

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

PC Staff Report  
08/22/2016

**ITEM NO. 1      Z-16-00259      RM12D AND RM12 TO RS7; 4.81 ACRES (SLD)**

**Z-16-00259:** Consider a request to rezone approximately 4.81 acres from RM12D (Multi-Dwelling Residential) District and RM12 (Multi-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 6304, 6305, 6310, 6311, 6316, & 6317 Steeple Chase Court and 905, 911, 917, 923, 929, & 935 Renaissance Drive. Submitted by Wallace Engineering on behalf of NKR Properties LLC and Langston Heights Development LLC, property owners of record. **SLD**

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 4.81 acres, from RM12D (Multi-Dwelling Residential) District and RM12 (Multi-Dwelling Residential) District to RS7 (Single-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 permit construction of detached single-family dwellings on twelve existing lots.*

**KEY POINTS**

- Properties included in request are platted lots.
- Utility infrastructure has been installed for lots.
- The subdivision has developed with detached residential dwellings on all but 5 of the existing lots and one lot that is undeveloped is held in reserve for duplex development.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- Langston Heights Addition Final Plat
- Z-12-00232; A to RM12 lots along Renaissance Drive
  - Ordinance No. 8838 restricted development to not more than 62 units on 6.48 acres.
- Z-12-00229; UR to RM12D lots east of Renaissance Drive
- Z-15-00252; RM12D to RS5 Serenade Ct. lots
- Z-16-00022; RM12 to RS7 lots along Renaissance Drive

**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**

1. Area Map
2. Subdivision plat map with building type

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Michael Kelly, neighborhood resident

**Project Summary:**

The current zoning districts (RM12 and RM12D) were designed to accommodate duplex development. Proposed request is for the development of detached residential houses on individual lots. The current zoning, RM12 and RM12D, allows detached residential development as a special use. The proposed request is intended to reflect the housing type anticipated for these

lots. The existing subdivision includes 92 platted lots. Five of the lots are developed or reserved for duplex development (10 total units) the remaining 87 lot would be designated for detached residential dwelling use. The overall density, if approved is 4.5 dwellings per acre.

This property was originally discussed in 2012 and 2013 (Z-12-00232/Z-12-00229) with the initial development proposal for Langston Heights Subdivision. The intent of the mixed residential zoning districts; including RM12, RM12D and RS5, was to provide a range of housing types while keeping the overall density low and to provide land use transition, through housing type between W. 6<sup>th</sup> Street to the north and Bob Billings Parkway to the south. Since the original approval, density has been adjusted down by rezoning the duplex areas to detached residential housing districts. The Multi-dwelling zoning along K-10 Highway was also adjusted down through the subdivision process that created additional duplex lots along the west property line of the subdivision. This proposed request seeks to rezone an area approved for duplex development through previous zoning and subdivision approvals to a district for detached residential dwellings on individual lots (RS7).

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"Horizon 2020 recommends low-density (fewer than six units per gross acre) residential use for the subject property; the requested zoning will facilitate a density of less than three units per acre."*

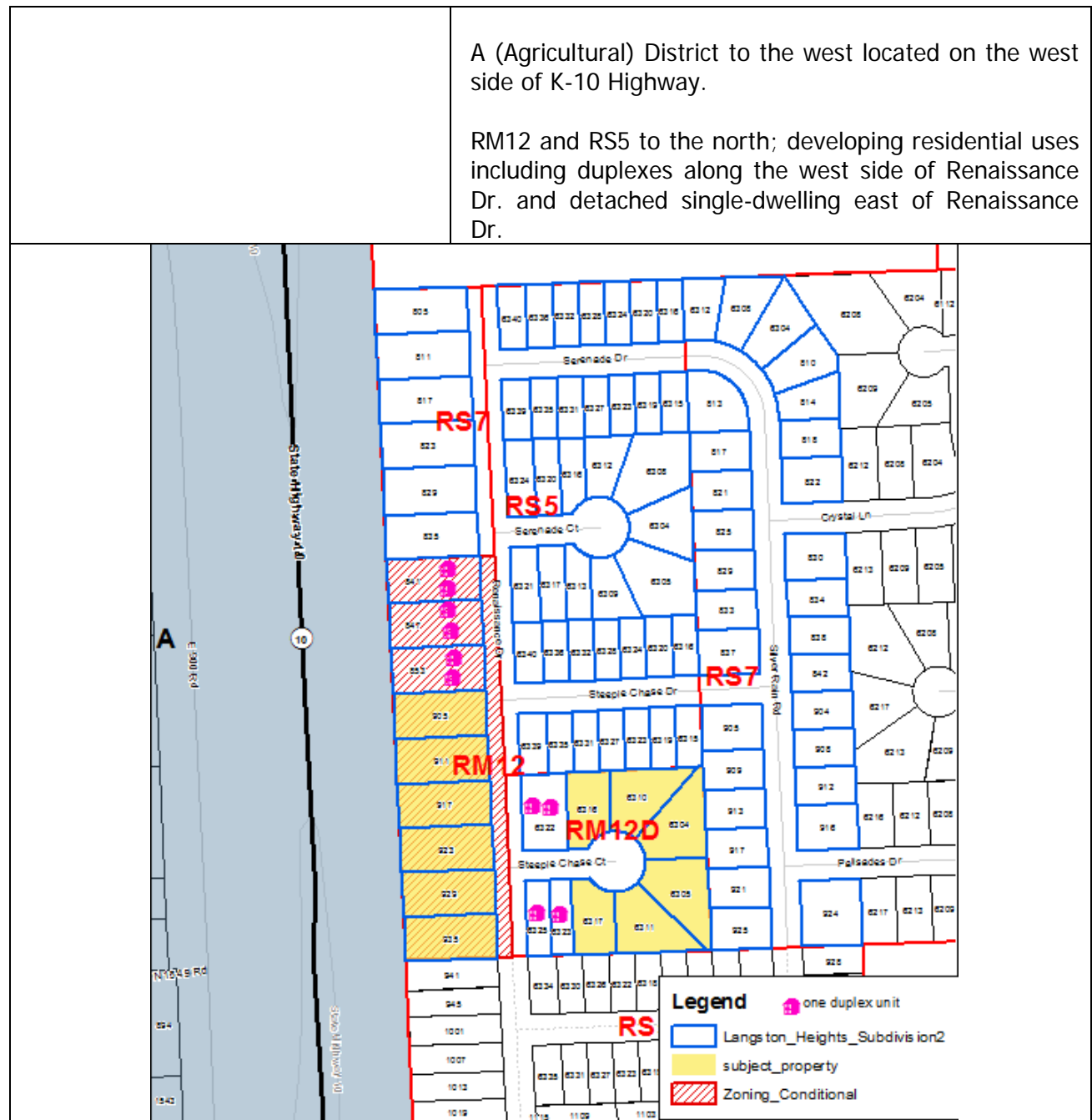
*Horizon 2020* recommends infill development over new annexation and compatibility of densities and housing types within neighborhoods. The plan also recommends the provision of a mix of housing types and styles for new residential and infill developments. This application represents an extension of development pattern from the Diamondhead and Langston Heights Subdivisions. Larger residential lots, zoned RS7, are located along Silver Rain Road east of this application. If approved the proposed RS7 lots will be larger than those to the east. This larger lot format accommodates the extraordinary setback associated with the South Lawrence Trafficway Overlay that encumbers the rear of the lots along the west side of Renaissance Drive and the cul-de-sac lots along Steeple Chase Ct.

The overall density within the subdivision is 4.5 dwelling units per acre, a reduction of less than one dwelling unit per acre with the existing zoning/development pattern. The development is consistent with the low density land use recommendations for the area as recommended in *Horizon 2020*.

**Staff Finding** – The proposed request represents a low-density residential development pattern that is consistent with the land use recommendations in *Horizon 2020*. The generally larger lots may off-set the proximity of the lots to the highway by providing additional depth compared to comparable development along Silver Rain Road.

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

Current Zoning and Land Use:	RM12 (Multi-Dwelling Residential) District vacant lots located on the west side of Renaissance Dr. and RM12D (Multi-Dwelling Residential) District; vacant lots east of Renaissance Dr. and north and south of Steeple Chase Ct.
Surrounding Zoning and Land Use:	RS5 (Single-Dwelling Residential) District to the south; platted residential subdivision for detached housing. Currently developing.



**Staff Finding** – The subject property is surrounded by similar low-density residential development.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood consists of predominantly detached single-family residential structures, varying between RS7 and RS5-zoned lots.*

This property is located within the West Lawrence Neighborhood Association boundary. The area is developing as an extension of the existing subdivision pattern for the area. Six of the lots included in the request are adjacent to the highway to the west (rear yards) and were designed to accommodate duplex development. The remaining lots are located along the Steeple Chase Court

Cul-de-sac and all adjacent to RS zoned properties. The proposed request reduces the overall density and intensity of the development subdivision by changing the base zoning from duplex uses to detached residential uses.

**Staff Finding** – The proposed request does not substantially change or alter the developing 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 located within the boundary of the *West of K10 Plan*. The area shown is located within an interior portion of a developing area that reflects a low density residential development pattern. The residential portion of the plan generally recommends low-density residential development. The previous zoning plan for this property included multiple zoning districts and lot sizes to achieve an overall density consistent with the plan. The proposed request for RS7 zoning is consistent with the land use plan for this area.

Overall, the proposed zoning change does not substantially impact the residential density. The proposed rezoning is consistent with the residential land use recommendations for low-density residential development described in the *West of K10 Plan*.

**Staff Finding** – The proposed rezoning represents a single dwelling housing type consistent with the existing zoning to the east. The overall density proposed complies with the residential land use recommendation included in the plan.

**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 and surrounding neighborhood is generally suited for single-family and some two-family development.*

The current zoning of the lots along Renaissance Drive is RM12, a multi-dwelling residential district. Ordinance No. 8838, approving the rezoning, restricted maximum number of units within the district to not exceed 62. The property was subdivided as part of the Final Plat of Langston Heights Addition that created 15 lots along the west property line specifically to develop duplex lots. The zoning restriction and the platted lot configuration work together to keep the overall density low. The RM12 district allows detached dwelling subject to a Special Use Permit. By rezoning the property to a detached dwelling district, the additional processing associated with the desired development form is eliminated and simplified for the developer and for any future property owner.

The lots along Steeple Chase Ct. were zoned and platted for duplex development. The corner lot on the south side of Steeple Chase Ct. has been developed with a duplex. The lot across the street on the north side of Steeple Chase Ct. has not been built but is not included in this request so that it provides continuity with the south development. The Lots as platted are sufficiently large enough to accommodate detached residential development.

**Staff Finding** – The proposed change does not substantively change the suitability for low density residential development, as planned for this area.

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

Applicant's Response: *The subject properties (twelve lots) have remained vacant since zoned RM12, in 2012 and RM12D in 2013.*

Development of the Langston Heights area has been fluid since the original approval in 2013. As the demand for detached housing on individual lots has increased in the area, the developer has responded with rezoning areas previously intended for duplex development to accommodate the desired detached housing form. The property is currently undeveloped. The portion of the request located west of Renaissance Drive was originally zoned RM12 with a restriction on the total development density allowed.

**Staff Finding** – This property has been zoned RM12 and RM12D since September 2013.

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

Applicant's Response: *No potential detrimental effects upon nearby properties are identifiable.*

The immediately surrounding area is developing with residential uses. This area includes school district property to the southeast, planned neighborhood commercial zoning to the south, and K-10 Highway to the west.

**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: *The gain to the public by approval of this application is the addition of sought-after single-family housing stock to the Lawrence Residential market and in the neighborhood; the hardship imposed by denial would lie in the reduced availability of such stock in the predominantly single-family neighborhood.*

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 proposed request and zoning change is reflective of the demand for detached housing on individual lots in this area. The request is consistent with a similar zoning change from RM12D to RS5 (Z-15-00252) approved a year ago. Approval of the requested zoning change allows the developer to respond to the demand for a particular housing type. If denied, the same development type could be accommodated through a Special Use Permit that results in unnecessary process for both the developer and the public as well as future property owners.

**Staff Finding** – Approval of the proposed request facilitates infill residential development in an area planned for low-density residential development.

#### **9. PROFESSIONAL STAFF RECOMMENDATION**

This request is consistent with the developing land use for low-density residential development in the form of single detached dwelling units on individual lots. The proposed change does not require changes to the platted subdivision. City Utility staff noted that the existing lots include infrastructure to support duplex development meaning that each lot was constructed with two sanitary sewer stubs. As part of the building permit process the builder/developer will be required

to properly cap the unused sewer service for each lot to comply with Utility Department design requirements. If approved, staff will set up, in Innoprise, a requirement that building permits shall not be issued for these lots until confirmation that the utility work has been completed and inspected.

**CONCLUSION**

Staff recommends approval of the proposed zoning change.