

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
12/18/2013

**ITEM NO. 5B A TO RM12D & RM12D-FP; 14.53 ACRES; NW CORNER OF N 1300
RD/W 31ST ST & LOUISIANA ST (SLD)**

Z-13-00438: Consider a request to rezone approximately 14.53 acres from County A (Agricultural) and F-F (County-Floodway Fringe Overlay) District to RM12D (Multi-Dwelling Residential) District and portions to RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay District) District, located at the NW corner of N 1300 Rd/W 31st St and Louisiana St. Submitted by Landplan Engineering PA on behalf of Savannah Holdings LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone 14.53 acres from A (Agricultural) District and F-F (County-Floodway Fringe Overlay) to RM12D (Multi-Dwelling Residential District and RM12D-FP (Multi-Dwelling Residential and Floodplain Overlay) District located at the NW corner of N 1300 Rd/W 31st St. and Louisiana St. based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

1. Maximum density shall be restricted to 8 dwelling units per acre or less.

Reason for Request: *The property owner wishes to annex this land into the City of Lawrence, in concert with adjoining properties being annexed at this time. In conjunction with this annexation, the property must be rezoned to an appropriate City zoning designation.*

KEY POINTS

- Planned residential development.
- Property includes small areas encumbered by regulatory floodplain.
- Upon annexation into the City of Lawrence, current county zoning designation is no longer appropriate.
- This property is specifically described in the Revised Southern Development Plan.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00437: annexation of 14.53 acres

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 request

ATTACHMENTS

- Area map
- Concept Plan – applicant

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication

Project Summary:

Proposed request is for future residential development within the south portion of the Indian Hills Neighborhood. The current development requests include only the annexation and rezoning at this time. The applicant has provided a concept plan for development of this property. At this time the property is not proposed to be subdivided or for utilities to be extended.

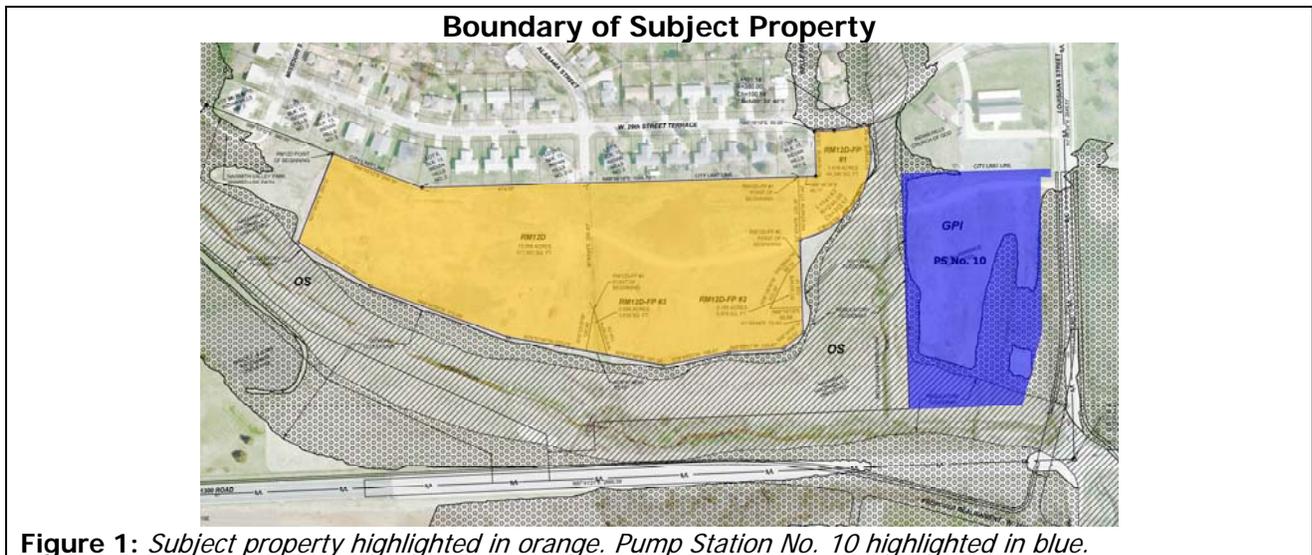


Figure 1: Subject property highlighted in orange. Pump Station No. 10 highlighted in blue.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request neatly conforms to the future land use recommendations provided in the Revised Southern Development Plan which, as a specific area plan, is incorporated into Chapter 14 of Horizon 2020. That plan recommends, for the subject site, medium-density residential land uses, with a density of no more than 8 dwelling units per acre, and further specifies that the site develop with a residential character similar to the neighborhood to the north including single-family, duplex, triplex and rowhome structures. This request for RM12D will facilitate the development of such residential housing types. Furthermore, as indicated by the attached Concept Plan, it is likely that a future subdivision under such RM12D zoning will features densities at or below the 8 units per acre threshold. At 40 lots (80 units) the attached concept Plan suggests a future density of 5.5 units per acre.*

A guiding feature of the plan states; *"The plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas."* This property is located within Service Area 1 of the Urban Growth Area. Annexation of this property makes the current County zoning designation obsolete. The plan also states' *"The plan supports infill development and redevelopment which provides a range of residential, commercial, office, industrial, and public uses within these parcels consistent and compatible with the established land use pattern in surrounding areas."* The plan further expresses a key feature related to neighborhoods and recommends *"development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features in the area."*

Following are sections of *Horizon 2020* that relate to this development:

Horizon 2020: Chapter 5-Residential Land Use: Strategies: Residential Development:

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.

Horizon 2020 includes numerous goals and policies applicable to this request found under the headings of Neighborhood Conservation (pages 5-15 – 5-16) and Medium and Higher Density Residential Land uses (pages 5-23– 5-31). These sections of Chapter 5 address compatibility, neighborhood conservation, buffering and transition as well as access and connectivity including pedestrian access. This property is located within the established Indian Hills neighborhood. The area is recommended for medium density residential development with specific detail provided in the *Revised Southern Development Plan*. The proposed request for RM12D is a medium-density residential district per the Land Development Code with a maximum density of 12 dwelling units per acre. The proposed RM12D district is generally consistent with the medium density land use recommendation. The district must be further refined to meet the more specific land use recommendations of the *Revised Southern Development Plan*, discussed later in this report.

Horizon 2020: Chapter 16 Environment:

This chapter of *Horizon 2020* addresses several natural environmental issues including Water Resource Management. The plan states that floodplain areas should be protected. This application includes a Floodplain Overlay District designation that will be applied to specific areas of the subject property as required by the Land Development Code.

The following graphic highlights the portions of the subject property that will carry the dual RM12D and FP Overlay zoning designations.

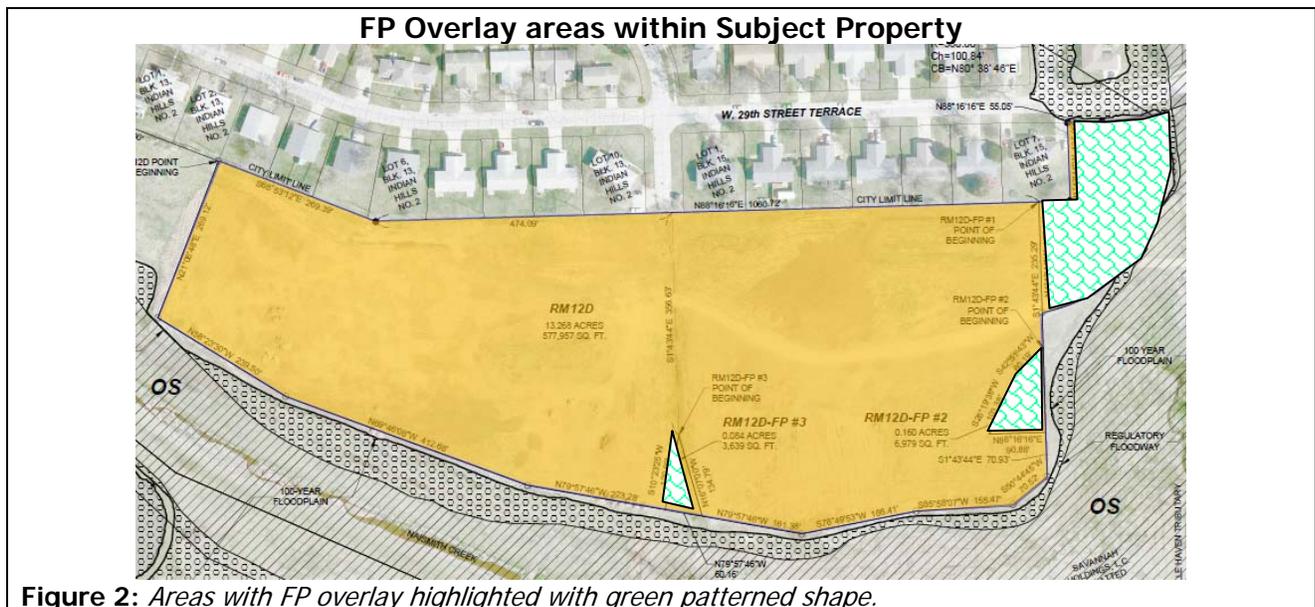


Figure 2: Areas with FP overlay highlighted with green patterned shape.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to residential infill development and open space as well as floodplain.

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

Current Zoning and Land Use: A (County-Agricultural) and F-F (Floodway Fringe Overlay) Districts; existing open space.

Surrounding Zoning and Land Use: To the north:
RM12 (Multi-Dwelling Residential) District; existing duplex, triplex and 4-plex development along W. 29th Terrace.

To the east:
Proposed OS-FP (Open Space and Floodplain Overlay) District; Proposed Pump Station No. 10 and RS7 (Single-Dwelling Residential); existing church and accessory residence on the southwest corner of Louisiana Street and W. 29th Terrace

To the West:
OS-FP (Open Space and Floodplain Overlay) District and CR-FP (Regional Commercial Floodplain Overlay) District. Existing residence. Property has recently been annexed in anticipation of commercial development related to the Menards project.

To the south:
A (Agricultural) District, B-2 (County General Business) District and F-F (Floodway Fringe Overlay) District along the south side of N 1300 Road also known as 31st Street.

Staff Finding – This property is adjacent to residential zoning to the north and will be adjacent to open space zoning to the south, east and west. The surrounding zoning and proposed zoning reflect the existing land use of the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject site is bounded to the north by the Indian Hills Neighborhood and specifically properties that front W. 29th Terrace. These properties were developed primarily with duplex housing units in the late 1950's and are zoned RM12. Development immediately north consists of single-family detached homes and is zoned RS7. The property to the east, south and west of the subject site is currently under review for annexation into the City and rezoning to Open Space (OS). An agreement is in place that will facilitate the donation of this land from Savannah Holdings, L.C. to the City. It consists entirely of floodway and floodway fringe associated with Naismith Creek and Belle Haven Tributary.*

This property is located within the Indian Hills Neighborhood, a predominantly residential neighborhood. The east neighborhood boundary is Louisiana Street, and the south boundary is 31st Street. This use will extend the residential development pattern south to Naismith Creek.

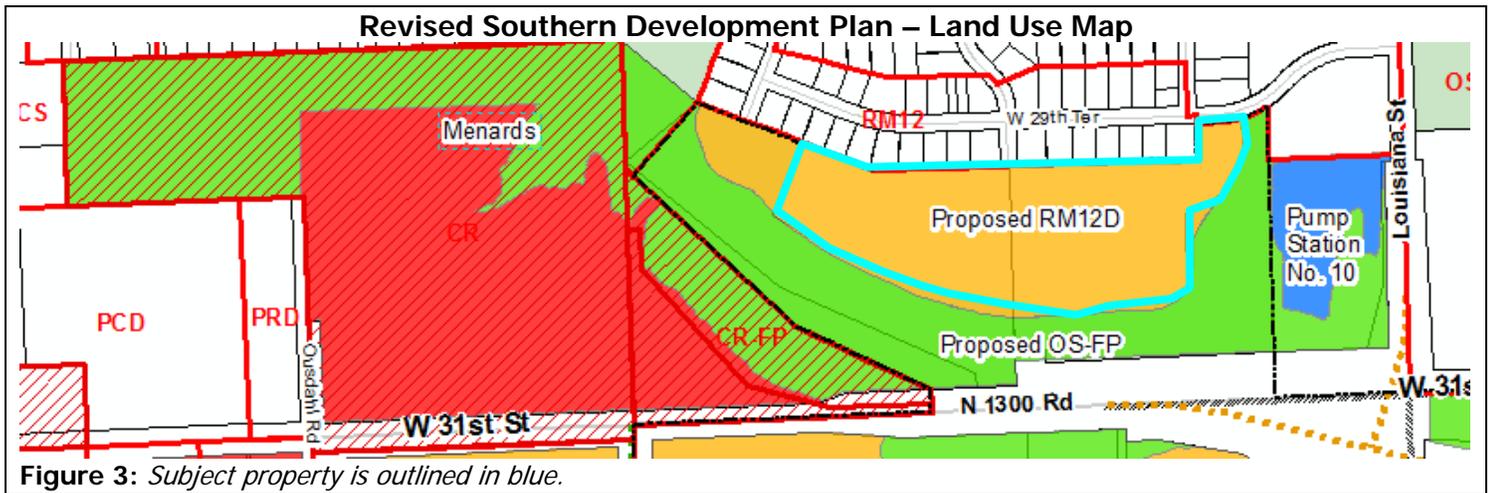
This portion of the neighborhood is encumbered by the regulatory floodplain and bounded by arterial streets (Louisiana Street and 31st Street). Access to the subject property is from existing local streets that will be extended in the future as specific development projects are developed.

The proposed use of this property is for residential development. Planned improvements in the area include extending the recreation path across the open space area south of this property as part of the Naismith Valley Park.

Staff Finding – The subject property is located at the south end of the Indian Hills Neighborhood. This part of the neighborhood includes multiple community facility uses in the immediate vicinity as well as open space and regulatory floodplain. The proposed zoning is consistent with the planned residential land use in this portion 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 included within the plan boundary of the *Revised Southern Development Plan* adopted in June 2013 anticipating commercial development to the west (Menards application) as well as residential and open space uses of the Snodgrass property and pump station at the corner of 31st Street and Louisiana Street. The plan identifies existing floodplain areas as appropriate for open space and as a boundary to the commercial land use to the west.



This plan identifies the area north of Naismith Creek as suitable for residential development. The proposed RM12D area excludes some area that is within the floodplain fringe area from request.

The Plan recommended Medium-Density residential land use for the “property to the north and west of the intersection of Louisiana Street and W. 31st Street.” Specific policies regarding this area state:

Property northwest of the intersection of W. 31st and Louisiana Streets, north of the FEMA designated floodplain shall:

- Have a gross density of no more than 8 dwelling units per acre, and
- Develop with similar residential character to the neighborhood to the north including such structures as single-family dwellings, duplexes, triplexes and rowhouses. (Page 24, Revised Southern Development Plan)

The proposed FP Overlay District reflects the existing floodplain encumbrance of this property as a recognized land use within the Plan and is intended to be applied to specific areas as shown on the map earlier in this report.

To be consistent with the policy statement in the Revised Southern Development Plan, the zoning would need to be conditioned to restrict the maximum density. Detached, duplex and attached housing (rowhouse) are allowed in the RM12D district. Building type would not require conditional zoning with the RM12D zoning designation.

Staff Finding – The proposed RM12D zoning with a condition to restrict the maximum density to 8 dwelling units or less and designation of portions of the property with the FP (Floodplain Overlay) conforms to land use recommendations in the *Revised Southern Development Plan*.

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 located outside the City Limits and is zoned County A (agricultural) in accordance with the annexation request currently under consideration, the property owner must rezone to an appropriate City zoning designation.*

Upon annexation, the existing county zoning is no longer appropriate. The proposed zoning accommodates the anticipated use as a future residential development area. The FP designation facilitates the protection of floodplain areas within this portion of the property.

As discussed above to, assure the density of development is consistent with the land use recommendations for the area, a condition must be added to the zoning limiting the maximum density.

Staff Finding – The current zoning is no longer appropriate upon annexation of this property into the Lawrence city limits. The proposed RM12D and RM12D-FP District accommodate the anticipated use for this area.

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

Applicant's Response: *This property has been vacant, at least since purchased by the current owner in 1973.*

This property is undeveloped and has been zoned A (Agricultural) since 1966. An annexation request is being considered concurrently with this rezoning application.

Staff Finding – This property is undeveloped and has been zoned A (Agricultural) since 1966.

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

Applicant's Response: *The overall impact of this request to the existing nearby neighborhood is negligible. The request brings this property into conformance with the recommendations of an area plan that has been a matter of public record for twenty years. The request will facilitate development at a scale and type similar to the existing properties immediately adjacent. This request, combined with the donation of adjacent property to the City of Lawrence, preserves and protects from development the floodway and floodway fringe associated with Naismith Creek and Belle Haven Tributary.*

As noted in the description of the neighborhood character above, this property is located in the southern portion of the neighborhood and is a natural extension of the residential development pattern for this area.

This area has been identified in earlier versions of the Revised Southern Development Plan as suitable for residential development. To date it has been maintained as private open space. Future development of the site will result in additional traffic that should be anticipated by adjacent property owners. The existing local street network will be extended to access this property with direct proximity to the arterial street network to the east.

Development of this property will not include a direct connection to the south to 31st Street. Such a connection would result in likely by-pass traffic and cut-through traffic for the neighborhood.

Staff Finding – There will be no detrimental effects to adjacent property resulting from this proposed zoning. The addition of restrictions limiting density through conditional zoning will assure that development is consistent with the existing pattern immediately to the north. Area residents should anticipate additional neighborhood traffic when this property develops.

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 appropriate residential uses adjacent to the existing Indian Hills Neighborhood as well as preservation of floodway fringe to the south and east, as recommended in Horizon 2020. Denial of this request 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.

As the property selection was being made by the City of Lawrence, for constructing a pump station at the corner of Louisiana Street and 31st Street, the property owner evaluated the remaining land (less the commercial portion to the west) for development options. The property owner retained the portion of land north of Naismith Creek for future residential development (A-13-00437 and Z-13-00438).

This portion of the original Snodgrass property is best described as the "developable portion" of the property. The majority of the area encumbered by floodplain is contained in the land donated to the City of Lawrence. Only three small areas of the overall RM12D request are encumbered by the regulatory floodplain.

Denial of the request would require the applicant to seek a lower density zoning likely restricted to detached single-dwelling residential zoning. The RS5 and the RS3 zoning districts accommodate medium density residential development in the form of detached residential zoning. This would situate a detached residential development between open space to the south and duplex development to the north.

Approval of the request allows infill development consistent with land use plans for this area and the established residential development pattern. The FP designation is required by the Land Development Code for that portion of the property that is within the regulatory floodplain per Section 20-1201.

Staff Finding – The proposed rezoning facilitates future residential development.

9. PROFESSIONAL STAFF RECOMMENDATION

This application facilitates implementation of the land use recommendations described in the *Revised Southern Development Plan*. There are no immediate plans for development. Upon annexation, the County zoning will be inappropriate.

This zoning must be conditioned to restrict the maximum density to 8 dwelling units per acre or less to comply with the specific development expectation stated in the *Revised Southern Development Plan*. The building types discussed in the plan are not required to be conditioned, as they are consistent with the proposed base-zoning district.

CONCLUSION

The proposed rezoning, as conditioned, is consistent with the planned land use development anticipated for this area. Staff recommends approval of the proposed RM12D and RM12D-FP district for this property. Subject to a density limitation consistent with the *Revised Southern Development Plan*.