

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
2/26/2014

**ITEM NO. 6 RM12 to RM24; 3.35 ACRES; N OF BOB BILLINGS PKWY & E OF K-10
(SLD)**

Z-13-00519: Consider a request to rezone approximately 3.35 acres from RM12 (Multi-Dwelling Residential) District to RM24 (Multi-Dwelling Residential) District, located at the NE corner of Bob Billings Pkwy and K-10/SLT to be known as part of the Langston Commons Subdivision. Submitted by Tim Herndon on behalf of RSR Holdings LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 3.35 acres from RM12 (Multi Dwelling Residential) District to RM24 (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: *To attain greater density from that presently allowed, in order to provide transitional residential type and to offset diminished density in adjacent property.*

KEY POINTS

- Request is related to recent approval of revised Final Plat for Langston Heights Addition that reduced density in anticipation of transferring that density to this property. (PF-13-00084).
- Zoning of the RM12 portion of the Langston Heights Subdivision (north of this property) is restricted to a maximum of 62 total units. The revised Final Plat includes 15 duplex lots for a total of only 30 units.

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.
- PF-13-00084: Langston Heights Addition that included a revision to create duplex lots along the South Lawrence Trafficway resulting in a reduction of density for the development.

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

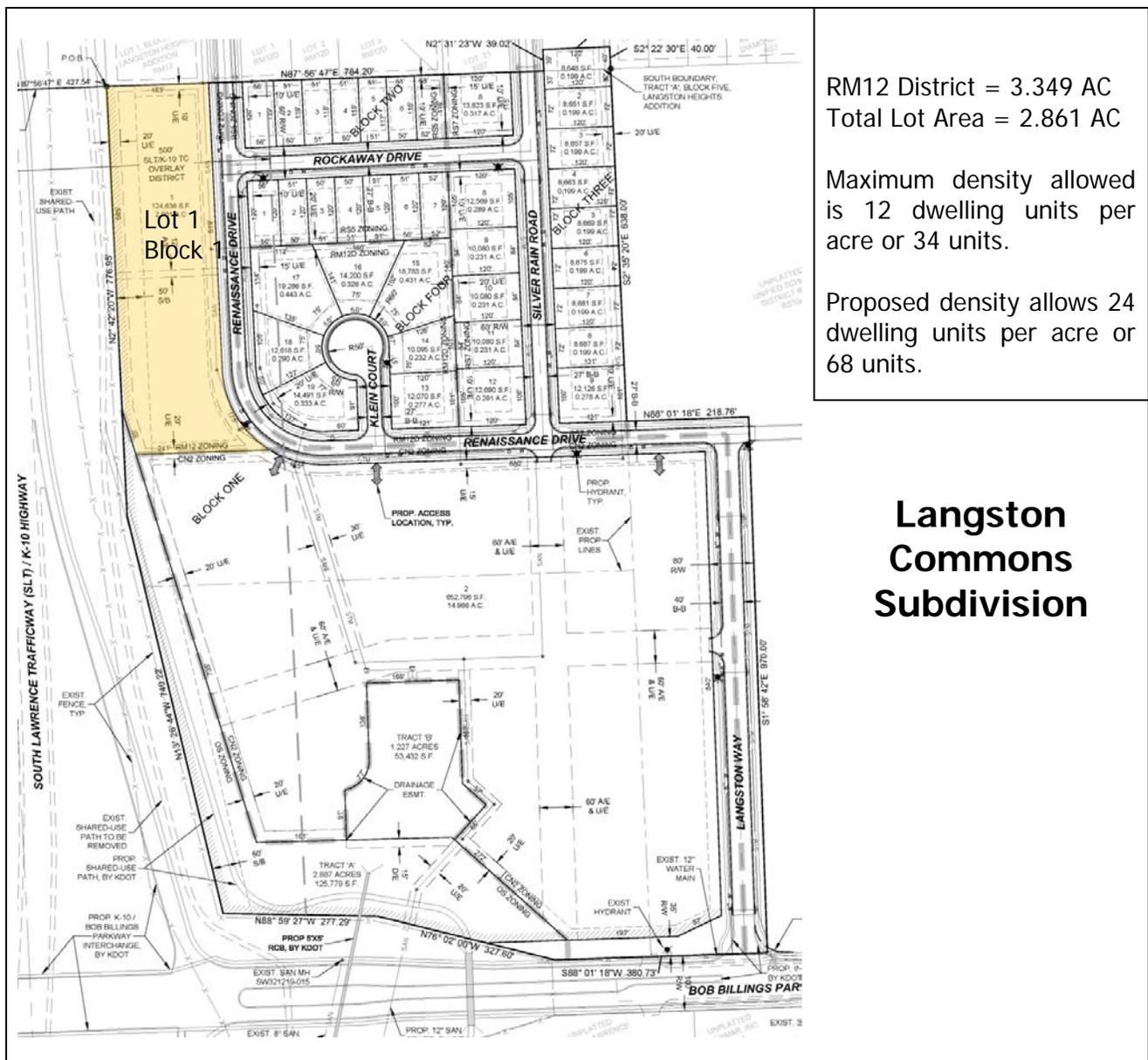
- Attachment A: Area map
- Attachment B: Zoning map of Langston Heights and Langston Commons
- Attachment C: West of K-10 Land Use map
- Attachment D: Density analysis of RM12 and RM24

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication of staff report.

Project Summary:

This application represents 3.35 acres of a combined development application including 35.7 acres as part of the Preliminary Plat known as Langston Commons. This request is to change the zoning and base density from RM12 (Multi-Dwelling Residential) Development to RM24 (Multi-Dwelling Residential) for the area adjacent to K-10 Highway (Lot 1, Block 1 Langston Commons Subdivision).



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request pursues transition in land use intensities , with higher densities adjacent to retail uses (neighborhood commercial) and major thoroughfares (K-10/SLT)*

This property is located within the boundary of the *West of K-10 Plan*. Refer to attachment and discussion of applicable area plan below. This property was included in a package of requests that include low and medium-density residential zoning as well as neighborhood commercial and open space districts as part of the Langston Commons Subdivision. The Preliminary Plat establishes the integrated layout of the overall development pattern planned for this area.

In addition to general density recommendations, *Horizon 2020* provides key strategies that are applicable to this development request. 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 RM24 zoning conveys a maximum density of 24 dwelling units per acre. *Horizon 2020* addresses high-density land use by defining it as reflecting an overall density of 21 dwelling units or more per acre. This use is recommended "*at selected locations near high-intensity activity areas or near existing high density residential developments*". *Horizon 2020* specifically notes the appropriateness of this use to "*include sites primarily along the SLT and Eastern Parkway*". The plan further states that large concentrations of high-density residential development are not recommended. This application includes a single proposed lot that is 2.861 acres, excluding right-of-way. Additionally this property includes a 50' setback along the Highway that will be a dedicated landscape buffer for the development from the Highway.

Density is clustered within this property by transferring units approved by the previous application to the north (as a single lot development with a cap of 62 units) to the subject property by increasing the maximum allowed density from 12 units per acre to 24 units per acre.

This request represents infill development and the first step in a plan to provide a transition of uses between the planned lower-density uses to the north and commercial 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 RM24 district is proposed to be located immediately adjacent to the highway on the west and commercial uses to the south. Medium-density and lower density residential development is proposed to the north and east.

This use is intended to promote a mix of housing types within a planned development area. The approved zoning and subdivision design to the north and to the east accommodate detached and

duplex housing exclusively within this immediate area. The RM24 district would accommodate an alternative type of housing type within the neighborhood with direct proximity to the commercial area.

Horizon 2020 states that “as with medium-density housing, a range of densities and housing types should be encouraged”. The application for RM24 development seeks to implement this policy using combined zoning applications that establish base districts as part of the Langston Heights and Langston Commons Subdivisions that delineate the boundary of the transitions through zoning.

Staff analyzed this area with regard to density across the total approved RM12 District (8.429 acres) and found the change is minimal [11.3 dwelling units per acre to 11.62 dwelling units per acre]. The development pattern remains within the range of the medium density housing approved for this area.

The maximum number of dwelling units the existing RM12 District in the Langston Commons Subdivision can accommodate is 34 units per the approved Preliminary Plat (Lot 1 Block 1 Langston Commons Subdivision). The proposed RM24 district is a high-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. Additionally, this district would provide a transition between the commercial uses to the south and the duplex and detached uses to the north.

Staff Finding – The specific RM24 request orients the high-density development adjacent to the highway and the commercial area. The proposed RM24 district conforms to the land use recommendations included in *Horizon 2020* with regard to infill development, housing mix and land use transition. The overall impact of the proposed request, combined with the recent approval for duplex lot development in Langston Heights to the north, results in a continuation of a medium density residential development.

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

Current Zoning and Land Use: RM12 (Multi-Dwelling Residential) District; 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. The final plat was approved with multiple duplex lots for that portion of the RM12 district effectively reducing the total number of units by 32.

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 as part of a planned development. (Refer to attached zoning map.) A significant land use feature is the existing highway along the west property line. The proposed commercial use to the south is located at a major intersection. The highway is located entirely within the unincorporated area and is currently zoned A (Agricultural).

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Presently completely undeveloped, the subject acreage as well as over 55 acres of surrounding vacant land will comprise a variety of housing types, predominantly single-family, to integrate with nearby neighborhood elementary school, retail development and freeway interchange.*

This property abuts the K-10 Highway and was planned as a higher-density residential use adjacent to the highway per the most recent land use approval. This property is part of an undeveloped area located between the Langston Hughes Elementary School to the east and K-10 Highway to the west. Bob Billings Parkway is located to the south.

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.

Neighborhood commercial uses are noted in planning documents to the south. Property was recently rezoned to accommodate neighborhood commercial development (Z-13-00256) on the northeast corner of K-10 Highway and Bob Billings Parkway. The subject property abuts this planned commercial area along the south property line. 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. 6th 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

This area is located within the boundary of the *West of K-10 Plan*. The Plan states *"a mix of housing types should be built within each neighborhood. Neighborhoods should not be developed with a single housing type, ie. Single family"* as a guiding land use principle. To date the residential portion of the development of this area that includes both the Langston Heights and Langston Commons subdivisions is exclusively designed for detached and duplex housing.

The Plan also recommends neighborhood level commercial uses and integration of parks and open space within the neighborhoods developed in this area.

Very low, low, medium and high-density residential land use categories are described in the plan on page 26. The plans states with regard to high-density residential development that these area

are primarily located at the intersection of two major roads or adjacent to commercial uses. Additionally, the intent of the high-density residential development category is to allow for compact residential development. The proposed request is for 3.349 acres, a portion of that is encumbered by an extraordinary setback along K-10 Highway and is immediately adjacent to property zoned for neighborhood commercial development. Development of this property will have direct proximity to future commercial development through vehicular and pedestrian connections as the area develops. The Plan states that applicable high density districts include RM12, RM12D, RM15, RM24, and RM32 districts as well as PD (Planned Development Overlay).

The related land use map shows several areas as suitable for medium and high-density residential development. These areas are located west of K-10 or in specific small areas north and south of the subject property. The area along Ken Ridge Drive to the north was originally anticipated for medium and high-density residential development as it related to planned commercial development along w. 6th Street known as Diamondhead PCD.

Previous land use approvals for this property evaluated the development of the area concurrently with the preliminary plats of Langston Heights and Langston Commons Subdivisions and the related zoning applications that spread development intensity across the entire acreage with the higher intensity uses located along K-10 Highway and toward the intersection of Bob Billings Parkway and K-10 Highway. The proposed zoning provides a transitional use between the other approved development elements within the area but retains the overall medium density development value for the subject property when considered with the recent approval of the duplex lots to the north (existing RM12, Langston Heights).

This application seeks to absorb approved density from the Langston Heights subdivision to the north and incorporate the dwelling units into the subject property by changing the base zoning from RM12 to RM24.

Staff Finding –The proposed RM24 district complies with the location recommendations outlined in the text of the plan as being located adjacent to a commercial area. It provides transition of land use between a major intersection and commercial uses to the south and lower density uses to the north and provides an opportunity for additional housing choices within the developing neighborhood.

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

Applicant's Response: *The present zoning prohibits transitional density between the RM12 district to the north and the proposed neighborhood commercial development to the south, therefore the subject property will be better suited as a higher-density zoning district.*

The proposed request is for the RM24 district to accommodate development north along K-10 Highway and receive the transfer of density approved with the Langston Heights Subdivision to the portion of the Langston Commons Subdivision adjacent to the commercial area to the south.

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 RM24 request facilitates additional housing choice in the area.

Suitability of the property should include appropriate site design for buffering as well as connectivity between this property and balance of the neighborhood. These elements are typically site design considerations. Buffering along the K-10 highway is a requirement for this development as discussed in the preliminary plat staff report regarding the SLT Transportation Corridor Overlay District. Treatment of building orientation, driveway access, and screening along Renaissance Drive will be significant review elements as part of a future site plan application. Further, connectivity of Renaissance Drive to Bob Billings Parkway will be required prior to development and will be included as a condition of approval with the Final Plat of Langston Commons to assure adequate public facilities are accommodated with development.

Staff Finding –The existing RM24 district is suitable for this location.

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

Applicant's Response: *The subject property was zoned to RM12 in early 2013 and has remained vacant.*

This property is undeveloped (vacant). The property was rezoned to RM12 per ordinance number 8906 adopted by the City Commission in September 2013.

- The property was zoned A from 1966 to 2006.
- The property was zoned UR from 2006 to 2013
- The property is currently zoned RM12 established in September 2013.

Staff Finding – The area is undeveloped. The property is zoned RM12.

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

Applicant's Response: *No detriment to nearby properties is identifiable.*

The proposed RM24 zoning is a high-density residential development district. The district is associated with a maximum density of 24 dwelling units per acre and a minimum lot size of 6,000 SF per lot. The distinction between the RM12 and RM24 is one of development intensity only. Both districts accommodate multi-dwelling residential development. In order to capture the lost density from the Langston Heights Subdivision by the addition of lot divisions for duplex development, the subject property must be rezoned with a higher base density.

The approved preliminary plat includes a single 2.8-acre lot. The approved preliminary plat notes a total development density of 34 units, the equivalent density value of 11.884 dwelling units per acre for this parcel. If approved, the density for the same 2.8 acres would move to 24 dwelling units per acre. As discussed above, however, when combined with the 5.5 acres of Langston Heights the combined density is only 11.6 dwelling units per acre.

If approved, this request would represent a transfer of both units and unit type within the area. Early plans anticipated row-type housing along K-10 highway for both Langston Heights and Langston Commons Subdivisions. Development of this property is more likely to occur in the form of 2-3 story traditional apartment buildings of 6-8 units per building.

The related subdivision orients the commercial use to the immediate south and duplex and detached housing to the north and northeast property lines. The RM12D district to the east is oriented to an internal cul-de-sac with rear yards facing the development. Appropriate landscape

and possible berming could be recommended on the north and northeast sides of this property to provide a buffer between uses. Clustering development to the south side of the development would also provide orientation to the commercial area of the neighborhood and enhance buffering of uses to the north. The immediate properties are all undeveloped at this time and no detrimental effect is anticipated.

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 effects anticipated for nearby properties resulting from the approval of this request. Appropriate restrictions of development concurrent with adequate public facilities (connection of Renaissance Drive to Bob Billings Parkway) would be recommended for future development applications for this property.

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: *Denial of this application would assure a lower residential density than recommended in the Comp. Plan and would prevent the landowner from efficiently utilizing infrastructure capacities with no appreciable benefit to the public.*

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 RM District is to accommodate multi-dwelling residential development in a variety of densities. 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 planned duplex and detached housing to the north and commercial uses to the south.

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 RM24 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 RM districts include both medium and high-density development options depending on the density associated with the specific district. 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 this property.

The proposed development provides a reasonable transition of land uses by decrease in intensity from west to east. The RM24 portion of the request provides the specific buffer between the RM12 duplex development to the north and commercial uses to the south.

The area that is comprised of the Langston Heights and Langston Commons Subdivisions is an, as yet, unrealized neighborhood. Neighborhood character is partially a product of the physical design of a particular area. As the developer's vision for this area changes with the more defined development opportunities the basic assumptions about land use are being modified. These changes have so far resulted in the revision to the Final Plat of Langston Heights by establishing individual lots for duplex development within the RM12 area along K-10 Highway effectively reducing the development density and intensity in the north portion of the area. This request represents an effort to transfer that density to the south closer to the commercial/traffic node of K-10 Highway and Bob Billings Parkway.

CONCLUSION

The proposed request is consistent with anticipated residential development of this area as most recently discussed with the revised final plat of Langston Heights establishing individual lots for duplex development along the west side of Renaissance Drive. This request extends the existing residential pattern to the west.