat Langston Commons

**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

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received prior to publication of staff report.

### **Project Summary:**

The application represents 3.195 acres of a combined development application including 35.7 acres as part of the preliminary plat known as Langston Commons. This request is for RM12D (Multi-Dwelling Residential) Development. This project includes RS (detached residential RS7 and RS5) and multi-dwelling residential development in the form of duplex and attached residential housing options. This report addresses the proposed RM12D portion of the development request. The RM12D is reflected on the Preliminary Plat of Langston Commons with 7 lots – 14 total units.

### **1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *By incorporation of the West of K-10 Plan, Horizon 2020 (H2020) recommends low-density residential uses, including single dwelling, duplex and attached dwellings at an overall density of 6 or fewer dwelling units per acre. This request provides a transitional land use between K-10 highway and existing and proposed lower density development to the east. This request when combined with the related zoning and preliminary plat request, spreads the density of the overall residential development across 13.9 acres, resulting in an overall density of 5.5 units per acre.*

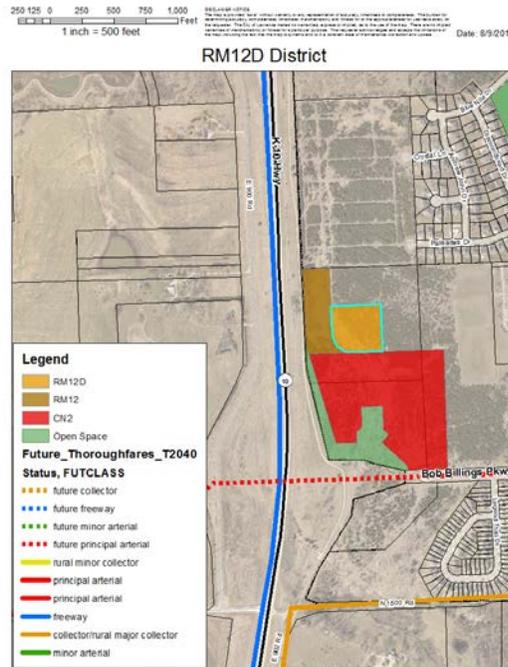
This property is located within the boundary of the *West of K-10 Plan*, refer to attachment. This request is part of a package of requests that include low and medium-density residential zoning as well as neighborhood commercial and open space districts. The Preliminary Plat establishes the integrated layout of the overall development pattern planned for this area. The *West of K-10 Plan*, amended into the Comprehensive Plan, shows this area to be developed with low-density residential uses except for an area located along in the southwest corner identified for future commercial uses. The plan identifies applicable Land Use Categories with the document. Residential-Low Density *is intended to allow for single-dwelling, duplex and attached dwellings but emphasis is placed on residential type uses.*

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

- *Infill residential development should be considered prior to annexation of new residential areas.*
- *A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.*
- *Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.*
- *The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods.*

This request represents infill development and the first step in a plan to provide a transition of uses between the existing and planned uses to the north and existing uses to the south. Transition of uses occurs north and south as well as east to west for this area. The K-10 Highway is a significant defining element for this area. The proposed RM12D district can be considered a low- or medium-density residential district dependent upon the lot arrangement within the district. It is also commonly used as a transitional zoning district between higher and lower intensity residential uses. The RM12D district is designed to accommodate duplex development rather than more intensive conventional multi-dwelling residential districts. The location of the proposed RM12D

district is located adjacent to proposed RM12 to the west and CN2 to the south and farther to the west and south are K-10 Highway and Bob Billings Parkway.



This specific application includes 3.195 acres. A maximum density of 12 dwelling units per acre is permitted for the RM12D. However, subdivision design typically will significantly reduce the density of duplex development to a much lower intensity depending on the specific design of the subdivision.

The following table summarizes the proposed density for this district when considered concurrently with the proposed Preliminary Plat.

Proposed RM12D	Acres
Gross Area Total Project	35.745
Gross Area	3.195
ROW	0.864
Net Area	2.331
Proposed Lots	14
Proposed Total Dwellings	14
Proposed Density = 14 units on 7 lots/2.331 = 6.00 units per acre	

The resulting duplex development is consistent with the recommended 6 dwelling units per acre when considered concurrently with the preliminary plat. The proposed district accommodates additional housing choice within the overall “neighborhood”.

**Staff Finding** – The proposed RM12D district conforms to the land use recommendations included in *Horizon 2020* and in the *West of K-10 Plan*.

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

Current Zoning and Land Use:

UR (Urban Reserve); vacant land.

Surrounding Zoning and Land Use:

Proposed RS5 (Single Dwelling Residential) to the north; as part of the Langston Commons Subdivision. Undeveloped at this time.

Proposed RS7 (Single Dwelling Residential) to the east; as part of the Langston Commons Subdivision. Undeveloped at this time.

Proposed CN2 (Neighborhood Commercial) to the south as part of the Langston Commons Subdivision. Undeveloped at this time.

Proposed RM12 (Multi Dwelling Residential) to the west as part of the Langston Commons Subdivision. Undeveloped at this time.



**Staff Finding** – This area is surrounded by a mix of zoning districts. The predominate land use is residential to the north, east and west. Neighborhood Commercial uses are proposed to the south.

## 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject property is vacant farm ground located at what will soon become the northeast corner of the K-10/ Bob Billings Parkway interchange. KDOT is scheduled to complete the improvements associated with this interchange between 2014 and 2016. The property is currently bordered on the West by K-10, also known as the South Lawrence Trafficway (SLT), the rights-of-way for which include the SLT shared-uses path. To the north lies vacant ground recently rezoned from UR to RM12, RM12D and RS7 as part of Langston Heights Addition. To the northeast lies the Diamondhead subdivision, a single-family neighborhood zoned RS7. To the east lies unplatted vacant property owned by USD #497, zoned RS10. Further east is Langston Hughes Elementary School. To the south, across Bob Billings Parkway rests vacant unplatted parcels owned by the City and Alvamar, Inc., zoned RS7 and RM12, respectively. To the southeast sits Legend Trail Addition, a townhome community zoned RM12.*

The west portion of the development site abuts the K-10 Highway (higher density proposed). The east portion of the development site abuts property owned by USD 497. This requested RM12D district provides a buffer between the low-density development to the northeast and the more intensive uses to the southwest.

This property is located within the West Lawrence Neighborhood. This section of the neighborhood includes several undeveloped parcels to the north and south along the K-10 Highway. This neighborhood is characterized by the dominance of residential use, primarily low-density detached

housing. Higher intensity uses are located along major streets in the neighborhood. Existing and planned non-residential uses are located at major intersections throughout the neighborhood.

In addition to the immediate zoning and land use, the Langston Hughes Elementary School site is located to the east. The school site property includes GPI (General Public and Institutional) District zoning for the immediate school improvements. The area located on the south side of Bob Billings Parkway includes undeveloped land and a duplex subdivision. A planned interchange to be constructed at K-10 Highway and Bob Billings Parkway is estimated to be completed in 2016

**Staff Finding** – The overall neighborhood is characterized by and dominated by residential uses. Higher density uses are located along the arterial streets of W. 6<sup>th</sup> Street and Bob Billings Parkway. Neighborhood commercial uses are planned for the northeast corner of the intersection of K-10 Highway and Bob Billings Parkway.

#### **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 *6<sup>th</sup> Street and K-10 Plan*. The plan recommends a mix of uses with the neighborhood and not limited to single housing type development. The plan recommends neighborhood level commercial uses and integration of parks and open space within the neighborhoods developed in this area.

The plan recommends connectivity between neighborhoods and to amenities and focal points in the area. For areas designated suitable for low-density residential development the plan states:

*“The intent of the low-density residential use is allowed for single-dwelling, duplex and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.”*

The area between K-10 Highway and George Williams Way includes low density residential and neighborhood commercial uses. The Plan identifies the RS7, RS5 RM12D and PD zoning districts as suitable for this area. This request for RM12D is consistent with that land use recommendations included in the *West of K-10 Plan*.

**Staff Finding** – The proposed RM12D zoning is consistent with the land use recommendation in the *West of K-10 Plan* applicable to this area.

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

Applicant’s Response: *The subject property is currently zoned UR, a district which facilitates no development of any kind. Development that provides an appropriate transition between the SLT to the west and established single-family neighborhood and school uses to the east, 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 RM12D district functions as a buffer between the lower density development to the northeast and the higher intensity development to the southwest. The proposed RM12D request conforms to the overall land use recommendations and is upheld by the proposed Preliminary Plat arrangement of

lots and streets for this area. The Plan specifically identifies RM12D as a suitable zoning district for this area.

**Staff Finding** – The existing UR (Urban Reserve) District is no longer a suitable zoning district for this property since development applications have been made. The proposed RM12D district is suitable for this location.

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

Applicant's Response: *The subject property has remained vacant since being zoned UR in 2006.*

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).

**Staff Finding** – The area is undeveloped. The property was zoned A Agricultural from 1966 to 2006.

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

Applicant's Response: *The overall impact of this request to existing nearby neighborhoods and proposed development is negligible. Together with the proposed preliminary plat, new street connections will be established to reduce overall internal traffic. Approval will bring this property into compliance with H2020.*

The proposed RM12D zoning is capable of supporting low- or medium-density residential development. The district is associated with a maximum density of 12 dwelling units per acre and a minimum lot size of 6,000 per lot. The proposed preliminary plat design includes 7 lots (14 total units) for duplex residential development. The net unit density of the proposed RM12D portion of the development is reflected on the concurrent proposed preliminary plat as only 6.006 units per acre. This net density calculation excludes rights-of-way. Low-density development is characterized by 2-6 dwelling units per acre or less. Very low density is characterized by one (1) dwelling unit per acre or less as defined in *Horizon 2020*.

This property is being developed as part of a larger development application and continues or extends the development pattern from the north southward toward Bob Billings Parkway.

**Staff Finding** – The proposed request is consistent with the planned development for the area.

**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: *Approval of this request facilitates the development of infill and transitional residential uses between George Williams Way and K-10 Highway as well as the efficient extension of public services and utilities, as recommended in H2020. Denial of this application will perpetuate the vacancy of this land.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The purpose of the UR District is to accommodate properties that have been annexed into the City of Lawrence until development or redevelopment is planned. This property is proposed to be developed for a variety of residential land uses including low-density detached and duplex residential structures on individual lots. This area can be served by the extension of existing utility infrastructure. This project represents infill development. Approval of the request will facilitate additional housing choices in this area and provide a land use transition between existing development and the proposed development.

**Staff Finding** – Approval of the request facilitates infill residential development between George Williams Way and K-10 Highway and the efficient extension of public services and utilities.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

The purpose of the RM12D 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 district is further distinguished from other RM districts *“on the basis of building type and the maximum allowed net density. In the RM12D district, the building type is restricted to duplex or attached dwellings of 2 units. Only one principal building per lot is permitted in this District.”*

Both the RM12D and the RM12 have the same density and dimensional standards. However, the RM12D district is generally used for duplex development or 2 dwelling units per lot. Each lot must be sufficiently large enough to accommodate a minimum of two units, applicable building setbacks and off-street parking. The proposed development provides a reasonable transition of land uses with back-to-back lot orientations and a decrease in intensity from the southwest to the northeast.

The RM12D portion of the request provides the specific buffer between the RS districts proposed to the north and east and the higher-density to the west and south.

This request is considered concurrently with the RS7, RS5, and RM12 residential zoning requests and the CN2 and OS zoning request for non-residential uses. This application is also considered concurrently with the related preliminary plat that combined make up the Langston Commons Development. Separate reports are provided for each individual request.

The RM12D request extends the planned development pattern to the south consistent with plans for the area and consistent with the land use recommendations for area. The individual density of the RM12D request complies with the recommended land use for this area. Staff recommends approval of the proposed RM12D zoning.

## **CONCLUSION**

The proposed request is consistent with anticipated residential development. This request extends the existing residential pattern to the south and expands the housing choices for the area as infill development.