

PC Staff Report
12/14/2015

ITEM NO.2: Z-15-00523 UR to RMO; 1.04 acres; 4111 W 6th Street (BJP)

Z-15-00523: Consider a request to rezone approximately 1.04 acres from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential - Office) District, located at 4111 W 6th Street. Submitted by Paul Werner Architects on behalf of Freestate Dental Building, LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.04 acres, from UR (Urban Reserve) District to RMO (Multi-Dwelling Residential - Office) 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 owner of the property would like to develop this UR zoned property. For that to occur rezoning must take place."*

KEY POINTS

- Existing UR zoning is not suitable for development of property.
- This request proposes multi-dwelling and office zoning consistent with the land use for the area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Development of the property will also require approval of a Major Subdivision and Major Site Plan. Applications for these planning processes have not been submitted.

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone conversation with adjacent property owner (Kim Bergmann, 601 Prescott Drive) who inquired as to why the RMO zoning was chosen over RSO. Ms. Bergmann had concerns about the potential for future multi-family development on the subject property. I referred Ms. Bergmann to the applicant's agent for more information on the selection of the RMO zoning selection.

Project Summary:

The proposed request is for 1.04 acres to accommodate *Health Care Office* use. The subject parcel has been a residential use since 1941. The property was annexed in 1996 and was not assigned a City zoning district at that time. The property was converted to the UR District in 2006 with the adoption of the Land Development Code. The UR District is a holding district for properties annexed into Lawrence and does not permit the expansion of residential or office uses. The zoning change to the RMO District reflects the property owner's desire to develop the property with a *Health Care Office* use.

Prior to any new development activity, the property will need to be platted in compliance with the subdivision regulations. Future development will also include site planning.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"H2020 does not reflect the current zoning and land use in the area. However, considering the zoning to the east and west was approved to be RSO and RMO and is located across from a Planned Commercial District it would seem appropriate to rezone this site to in order to house similar uses as found to the north, east and west."*

While the rezoning request has been submitted to accommodate a potential *Health Care Office* use, rezoning to the RMO district could allow for a multi-dwelling structure in the future. *Horizon 2020* states that the criteria for determining the proper location of medium-density residential development should include the consideration of land use relationships. The Plan states that development proposals shall be reviewed for compatibility with existing land uses. The subject property is located between RMO zoning to the west and RSO zoning to the east. The property to the west contains a multi-dwelling structure, while the property to the east contains offices. Also, there are detached dwellings located further to the east. There are offices immediately north of the subject property and detached dwellings to the south. The rezoning request aligns with the existing zoning to west and represents a reasonable transition between the multi-dwelling structure to the west and the detached dwellings to the east.

Staff Finding – The proposed request is compatible with the surrounding existing land uses and is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: UR (Urban Reserve); *Detached Dwelling*.

Surrounding Zoning and Land Use:

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|--------|--|
| North: | PCD – [Monterey Center] (Planned Community Development); <i>Office</i> . |
| East: | RSO (Single-Dwelling Residential – Office); <i>Office</i> . |
| South: | RS7 (Single-Dwelling Residential); <i>Detached Dwellings</i> . |
| West: | RMO (Multi-Dwelling Residential – Office); <i>Multi-Dwelling Structure</i> . |

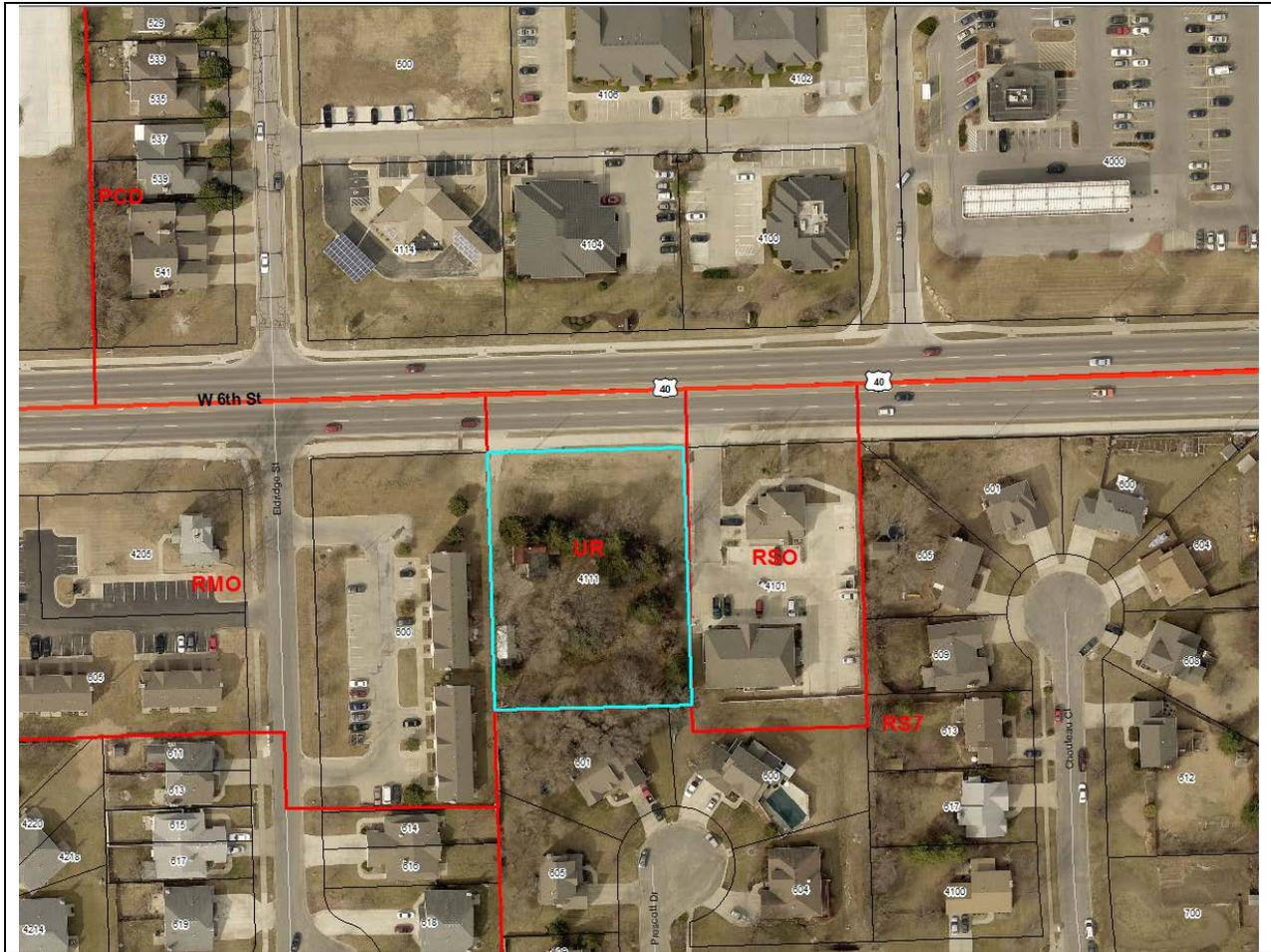


Figure B: Surrounding zoning of the subject property.

Staff Finding – As proposed, the subject property will be uniformly zoned similar to development property located to the west.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"The character of the neighborhood includes offices and medium to high density residential uses to the west, north and east with single-family homes to the south. Sixth Street runs along the north side of the property and heavily influences the uses that are appropriate for the site."*

The area has been developed with a mix of residential and office uses. There is an existing multi-dwelling structure to the west of the subject property, office uses to the north and east, and single-family development to the house.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area along W 6th Street is most recognizable as nonresidential area with office uses.

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

Horizon 2020 identifies the area along W 6th Street for future land uses that include Low Density Residential, Medium/High Density Residential, Office, Community Facility, and Office/Commercial.

There is no neighborhood plan that address the property, however, the rezoning request is not changing overall development plans for the area, the character of the neighborhood or impacting adjoining property.

Staff Finding – The proposed rezoning request is compliant with the 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 not suitable to remain UR zoning with it being between RSO and RMO zoned property and fronting on 6th Street. UR zoning is provided until such time that a land use plan, infrastructure and community services are in place. The appropriate plans will be provided to the City to insure all the above are provided and meet City Standards."*

The subject property is zoned UR which limits the use of the property to the use it was at the time of annexation. As such, the property owner cannot change uses or expand without rezoning. This rezoning request stems from a desire to develop the property with a *Health Care Office* use, however, according to the Land Development Code, "The only Principle Uses allowed in the UR District are Crop Agriculture and any lawful use(s) in existence immediately prior to annexation with the exception of billboard signs."

The immediate area surrounding the subject property is zoned for residential and office uses. Permitting additional office uses on the subject property is consistent with the surrounding area.

Staff Finding – The existing zoning is not suitable given the intended development pattern for this property.

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

Applicant's Response: *"The property is not vacant and has housed a single family house for quite some time."*

Staff Finding – The subject property is not vacant. The property is zoned UR and has contained a single-family residence since 1941.

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

Applicant's Response: *"Nearby property will not be detrimentally affected since the rezoning on either side is zoned RSO and RMO. This zoning will blend well with existing uses."*

The subject property is currently zoned UR District, which is primarily intended to provide a suitable classification for newly annexed land, and to avoid inappropriate development. The proposed rezoning is well suited for the area and will provide consistency with the RMO District located to the west of the subject property.

The rezoning to RMO District was requested to accommodate a proposed *Health Care Office* use which is permitted in the district.

Attachment A shows the uses permitted in the RMO District. Additionally, Article 5 of the Land Development Code provides standards for certain uses in the RMO District to reduce impacts to

adjacent properties. For example, a multi-dwelling structure would only be permitted in the RMO District provided that the residential units are constructed as part of a mixed-used project. At least 25% of the project would have to be developed with nonresidential uses.

Future development will be subject to site plan review and approval. The Development Code requires landscaped bufferyards between RM and RS properties. This provides additional development standards along the south and west sides of the property.

Staff Finding – There are no anticipated detrimental effects for nearby 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

Applicant's Response: *"The gain to the public health and safety would be the closing of a driveway on this portion of 6th Street. The hardship imposed on the owner should be the rezoning be denied would be they are forced to keep a single family home on a lot sandwiched between two more densely zoned pieces of ground."*

If the rezoning were denied, the use of the property would remain limited as zoned UR. As discussed earlier, it would then not be possible for the Owner to change the use of the property or expand the current use. The use of the property would remain as a *Detached Dwelling*.

During discussions with the Owner on potential redevelopment of the site, the City Engineer indicated the existing W 6th Street access would be closed. This access management condition has been set up through access easements or plat notes on each of the adjacent subdivision plats. A shared access agreement would be sought with one of the adjacent properties. Given this, the public would benefit by the removal of one access drive along W 6th Street.

Staff Finding – Approval of the proposed request facilitates development of a *Health Care Office* use in an area for developed with residential and office uses.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning of approximately 1.04 acres from UR District to the RMO District as it is an appropriate zoning district for the subject property.