

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

PC Staff Report  
8/26/2013

**ITEM NO. 1D UR TO RM12; 3.349 ACRES; N OF BOB BILLINGS PKWY & E OF K-10 (SLD)**

**Z-13-00254:** Consider a request to rezone approximately 3.349 acres from UR (Urban Reserve) District to RM12 (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 3.349 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 developer and contract purchaser, RSR, Inc., intends to subdivide and rezone the property to support row home development (see attached development concepts).*

**KEY POINTS**

- Request is part of an overall development package with multiple Zoning requests and a Preliminary Plat.
- This request extends the RM12 district included in the Langston Heights project to the south along K-10 Highway.

**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 3.349 acres of a combined development application including 35.7 acres as part of the preliminary plat known as Langston Commons. This request is for RM12 (Multi-Dwelling Residential) Development intended for the area adjacent to K-10 Highway.

### **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 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.*

The *West of K-10 Plan* is amended into *Horizon 2020*. 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.*

The proposed request for RM12 zoning conveys a maximum density of 12 dwelling units per acre. *Horizon 2020* also addresses medium density by defining it as reflecting an overall density of 7-15 dwelling units per acre. This use is recommended as *"clustered development at selected locations along major roadways near high-intensity activity 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 lower density residential and commercial applications with the proposed preliminary plat.

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 both 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 RM12 district is proposed to be located immediately adjacent to the highway.

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 RM12 district is designed to accommodate multi dwelling residential uses. This specific application includes 3.349 acres. A maximum density of 12 dwelling units per acre is permitted for this district. The actual developable area includes only 2.861 acres excluding right-of-way per the preliminary plat.

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

<b>Proposed RM12</b>	<b>Acres</b>
Gross Area Total Project	35.745
Gross Area	3.349
ROW	0.488
Net Area	2.861
Proposed Lots	1
Proposed Total Dwellings	34
Density Allowed $2.861 \times 12 = 34.332$	
Proposed Density = $34 \text{ units on } 1 \text{ lots} / 2.861 = 11.884 \text{ units per acre}$	

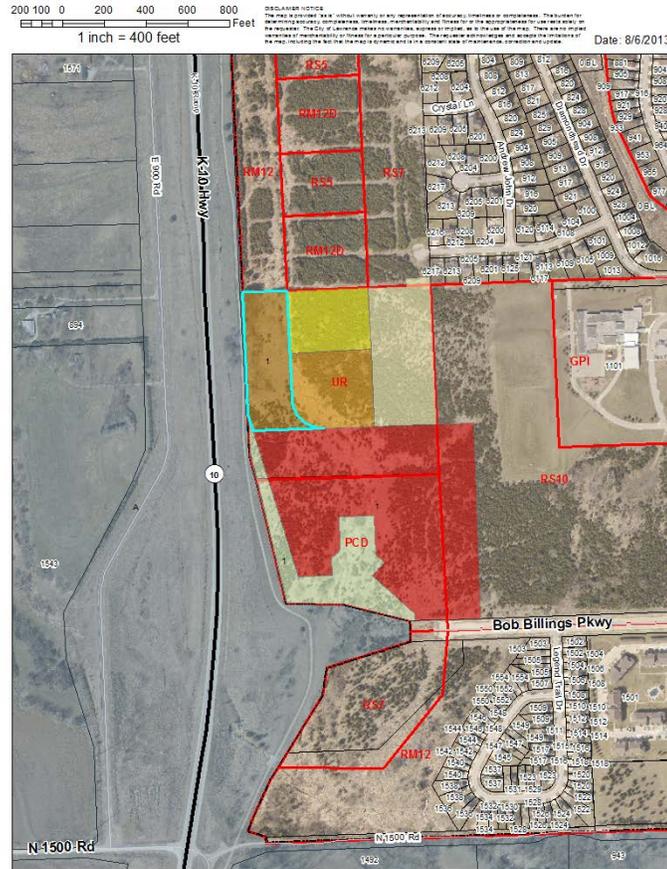
The maximum number of dwelling units the proposed RM12 district can accommodate is 34 units based on the proposed preliminary plat configuration. The proposed RM12 district is a medium-density zoning district. This more intensive district is proposed adjacent to the K-10 Highway providing separation between the Highway and the less intensive uses proposed to the east.

*Horizon 2020* states most sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. Other recommended sites occur near open spaces or natural areas. These open space and medium density residential uses share a relationship by accommodating density and preserving open space when combined in development. The proposed preliminary plat includes an access easement though the proposed medium density area that will provide connection to the multi-use path along K-10 Highway.

**Staff Finding** – 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. The proposed RM12 district conforms to the land use recommendations included in *Horizon 2020* and in the *West of K-10 Plan* with regard to infill development, housing mix and land use transition.

## 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:

RM12 (Multi Dwelling Residential) to the north as part of the Langston Heights Addition. Undeveloped at this time.

Proposed RS5 (Single Dwelling Residential) and RM12D (Multi-Dwelling Residential) to the east included 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.

A (Agricultural) County Zoning District to the west. Existing K-10 Highway right-of-way.

**Staff Finding** – This area is surrounded by a mix of zoning districts. A significant land use feature is the existing highway along the west property line and the proposed commercial use to the south. The highway is located entirely within the unincorporated area and is currently zoned A (Agricultural).

### **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 RM12 district provides an extension and transition between the existing low-density development pattern established in the Langston Heights Subdivision to the north and provides a buffer between the highway and the lower density residential land use within the proposed Langston Commons Subdivision.

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. Neighborhood commercial uses are noted in planning documents to the south and are proposed concurrently with this application (Z-13-0000256 UR and PCD to CN2). 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 *West of 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 land use recommendations included in the *West of K-10 Plan*.

Attached housing is allowed as a special use in most of the RS districts and permitted in the RM zoning districts. Attached housing is distinguished from multi-dwelling in that each individual unit is located on its own lot meeting minimum lot and area dimensions. Multi-dwelling units are distinguished by being three or more units on a single lot. Since the adoption of the Development Code in 2006 no subdivision has been submitted for attached housing. There are numerous examples of residential development that is commonly referred to as townhouse development. This is typically duplex development where a single structure containing two units is located on an individual lot. Other similar examples of development include condominiums where multiple units are divided for individual ownership located on a single parcel. The structure type can be multi-story or row housing depending on the development patterned of the area.

The purpose of this request is to facilitate row housing. However, the proposed subdivision includes a single lot.

This application is a continuation of the approved RM12 to the north along K-10 Highway. It is anticipated that housing planned for the area is similar to the Langston Heights project to the north that being attached housing (side by side) rather than vertical multi-dwelling units typical of multi-dwelling development.

## **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 request is for the RM12 district to accommodate development along the highway. This district will function as a buffer between the lower density development to the east and K-10 Highway to the west. Higher intensity, commercial, development is proposed to the south. The proposed RM12 request facilitates infill development and provides additional housing choice in the area.

If approved the district will abut the same zoning district to the north and neighborhood commercial to the south.

**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 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 RM12 zoning is a 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 same as the RM12D district. The distinction between the RM12 and RM12D is that the RM12 district allows multi-dwelling structures. The proposed preliminary plat includes a single 2.8-acre lot. The preliminary notes a total development density of 34 units, the equivalent of 11.884 units per acre for this parcel.

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** – There are no detrimental affects anticipated for nearby properties resulting from the approval of this 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: *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 will be served by the extension of 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. Approval of the request provides additional housing choices within the developing neighborhood context and provides a buffer use along K-10 Highway to the abutting lower density uses to the west.

## 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 RM12 district is distinguished from the RM12D district *“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.”*

The RM districts include both medium and high-density development depending on the density associated with the specific district. Both the RM12D and the RM12 have the same density and dimensional standards. However, the RM12 district is used for multi dwelling development with three or more units per lot not to exceed a maximum of 12 units per acre. A development parcel must be sufficiently large enough to accommodate the dwelling unit structure or structures, applicable building setbacks and off-street parking. In addition to setback, properties located along K-10 Highway are required to provide additional setbacks and screening per the Major Transportation Corridor Overlay Standards of Section 20-307 of the Development Code. This setback impacts the developable area of land within the district.

The proposed development provides a reasonable transition of land uses by decrease in intensity from west to east.

The RM12 portion of the request provides the specific buffer between the RS districts proposed to the east and the Highway to the west.

This request is considered concurrently with the RS7, RS5, and RM12D 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 RM12 request extends the planned development pattern to the south consistent with plans for the area and consistent with the land use recommendations for area.

**CONCLUSION**

The proposed request is consistent with anticipated low-density residential development. This request extends the existing residential pattern to the west.