

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
06/20/2016

ITEM NO. 2 Z-16-00145: RM32 (Multi-Dwelling Residential) District TO GPI (General Public and Institutional Use) District; 1220 Oread Avenue (JSC)

Z-16-00145: Consider a request to rezone approximately 0.78 acres from RM32 (Multi-Dwelling Residential) District to GPI (General Public and Institutional Use) District, located at 1220 Oread Avenue. Submitted by Philip Ciesielski with City of Lawrence Department of Utilities, for the City of Lawrence, Kansas, the property owner of record.

STAFF RECOMMENDATION

Staff recommends approval of the request to rezone approximately 0.78 acres from RM32 (Multi-Dwelling Residential) District to GPI (General Public and Institutional Use) 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 requested GPI zoning did not exist at the time of original construction at the site. The requested rezoning from RM32 to GPI more appropriately reflects the land use as a public utility facility.

KEY POINTS

- The Board of Zoning Appeals granted variances to reduce the 5 acre minimum site area requirement to a minimum of 0.78 acres; to reduce the 40 foot minimum front and rear setback requirement to a minimum of 27 feet, and to reduce the 40 foot minimum interior side setback to a minimum of 20 feet from the north property line, and 15 feet from the southern property line on May 5th, 2016
- Water storage facilities have existed at this site since 1931.
- The proposed rezoning would align the long-term use of this site with the recent creation of the GPI District in 2006 Land Development Code.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- B-16-00132; Front, Interior Side, Rear setback variances and Minimum Site Area Requirement
- SP-16-00143; Major Site Plan Application to construct 2 water storage tanks and a booster pump station.
- Minor Subdivision for lot combination is required

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 this request

ATTACHMENTS

- None

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Project Summary

Proposed request is to rezone this property from RM32 (Multi-Dwelling Residential – 32 Dwelling Units per Acre) to GPI (General Public and Institutional Use District). The GPI District is a special purpose base district that accommodates a narrow or distinct set of uses or for special purposes beyond the conventional residential, commercial, industrial, and agricultural districts. Examples include government and public institutional uses.

The present public water storage facility located on the top of Mount Oread was initially constructed in the early 1930s. Since that time, the use of the property has been the same, with minor upgrades and additions over the decades. Due to the age of the existing tanks, the City of Lawrence Utilities Department is applying to rezone the property to GPI as part of the site's overall reconstruction process. The site is planned to be reconstructed containing two water storage tanks and a booster pump station. Similar structures are presently located on this site.



Figure 1: Subject Location

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The proposed land use after rezoning is consistent with the existing land use as a public utility facility.*

Similar to other land uses such as residential and commercial, *Horizon 2020* recommends infill development over new annexation and expansion of utilities at the edges of Lawrence when possible. It also strives to ensure that adequate public infrastructure is created to allow for continued residential, commercial, and other infill uses. *Horizon 2020* principally discusses facilities

like these in Chapter 10: Community Facilities. Specifically, it notes that, “Plans should emphasize utility improvements and extensions that provide the highest level of service within existing service areas, particularly public water and wastewater treatment and collection.” (Horizon 2020, p. 10-10) Utilizing the existing site and infrastructure would continue to provide the level of service from this location, while ensuring that the service is an infill type project. The placement of water storage facilities is a complex land use consideration, not just from a use compatibility aspect, but also from a service and infrastructure facet. The siting requirements for a public water storage facility include specific technical elements, such as being located at a proper elevation in relation to its coverage area, specialized utility system connections and services, and an ability to provide required water pressures leaving the facility for both daily use/demand and fire service protection.

Horizon 2020 also includes policies that would be applicable to this proposed project and rezoning. These include Policy 1.1 (b) which encourages the City to, “Maintain or upgrade existing facilities and services where necessary to serve existing development.”

Staff Finding: The proposed request is consistent with the land use recommendations in *Horizon 2020*, and represents a realignment of the base zoning to match the historical long-term use of this property to today’s Land Development Code.

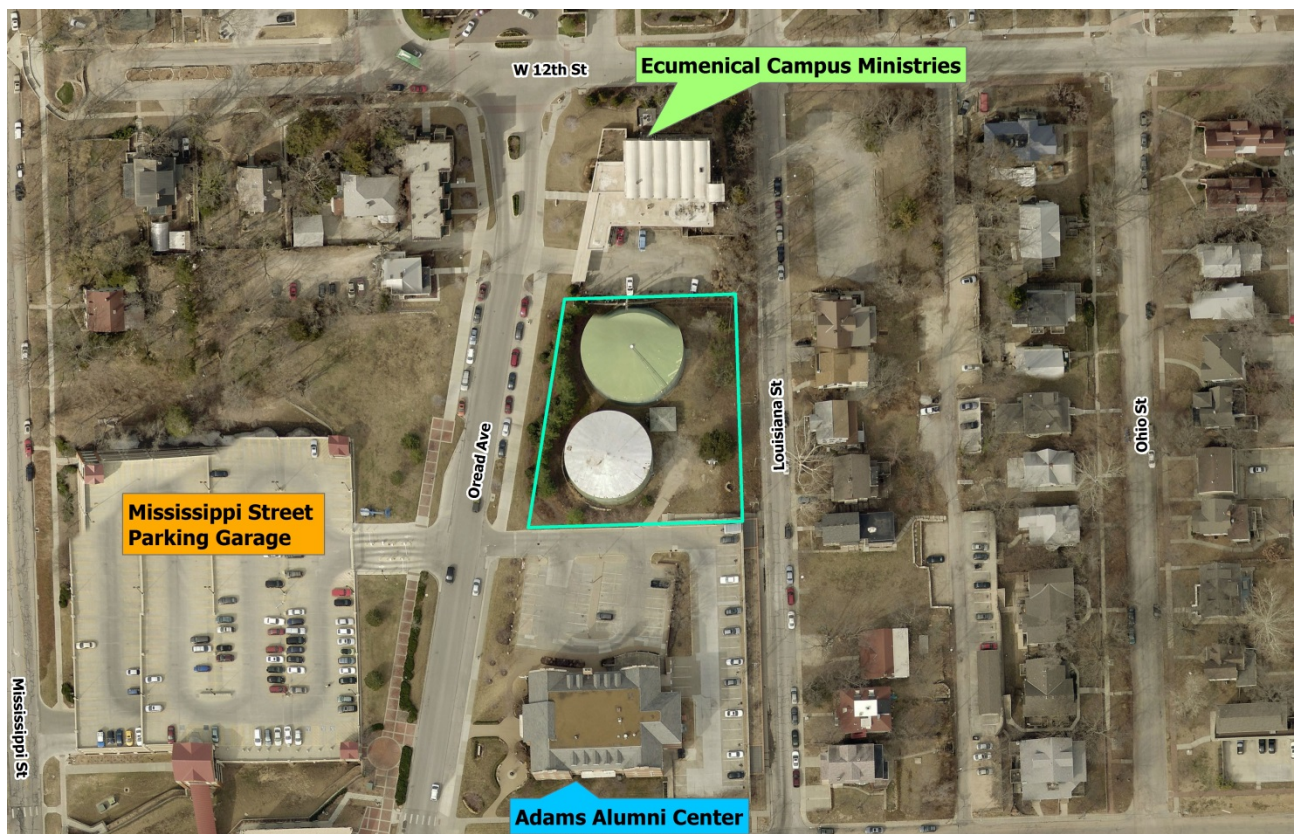


Figure 2: Subject Site & General Area

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

Current Zoning and Land Use:	RM32 (Multi-Dwelling Residential – 32 Dwelling Units per Acre) District; Utilities and Service, Major. Existing public utility water storage facility.
Surrounding Zoning and Land Use:	RM32 (Multi-Dwelling Residential District) District to the north; Ecumenical Campus Ministries. RM32 (Multi-Dwelling Residential District) District to the south; University of Kansas Adams Alumni Center. RM32 (Multi-Dwelling Residential District) District to the east; Single and Multi-Dwelling residential structures. U-KU (University – Kansas University) District to the west; Mississippi Street Parking Garage, Multi-Dwelling residential structures, and vacant land.

Staff Finding: The subject property is bounded on the western side by Oread Avenue and by The University of Kansas' Mississippi Street Parking Garage and vacant land; on the eastern side by Louisiana Street with various residential structures. Ecumenical Campus Ministries is adjacent to the north, and the University of Kansas Adams Alumni Center is adjacent to the south. The site's use as a public utility water storage facility predates the surrounding nonresidential uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *Mix of residential, commercial, multifamily and the University of Kansas.*

This property is adjacent to, but not included in, the Oread Neighborhood Association and Oread Residents Association boundaries. The area has evolved since its initial development in the early 20th Century as the University of Kansas, and its corresponding ancillary uses, have developed around this utility installation. Many of the adjacent uses are either related to the University or another institutional use. The remaining uses include the Oread Hotel, and both single and multi-dwelling residential structures. The proposed request would bring the underlying zoning for the Oread water storage facility in-line with the Land Development Code, while not changing the use of the site.

Staff Finding: The proposed request does not substantially change or alter the character of the immediate 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 not located within the boundary of an adopted Sector Plan. The site is adjacent to the *Oread Neighborhood Plan*, which anticipates a mixture of Medium-Density and High-Density residential uses next to this location.

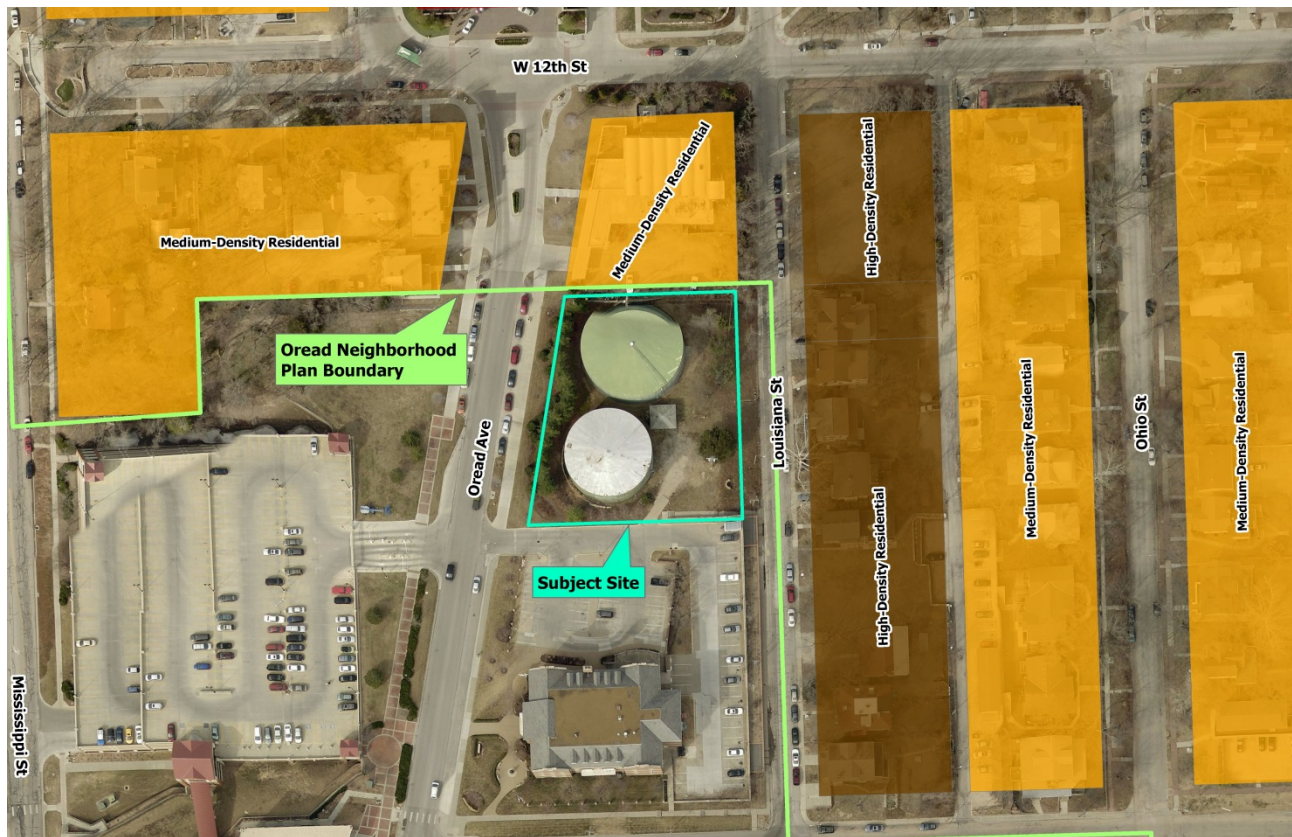


Figure 3: Adopted Oread Neighborhood Plan & Subject Site

Overall, the proposed zoning change does not impact the present density or use for this location. The proposed rezoning is consistent with the intent of the Land Development Code, bringing the zoning in-line with the site's use as a public water storage facility.

Staff Finding: The proposed rezoning represents an alignment of the Land Development Code to the site's existing and continued use as a public water storage facility.

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

Applicant's Response: The requested GPI zoning did not exist at the time of original construction at the site. The requested rezoning from RM32 to GPI more appropriately reflects the land use as a public utility facility.

The use of this site in some capacity as a water public utility has existed before the City of Lawrence adopted its first zoning code in 1927. Under previous editions of the zoning code, this location has been consistently zoned for higher-intensity residential development, but continually used for a public water storage facility since at least 1897. With the adoption of the Land Development Code in 2006, the new code contained a specific zoning district that accommodated public facilities and infrastructure installations, such as the Oread water storage facility. By rezoning the property to the GPI District, the continued use of this site as a public water storage facility will then conform to the new district established in 2006.

Staff Finding: The proposed rezoning is suitable for the existing and continued use of this site for a public water storage facility, and rezoning would be consistent with the intent of the Land Development Code.

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

Applicant's Response: *The property is not vacant.*

Based on available Sanborn Fire Insurance Maps, the site has been used for public water sources since at least 1897. The existing water storage tanks have been at this location since 1931.

Staff Finding – This property has been in use as a water supply source since 1897, while being residentially zoned since 1927.

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

Applicant's Response: *The rezoning will not detrimentally affect the nearby properties. The land use after zoning will be the same as the land use under the current zoning.*

The immediately surrounding area is developed with a variety of residential, institutional, university, and commercial uses. The use of this for a public water storage facility site will not change as a result of the rezoning.

Staff Finding: There are no anticipated detrimental effects for nearby 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: *Continued use of the site as public utility storage facility for the storage and pumping of potable drinking water.*

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 the anticipated impacts of the rezoning request on the public health, safety, and welfare.

Rezoning the property would allow for the tanks to be reconstructed in the defined zoning district created for these uses as prescribed in the Land Development Code. The two water storage tanks and booster pump station provide drinking water to University of Kansas and a large area around Downtown Lawrence, while also providing required pressure and supply for fire protection. Approval of the zoning request would permit the City of Lawrence Utilities to meet the required zoning and land use considerations, while maintaining the site's use and the subsequent public service it provides. If denied, the same development type could be accommodated through a Special Use Permit; however, this would result in an excessive process for the applicant, as well as the public.

Staff Finding: Approval of the proposed rezoning request to the GPI District facilitates the continued use of this site for a public utility to serve the residents of Lawrence.

9. PROFESSIONAL STAFF RECOMMENDATION

This request is consistent with the Land Development Code's intended zoning designation for such a use, and is consistent with the surrounding area. The proposed zoning designation change would align the zoning designation with the existing and intended future use of this property.

CONCLUSION

Staff recommends approval of the proposed rezoning to the GPI District for this property based on the findings in this report.