

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

PC Staff Report
12/16/13

ITEM NO. 2A: RS10 TO RM12-PD; 19.3 ACRES; 3901 PETERSON RD (MKM)

Z-13-00440: Consider a request to rezone approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with PD Overlay) District, located at 3901 Peterson Rd. Submitted by Americare, for Jeffrey E. Smith Homes LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with Planned Development Overlay) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report

REASON FOR REQUEST

Applicant's Response:

"To obtain necessary zoning designation that permits the development and operation of an 'Assisted Living Facility' at this property location."

KEY POINTS

- The Development Code requires that rezoning requests to the PD Overlay be accompanied by a Preliminary Development Plan. A Preliminary Development Plan (PDP-13-00441) was submitted with this rezoning request.
- The property is being platted through the Major Subdivision process in conjunction with this rezoning. The Preliminary Development Plan serves as the Preliminary Plat.

ASSOCIATED CASES

PDP-13-00441: Preliminary Development Plan for Assisted Living by Americare. This item is also being considered by the Planning Commission at their December meeting.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and administrative approval of the Final Plat.
- City Commission acceptance of dedications and vacations of easements/rights-of-way shown on the final plat.
- Submittal and administrative approval of Final Development Plan.
- Submittal and approval of Public Improvement Plans prior to recording of the Final Plat.
- Recording of Final Plat with the Register of Deeds Office.
- Recording of Final Development Plan with the Register of Deeds Office.
- Application and release of building permits prior to development.

PUBLIC COMMENT

No public comment was received for this item prior to the printing of this staff report.

Project Summary

This project includes the rezoning of approximately 19 acres located in the southwest corner of the intersection of Peterson Road and Monterey Way from the RS10 District to the RM12 District to accommodate the development of an Assisted Living Facility. The Planned Development Overlay being requested with this rezoning request provides the means to regulate the design of the project to insure the project's compatibility with the surrounding area.

Two buildings along Peterson Road are proposed for the Assisted Living portion of the project and the Independent Living units are to be provided in duplex and triplex dwelling units to the south.

The property will be developed in phases, with phase 2 being an expansion of one of the Assisted Living buildings.

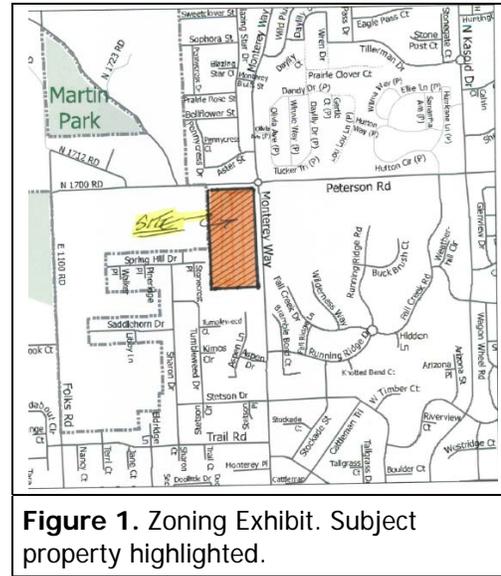


Figure 1. Zoning Exhibit. Subject property highlighted.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Horizon 2020 Plan recommends low-density residential for this area. Proposed project density is approximately 4.5 dwelling units/acre."

A review of the Comprehensive Plan recommendations follows with staff's comments in red.

- The Lawrence Future Land Use Map (Map 3-2, page 3-4), shows this area as very low and low density residential.

"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." (Horizon 2020, Page 5-1)

While this project does not meet the definition of 'infill' in that it is not surrounded by developed properties, it is in close proximity to existing residential neighborhoods. The Preliminary Development Plan allows an evaluation of the layout of the site and the architectural qualities and style of the development to insure the development protects and enhances the character and appearance.

The Comprehensive Plan defines low density residential development as 6 dwelling units or less per acre. (Horizon 2020, Page 5-4)

While the proposed development is not Detached Dwelling low density development, the proposed density (4.6 dwelling units per acre) is less than that recommended by the Comprehensive Plan.

Goal 5 of the Residential Chapter contains recommendations for creating a functional and aesthetic living environment. These include: siting residential developments so an individual residential dwelling does not take direct driveway access from an arterial road, providing for

extra buffering in special circumstances, ensuring adequate ingress and egress, and ensuring convenient and logical street system design.

The facility will have access to both Monterey Way and Peterson Road; however, few of the residents are expected to drive; employees are expected to account for most of the traffic to and from the site. The Development Plan includes buffering of the facility from adjacent properties. The Development Plan also serves as the Preliminary Plat and one important aspect of the plan is the continuation of the Spring Hill Drive right-of-way to connect with Monterey Way to provide a convenient and logical street system in the area.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020's* recommendations for development in this area and policies related to low-density residential development.

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

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; undeveloped with access drive to property to the east.

Surrounding Zoning and Land Use: To the west:
R-1 (County: Single-Family Residential) District; *Rural Residence*, and
RS7 (Single-Dwelling Residential) District, *Detached Dwellings*.
To the north:
RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.
To the east:
RS10 (Single-Dwelling Residential) District; partially developed with *Detached Dwellings*.
To the south:
RS7 (Single-Dwelling Residential) District with *Detached Dwellings*, and UR (Urban Reserve) District; *Detached Dwelling*.

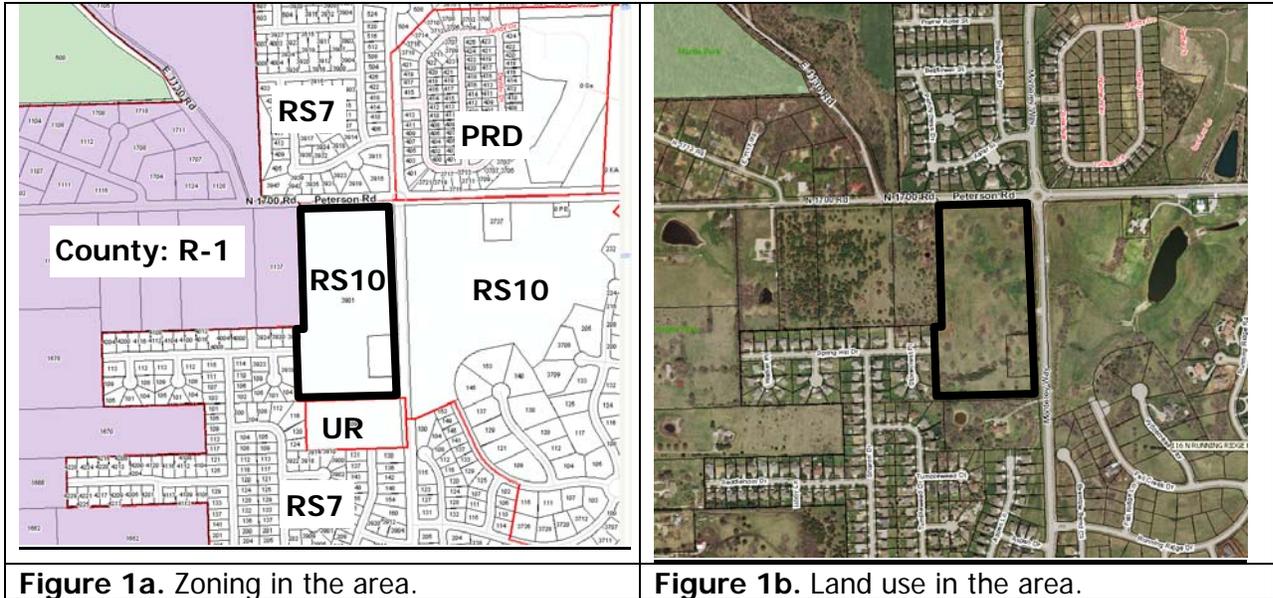
(Figure 2.)

Staff Finding – The subject property is located near properties that are zoned for single-dwelling residential uses with one residential property being zoned 'UR' (Urban Reserve). This is a place holder zoning for properties that have been annexed into the City but for which no development has been proposed. Predominate land uses in the area are *Single-Dwelling Residences*.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"Existing 19.3 Acre tract is vacant and consists of 95% open pasture land and some mature trees distributed throughout. Tract east zoned RS10 but 1 large tract. Tracts NE zoned PRD and tracts north zoned RS7, tracts NW & W zoned R-1 and still in Douglas County, tracts S & SW zoned RS7 & existing subdivision except for 4.7 acre tract along S boundary is 1 single family home."



The property is located at the edge of the City limits. Developed properties in the area consist of low and medium density residential development, both within and outside the City limits. Parkland/open space is present to the west and northwest of the subject property and scattered undeveloped parcels are located throughout the area. The area has good access to the major transportation network with Kasold Drive, a north/south principal arterial to the east of the subject property, and Peterson Road, a principal arterial, running east/west through the neighborhood. Collector streets (Monterey Way, E 1100 Road, and N 1700 Road) provide connection through the neighborhood to the principal arterials.

Staff Finding – The neighborhood is mostly developed, but contains some parkland/open space areas as well as undeveloped parcels. The area contains primarily low density residential uses and has good access to the major transportation network.

4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

Staff Finding – No area or neighborhood plans have been adopted for this area. The Comprehensive Plan is the guiding plan for 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 proposed zoning of RM12 & use of Assisted Living is a permitted use in the existing zoning regs and will be compatible with maintaining the residential character of the surrounding properties."

The property is currently zoned RS10 which permits low density residential development with a minimum lot area of 10,000 sq ft. Other uses which are permitted in the RS10 District include *Religious Assembly, Neighborhood Institution; Cemeteries; Extended Care Facility, Limited; Passive Recreation; Nature Preserve; Private Recreation; and Crop Agriculture.*

Assisted Living is permitted with approval of a Special Use Permit. Figure 1 lists the uses which are permitted in the RS10 and RM12 Districts.

The subject property is relatively level, is not encumbered with the floodplain and has good access to the transportation network, being adjacent to collector and principal arterial streets. City utilities and services are available to serve the property. The property is well suited to the uses to which it is restricted under the current RS10 Zoning.

Uses permitted in the RM12 District are similar to those in the RS10 District with the addition of *Duplex* and *Multi-Dwelling Structures*, *Congregate Living*, *Extended Care Facility*, *General*; and *Religious Assembly*, *Campus Institution*. (Table 1) The property is also well suited for the uses which would be permitted with the RM12 Zoning. The Preliminary Development Plan proposes limiting the permitted uses on this property to: *Assisted Living* with an Independent Living component in duplex and triplex structures and *Private Recreation*. The property is well suited for the uses to which it would be restricted with the proposed RM12-PD Zoning and the uses should be compatible with the adjacent properties with the provisions of the Preliminary Development Plan.

RS10	RM12	RS10	RM12
Detached Dwelling	Detached Dwelling (SUP)	Lodges (SUP)	Lodges (SUP)
Mfg Home	Mfg Home (SUP)	Public Safety (SUP)	Public Safety (SUP)
	Duplex	Utilities (SUP)	Utilities (SUP)
	Multi-Dwelling Structures		Extended Care Facility, General
Assisted Living (SUP)	Assisted Living	Extended Care Facility, Limited	Extended Care Facility, Limited
Group Home, Limited	Group Home, Limited	Active Recreation (SUP)	Active Recreation (SUP)
Group Home, General (SUP)	Group Home, General (SUP)	Passive Recreation	Passive Recreation
	Congregate Living	Nature Preserve	Nature Preserve
Adult Day Care Home (SUP)	Adult Day Care Home	Private Recreation	Private Recreation
Cemeteries	Cemeteries	Religious Assembly, Neighborhood Inst.	Religious Assembly, Neighborhood Inst.
College/University (SUP)	College/University (SUP)		Religious Assembly, Campus Inst.
School (SUP)	School (SUP)	Bed & Breakfast (SUP)	Bed & Breakfast (SUP)
Cultural Center/Library (SUP)	Cultural Center/Library (SUP)	Telecommunication Tower (SUP)	Telecommunication Tower (SUP)
Day Care Center (SUP)	Day Care Center (SUP)		
Day Care Home (Class B) (SUP)	Day Care Home (Class B) (SUP)	Crop Agriculture	Crop Agriculture

Table X: Comparison of uses permitted in the RS10 and RM12 Districts. Uses permitted only in the RM12 District shown in **bold**.

Staff Finding – The property is well suited for the uses to which it is restricted with the current RS10 Zoning and is also well suited for the uses to which it would be restricted with the proposed RM12-PD Zoning.

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

Applicant's Response:

"Tract part of annexation and rezoning in 1996."

City of Lawrence aerial photos indicate that a residence was located in the northeast corner of the property in 2003, but only the foundation is shown on the 2006 aerials. While the exact date of the removal of the house is not known, the property has remained vacant as zoned since 2006.

Staff Finding – The property has remained vacant as zoned since 2006.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"No detrimental effect is anticipated. Requesting RM12 to permit Assisted Living use. Submitting development plan to restrict use to Assisted Living and not all other permitted uses in RM12 District."

The permitted uses are restricted on the Preliminary Development Plan to *Assisted Living*, with an Independent Living component in duplex and triplex structures.

Staff Finding – The restrictions on the permitted uses and building types provided with the Preliminary Development Plan are adequate to insure the development will be compatible with the area and should have no negative impact on surrounding properties.

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

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Denial of the rezoning would leave the area open for development of the uses permitted within the RS10 District. This would allow the *Assisted Living* Development to occur with the approval of a Special Use Permit.

The approval of the RM12 Zoning request with a Planned Development Overlay allows the applicant the design flexibility necessary for the project while insuring that the development is compatible with surrounding properties.

Staff Finding – Given the controls on the use and design that are afforded through the use of the Planned Development Overlay, there would be no gain to the public by the denial of the rezoning request. Granting the rezoning request will provide the applicant the flexibility necessary to develop a comprehensive facility to serve clients with different levels of need.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning

request is compliant with recommendations for low density residential development in *Horizon 2020*. Staff recommends approval of the rezoning request for approximately 19.3 acres from RS10 (Single-Dwelling Residential) District to RM12-PD (Multi-Dwelling Residential with Planned Overlay) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.