

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
07/25/2016

**ITEM NO. 5B RM12D-FP (MULTI-DWELLING RESIDENTIAL FLOODPLAIN OVERLAY)
DISTRICT TO RS5-FP (SINGLE-DWELLING RESIDENTIAL FLOODPLAIN
OVERLAY) DISTRICT; 1.262 ACRES (SLD)**

Z-16-00220: Consider a request to rezone approximately 1.262 acres from RM12D-FP (Multi-Dwelling Residential-Floodplain Overlay) District to RS5-FP (Single-Dwelling Residential-Floodplain Overlay) District, located at 751 W 29th Terrace. Submitted by Landplan Engineering, for Savannah Holdings, LC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to **rezone** approximately 1.262 Acres, from RM12D-FP to RS5-FP (Single-Dwelling Residential Floodplain Overlay) 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: *This rezoning request facilitates the development of single-family detached homes on the subject property. It keeps property currently within a floodplain overlay district in that same overlay district but adjusts the base district from RM12D to RS5 to keep it consistent with the concurrent RS5 rezoning request.*

KEY POINTS

- Planned residential development.
- Property includes small areas encumbered by regulatory floodplain.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00437; Annexation of 14.53 Acres, Ord. No. 8953
- Z-13-00348; A to RM12D and RM12D-FP, Ord. No. 8954
- Z-16-00219; RM12D to RS5
- PP-16-00221; Naismith Creek Addition

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

- Area Map
- Floodplain Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

-

Project Summary:

This request would amend the zoning district affecting only the base zoning of the existing RM12D-FP. The request would retain the floodplain overlay district designation if approved. This application was submitted concurrently with a rezoning application and preliminary plat for the Naismith Creek Addition.

The summary of the staff report is identical to the summary provided for Z-16-00219 except for references to the floodplain. New or additional text related specifically to the Floodplain Overlay District is included in this application.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *This request conforms to the portion of Chapter 16 of Horizon 2020 which addresses water resource management. Maintaining the existing floodplain overlay district in these small pockets of property ensures that future residential construction will adhere to the applicable floodplain management development standards for property lying less than 2 vertical feet above adjacent FEMA base flood elevations.*

The original annexation and zoning of the area in 2013 included an identification of the boundary of the floodplain and resulted in certain additional areas needing to be included in the Overlay District. Much of the area annexed that was encumbered by the regulatory floodplain was transferred to the City of Lawrence and expanded the boundary of Naismith Valley Park. Only a small area of the floodplain remains within the development area.

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 RS5 and FP Overlay zoning designations.

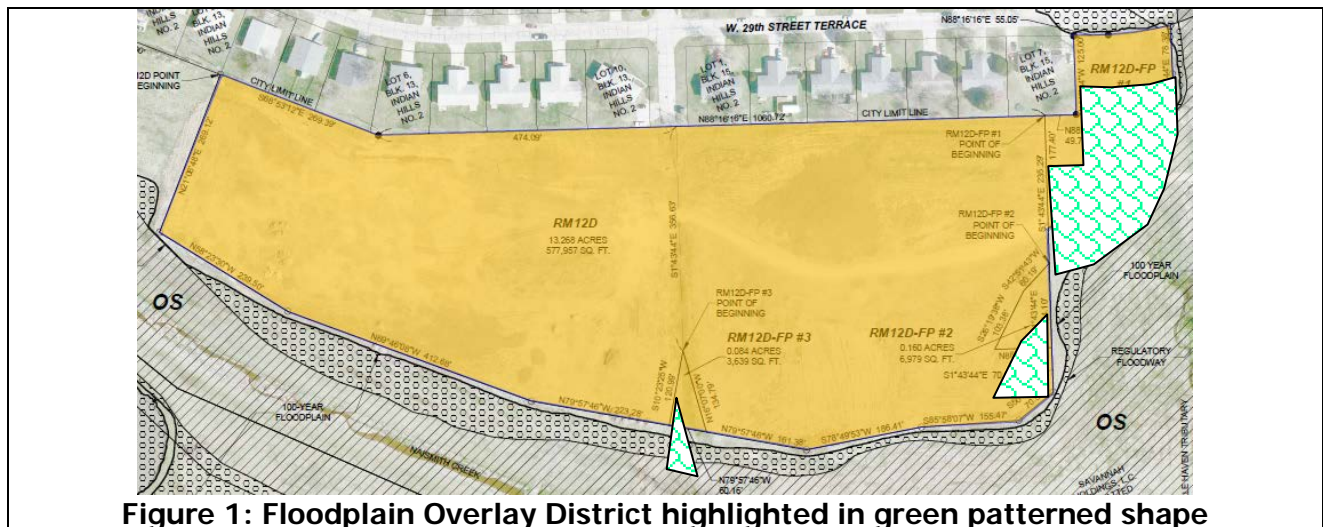


Figure 1: Floodplain Overlay District highlighted in green patterned shape

In addition to the discussion included in staff report Z-16-00219 residential goals address the preservation of the natural environmental features. The proposed application is intended to continue the protections originally established for the area related to the floodplain for newly annexed areas (Residential Policy 5.2).

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to floodplain development.

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

The following zoning and land use summary is provided for the entire area included in the Naismith Creek Addition development request. This specific application affects only the area that includes the Floodplain Overlay District to modify the base district and retain the Floodplain Overlay District designation.

Current Zoning and Land Use:	RM12D-FP (Multi-Dwelling Residential Floodplain Overlay) District. Undeveloped land.
Surrounding Zoning and Land Use:	<p>RM12 (Multi-Dwelling Residential) District to the north; Existing development includes both duplex and triplex residential units.</p> <p>RS7 (Single-Dwelling Residential) District to the north and northeast east of Belle Haven Drive. Existing uses include a <i>Detached Dwelling</i> and a <i>Religious Assembly</i> use.</p> <p>OS-FP (Open Space Floodplain Overlay) District to the east, west, and south. Existing Naismith Valley Park.</p>

The subject property includes only a portion of the area included in the related preliminary plat application.

Staff Finding – The proposed request is directly related to the request for RS5 zoning and proposed preliminary plat for Naismith Creek Addition. Approval of the request would facilitate a uniform development of the property. The surrounding area to the south and east is also designated with the Floodplain Overlay District designation and is incorporated into Naismith Valley Park. Residential uses to the north are a mix of detached and attached dwellings.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject site is bounded to the north by the Indian Hills Neighborhood, a predominantly residential neighborhood. The properties immediately to the north were developed with duplexes in the late 1960s and are zoned RM12. Development north of W 29th Terrace consists of single-family detached homes and is zoned RS7. Property to the east, south and west is zoned Open Space with floodplain overlay district (OS-FP) and is owned by the City of Lawrence. The property to the east across Belle Haven Tributary is currently being developed by the City as the site of the new Pump Station No. 10. Also to the east is a pair of churches, both zoned RS7. The property to the west and south is part of Naismith Valley Park. Lying further to the south and west is property owned by Menards and the very eastern edge of the South Iowa Commercial Corridor.*

In addition to the character of the neighborhood described in the staff report Z-16-00219 the neighborhood includes area designated as part of the regulatory floodplain. Most of the floodplain is contained within Naismith Valley Park. Small portions of the floodplain extend into the existing and proposed residential development of the neighborhood. Upon annexation certain additional areas were required to be rezoned to also include the floodplain overlay designation. This application seeks to retain that portion of the property that was originally designated as part of the overlay district while the base district is changed from RM12D to RS5.

Staff Finding – The proposed request is compatible with the existing development pattern.

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 in the revised Southern Development Plan boundary. The property is also located within the Indian Hills Neighborhood. There is no adopted plan for the Indian Hills Neighborhood. The Revised Southern Development Plan identifies this property as suitable for medium-density residential (7-15 dwelling units per acre). Zoning districts consistent with this land use recommendation include the *Multi-Dwelling Residential Districts* RM12D, RM12 and RM15. Applicable medium-density *Detached Residential Districts* are RS3 and RS5. The proposed request is consistent with the planned development of the area in terms of residential use.

Staff Finding – The proposed request is consistent with the planned development of the area in terms of residential use.

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 zoned RM12D-FP. This rezoning request is only being made to complement a concurrent rezoning request which proposes to change adjacent property from RM12D to RS5.*

The suitability of this application as it relates to the proposed base zoning district, RS5, is discussed in the staff report for Z-16-00219. This application will retain the FP designation for the area within the development as required by the City Code while amending the base district from RM12D to RS5 consistent with the related applications for this property.

Staff Finding – The proposed request is suitable for subject property.

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

Applicant's Response: *The 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. The property was annexed and rezoned to RM12D in 2013.

Staff Finding – This property is undeveloped and has been zoned A (Agricultural) since 1966 and RM12D since 2013.

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

Applicant's Response: *This rezoning will not result in any significant detriment to nearby properties. The request will facilitate residential development that adheres to the City's floodplain management development standards. In doing so, this request helps to ensure preservation of the floodway and floodway fringe associated with the nearby Naismith creek and Belle Haven Tributary.*

Denial of the request would result in some lots having split zoning making development of the lots challenging. The following image highlights the proposed residential lots affected by this zoning (proposed RS5-FP).

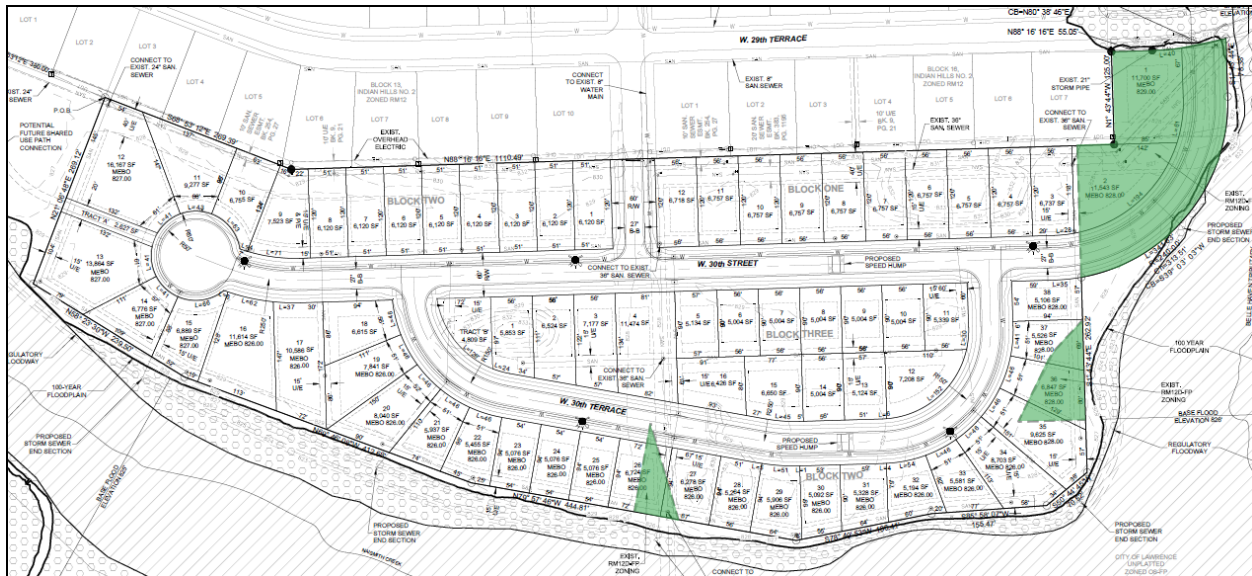


Figure 2: Lots with FP Overlay District Designation

As discussed in Z-16-00219 the base zoning RS5 is compatible with the surrounding residential and open space land uses. The FP (Floodplain Overlay) District designation must be extended to the original property regardless of the base zoning district.

Staff Finding – Staff concurs with the applicant that the proposed change will not result in detrimental impacts to the adjacent 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: *Approval of this request facilitates the code-compliant residential development in the vicinity of floodplain 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.

Either the existing or the proposed zoning district will facilitate the infill development of the area within the Indian Hills neighborhood. This application is consistent with a trend to develop detached housing over attached housing. This phenomenon is also occurring in the Langston Heights subdivision in West Lawrence. The Floodplain Overlay District is a continuation of the development code requirements from the original annexation. The applicant may in the future seek to amend the map boundaries and then rezone the property out of the overlay district based on a future floodplain development permit and related map amendment.

Staff Finding – While either the existing or the proposed zoning will meet the public needs as they relate to infill development and extending housing choices within an established neighborhood the proposed zoning is more consistent with the residential development trends of the neighborhood and the community. The FP (Floodplain Overlay) District zoning provides continuity for applying the Development Code requirements to this development.

9. PROFESSIONAL STAFF RECOMMENDATION

This application must be considered concurrently with the request for the development area described in staff report Z-16-00219. If one application is approved (or denied) then both should be approved (or denied). This will result in a uniform base zoning district for the entire development and a continuation of the floodplain overlay district zoning for the applicable portion of the development property.

Staff recommends approval of the proposed rezoning.

CONCLUSION

This application is submitted concurrently with a rezoning application for RS5 zoning (Z-16-00219) and a preliminary plat (PP-16-00221). The proposed request continues the intent for medium density residential development but alters the housing type from duplex housing to detached housing and continues the required floodplain overlay zoning designation. The proposed request is consistent with the planned development of the area.