

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
8/26/2013

ITEM NO. 1E UR & PCD TO OS; 4.182 ACRES; N OF BOB BILLINGS PKWY & E OF K-10 (SLD)

Z-13-00255: Consider a request to rezone approximately 4.182 acres from UR (Urban Reserve) District and PD (Bob Billings Parkway Center PCD) District to OS (Open Space) District located north of Bob Billings Pkwy and east of K-10 Highway. Submitted by Landplan Engineering PA, for Alvamar Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.182 acres from UR (Urban Reserve) and PCD (Bob Billings Parkway Center PCD) District to OS (Open Space) 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 landscaping, trail development and a permanent water feature that will enhance both adjacent proposed neighborhood commercial uses and the future K-10/Bob Billings Parkway interchange (see attached development concepts).*

KEY POINTS

- Request is part of an overall development package with multiple Zoning requests and a Preliminary Plat.
- This request provides designated open space within the Langston Commons project.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-132-00251: 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 PCD (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

- Open Space Exhibit

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication of staff report.

Project Summary:

The application represents 4.182 acres of a combined development application including 35.7 acres as part of the preliminary plat known as Langston Commons. This request is for OS (Open Space) Development. The proposed Open Space district parallels the K-10 Highway right of way and the existing multi-use recreation path.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request will facilitate the development and maintenance of multi-use trails and landscape features at the interface of a state highway, gateway to the City and neighborhood commercial center. Horizon 2020 (H2020) recommends within Chapter 6, that Neighborhood Commercial Centers provide dedicated open space areas usable by employees and shoppers. H2020 also places pedestrian mobility as a top priority for neighborhood commercial center design. Within Chapter Nine, H2020 urges coordination between private property owners to provide additional opportunities for open space preservation through buffers and easement.*

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.* Commercial Uses are intended to allow retails sales and services *at the neighborhood level.* Park and Open Space uses are *intended to provide space for public recreational facilities and natural area preservation.*

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.*

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 OS district is proposed to be located immediately adjacent to the highway. It will provide a connecting link around the development and to the non-motorized circulation system for the Community via recreation paths and the multi-modal trail.

The OS district is intended to preserve and enhance major open space and recreation areas by protecting the natural amenities they possess and by accommodating development that is compatible with those natural amenities.

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

Proposed OS	Acres
Gross Area Total Project	35.745
Total OS District Proposed	4.182
ROW in the OS District	0.068
Net Area	4.114
Area to be platted as two separate tracts. No lots are proposed within the OS district boundary.	

The OS district allows some limited non-residential uses including, cultural centers, libraries (as special uses), Minor Utilities, active and passive recreation. A complete list of allowed uses is included in Article 4 of the Land Development Code. This application proposes the area zoned OS to be established as tracts of land rather than individual lots.

Staff Finding – The proposed OS district conforms to the land use recommendations included in *Horizon 2020* and in the *West of K-10 Plan* by providing a buffering and transitional element between the proposed development and the highway.

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 CN2 (Neighborhood Commercial) to the north and east as part of the Langston Commons Subdivision. Undeveloped at this time.

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

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

Proposed RS7 (Single Dwelling Residential) and RM12 (Multi-Dwelling Residential) to the southeast south of Bob Billings Parkway. Undeveloped at this time.



Staff Finding – This area is surrounded by a mix of zoning districts. The property abuts K-10 Highway along the west and south. This district will provide a buffer between the highway and the proposed commercial development.

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 Alvarado, 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 OS district provides a dedicated buffer area along the south and west side of the proposed commercial area and also incorporates the natural drainage area through the site. This property is part of the West of K-10 Highway planning area and included in the West Lawrence Neighborhood Boundary.

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 will 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. 6th Street 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 Highway Plan*. The area is generally recommended for low-density residential development with an area considered appropriate for medium neighborhood commercial development on the northeast corner of Bob Billings Parkway and K-10 Highway. Bob Billings Parkway is designated as a Minor Gateway for the community; as such, additional attention to development along the corridor is appropriate. The provision of the OS district will facilitate a more natural appearance from the rural area to the west and the urbanizing area to the east along Bob Billings Parkway.

Staff Finding – The proposed OS zoning is consistent with land use recommendations in the nodal 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 appropriate given plans to develop the property. The current zoning serves as a holding zone until property is ready for development. The proposed 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 proposed OS district reflects the anticipated development of the area and the use of the property for stormwater/drainage purposes and non-motorized connection to the existing shared use path along K-10 Highway.

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

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 OS zoning is a low impact district as contained within this development application. The use of the property is limited to detention and stormwater requirements as well as trails and pathway connections to the existing multi-use path adjacent to K-10 Highway.

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 and non-residential uses. Development of the area requires evaluation and response to stormwater design standards as well as applicable treatments of areas for buffering between uses, along highways, and gateways.

This project represents infill development. Approval of the request will facilitate additional development within the existing city limits along an existing arterial street.

Staff Finding – Approval of this request facilitates infill development and economies of scale with regard to utility service delivery. Approval of the request provides additional buffering and transition between the highway and the lower intensity uses to the northeast.

9. PROFESSIONAL STAFF RECOMMENDATION

This request is considered concurrently with the residential and commercial zoning requests, listed in the beginning of this report, and includes the related preliminary plat that combined make up the Langston Commons Development. Separate reports are provided for each individual request.

Staff recommends approval of the proposed OS zoning.

CONCLUSION

The proposed request is consistent with anticipated development at this intersection. This facilitates infill development and provides an identifiable buffer through zoning and platting along the K-10 Highway right-of-way.