

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
04/24/2017

ITEM NO. 5C IBP TO RM12D; 10 ACRES; 1100 BLOCK BILTMORE DR & RESEARCH PARK DR (SLD)

Z-17-00080: Consider a request to rezone approximately 10.0 acres from IBP (Industrial/Business Park) District to RM12D (Multi-Dwelling Residential) District, 1100 Block of Biltmore Dr. and Research Park Dr. Submitted by BG Consultants, for WE1929, LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of a request to rezone approximately 10 acres from IBP (Industrial/Business Park) District to RM12D (Multi-Dwelling Residential) District less that area adjusted to retain IBP zoning at the northwest corner of Research Park Drive and Legends Drive, approximately 5 acres, subject to the submission and approval of a preliminary plat 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 subject property (the "Property") consists of approximately 10 acres as described in the legal description, and is presently zoned "IBP-Industrial Business Park" under the Lawrence Code. The property is vacant and undeveloped and is located within the City of Lawrence boundary. The property has access to existing City infrastructure, including sanitary sewer mains, water lines, storm sewers, roads and sidewalks. The Owner's proposed project is an approximately 35 acre residential housing development. This application is necessary to enable the development of the property for uses shown in Horizon 2020.*

Staff Summary: The following staff report is largely identical to that of Z-17-00079. The property included in this request is part of the larger 35 Acre request that proposes 25 acres of RS7. Staff recommends that approximately 5 acres located on the northwest corner of Research Park Drive and Legends Drive be retained in the IBP District.

Language added to this staff report that is different from that included in Z-17-00079 is shown in orange text.

KEY POINTS

- Property is included in existing Industrial Business Park zoning district.
- District is described in Chapter 7 of *Horizon 2020* as part of the industrial inventory.
- The boundaries of the proposed request are based on a conceptual development pattern. To date, a subdivision application has not been submitted.
- The intent of the proposed RM12D District is to provide a transition between the existing non-residential uses in the IBP District and the proposed and existing residential uses to the north and west.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-17-00079; IBP to RS7
- CPA-17-00135; Chapter 7

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

- Concept Map
- Neighborhood Map
- Industrial District Map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Questions from area residents and property owners requesting clarification of request.
- Letter in opposition from Charles and Paula Timmons, 1021 Biltmore Drive

Project Summary:

Proposed request is for a residential development that includes both detached homes on individual lots (single-dwelling residential) and duplex lots. This request is being considered concurrently with a Comprehensive Plan Amendment to amend Chapter 7 of *Horizon 2020* and a request to rezone approximately 10 acres to RM12D as a transition between the proposed RS7 and the remaining IBP District north of Legends Drive.

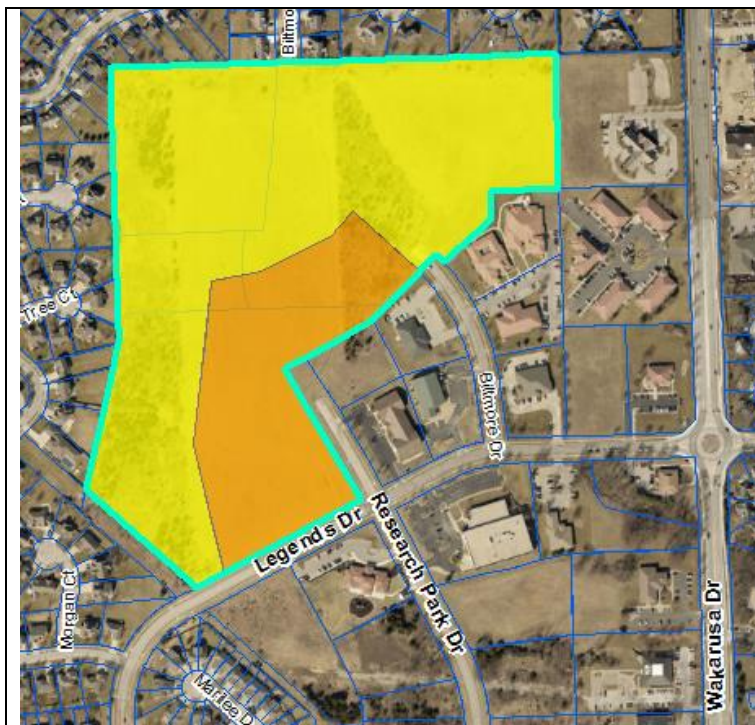


Figure 1: Applicant's Proposed Zoning

Z-17-00079: 25.4 AC to RS7
Z-17-00080: 10.0 AC to RM12D

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The request conforms to Horizon 2020. The Future Land Use map in Horizon 2020 shows the proposed area as low density residential (less than or equal to 6 du.ac). The proposed development is consistent with Policy 1.3.1: Residential Land Uses. The proposed development is an infill development which is encouraged in Horizon 2020. The proposed rezoning consists of RS7 and RM12D but the total dwelling units per acres is only 3.5.*

This staff report assumes approval of the concurrent request for a Comprehensive Plan Amendment, as modified by Staff in CPA-17-00135.

The proposed RM12D zoning, as proposed wraps around the remaining IBP District with side yard areas conceptually proposed along Legends Drive, a designated collector street. The district functions, in this case as a transition between the proposed and existing uses.


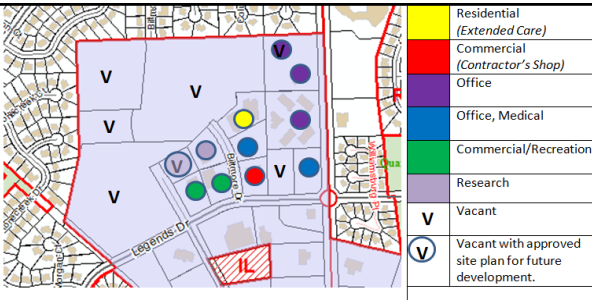
Horizon 2020 - Chapter 5 – Residential Land Use identifies several development strategies including the support of infill residential development, providing a mix of housing types, creating compatible densities and by providing appropriate land use transitions. The proposed request for residential development, if designed to be low-density though a subdivision, is generally consistent with these development strategies.

The property is located within an established portion of the West Lawrence Neighborhood. It is comprised of undeveloped land without supporting infrastructure. However, that infrastructure is available and can be extended to serve this area. If approved, residential uses will fill in the undeveloped portion of this neighborhood with a land use similar to the established residential pattern.

Staff does not support the approval of the request to the full extent proposed but is supportive of a modification that scales back the district to retain IBP zoning along both Research Park Drive and Legends Drive. This recommendation is intended to protect the integrity of the remaining IBP District and create a back-to-back relationship of land uses as they transition from higher intensity to lower intensities as recommended in *Horizon 2020*.

Staff Finding – The proposed request is consistent with Comprehensive Plan residential land use policies and consistent with low-density residential development pattern of the existing residential portion of the neighborhood.

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

Current Zoning and Land Use: IBP (Industrial Business Park) District; vacant unplatted land.	
Surrounding Zoning and Land Use: RS7 to the north and west; developed detached residential subdivisions. IBP to the south and east; Oread West Office Park including existing mixed office, medical office, extended care, and commercial uses.	
	 <ul style="list-style-type: none">• 229.78 Acres in total district boundary including IL, PID, RSO and conservation easement area• 56.4 Acres total in Area 1. (25% of District)• 36.94 Acres vacant and unplatted. Proposed for RS7 and RM12D Use. 15% of District.• There are no dedicated conservation easements, open space connections or buffer areas dedicated within this phase.
Figure 2: Existing Zoning	Figure 3: Existing Land Use in IBP District

Staff Finding – The subject property abuts the existing IBP District along the south side of the proposed rezoning.

Applicant's Response: *The property is adjacent to RS7 zoning on the north, west and south side of proposed project and adjacent to IBP zoning on the south and east side of the proposed project.*

Figure 4: Existing Neighborhood Boundary

Figure 4: Existing Neighborhood Boundary

Figure 5: Neighborhood with proposed district changes

RM12D zoning is located along Legends Drive to the southwest of the proposed district. A dedicated conservation easement separates the district from the IBP District. The existing RM12D District also abuts conventional RS7 zoning to the north. The RM12D District is also used as a transition zone south of W. 6th Street between the RMO and the RS7 Districts. The proposed request is comparable to the existing RM12D District use in the neighborhood.

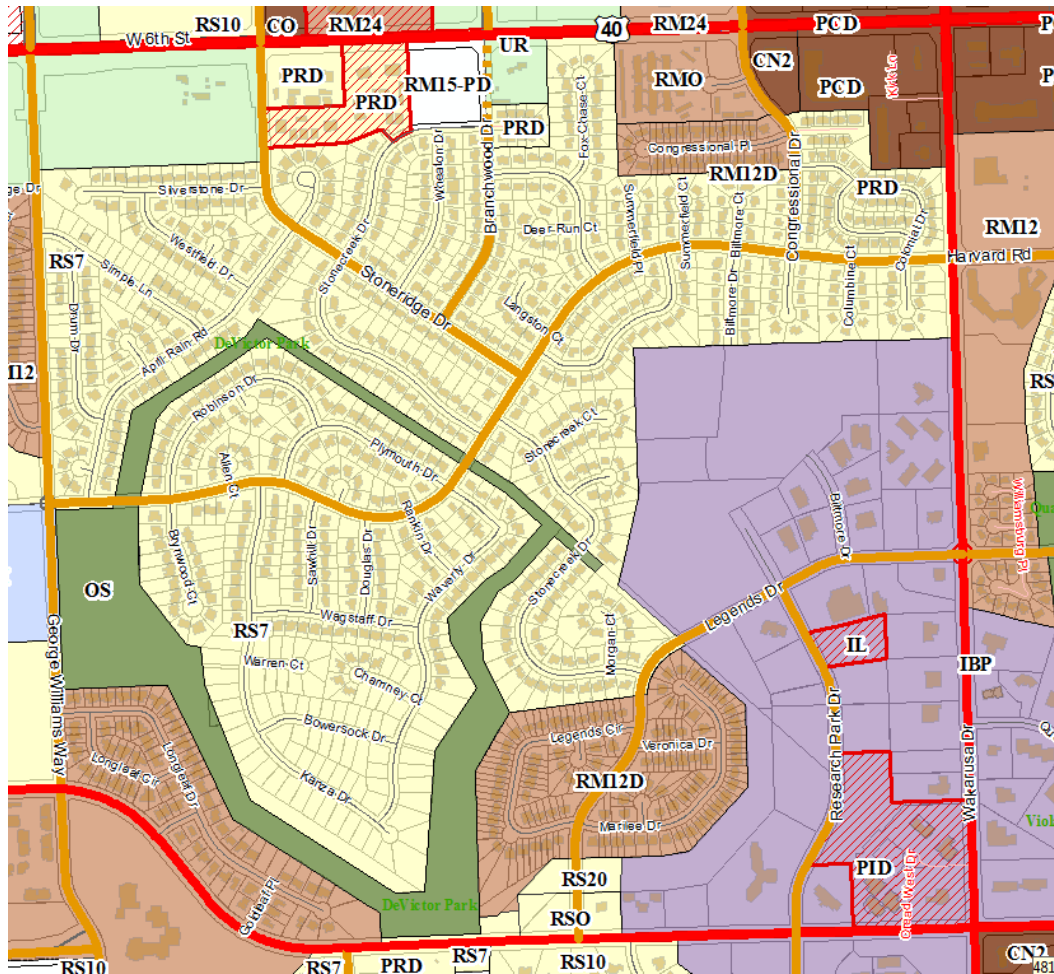


Figure 6: Existing Zoning - Portion of West Lawrence Neighborhood

If approved, the proposed application would extend the residential zoning to the south and east.

The combined zoning requests, **RS7** and **RM12D**, extend to the north side of Legends Drive and the west side of Research Park Drive. If approved, this would result in residential uses across from non-residential uses. The applicant's concept plan orients the future lots so that there is a side or rear orientation of lots on northwest corner of the intersection. The request creates an abrupt change of land use on the north side of Legends Drive.

Staff recommends the boundaries of the rezoning be scaled back to the north and west at the intersection to retain the IBP District along both Legends Drive and Research Park Drive in order to maintain and the neighborhood pattern and neighborhood character.

Staff Finding – The majority of the neighborhood is residential. Non-residential uses are located along the arterial streets that surround the neighborhood.

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

There are no adopted area plans or sector plans for this property. The development pattern has been established through the annexation, zoning, subdivision approvals and extensions of infrastructure over time. The original IBP District was much larger but has been reduced over time.

Staff Finding – The property included in the request has not been included in a specific area or sector plan.

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

Applicant's Response: *The current IBP zoning restricts the ability of the property to develop as envisioned by Horizon 2020. The location of this property makes it an ideal site for residential development.*

Staff's review of this application was considered in light of an exchange of industrial zoning for residential zoning. Within the four sub-areas of the IBP District, this area is the least developed. Additionally, the developed portion of this IBP District includes: *Office, Medical Office, Commercial, and Participant Sports* uses. These uses are summarized in Figure 2 above.

The use of the RM12D District is a suitable district as a transition zone in this application. However, the extent of the district proposed is not suitable given the existing non-residential development pattern in the IBP District.

The developed property surrounding the request includes public streets and rights-of-way that allow for the future extension of infrastructure to the area in anticipation of development. The property has remained undeveloped, without basic infrastructure, since the mid 1990's. Lots along Wakarusa Drive, within the larger overall IBP District have been developed. North of Legends Drive lots on both sides of Biltmore Drive have been developed as well as the east side of Research Park Drive. The use located at 1217 Biltmore Drive includes plans to expand to the lot to the west that has frontage on Research Park Drive. Additionally, the lot immediately south of the proposed RM12D District on the southwest corner of the Legends Drive and Research Park Drive is developed. The adjacent vacant lot on the south side of Legends Drive is included in a preliminary plat being considered to revise the lot boundaries, in the IBP District to the south in anticipation of future non-residential development.

Non-residential uses will frame Legends Drive between Wakarusa Drive and the greenspace that is created by the exclusive gas line easement at the west boundary of the district. Approval of the proposed RM12D District extended to Legends Drive disrupts this pattern and creates an abrupt change in land use.

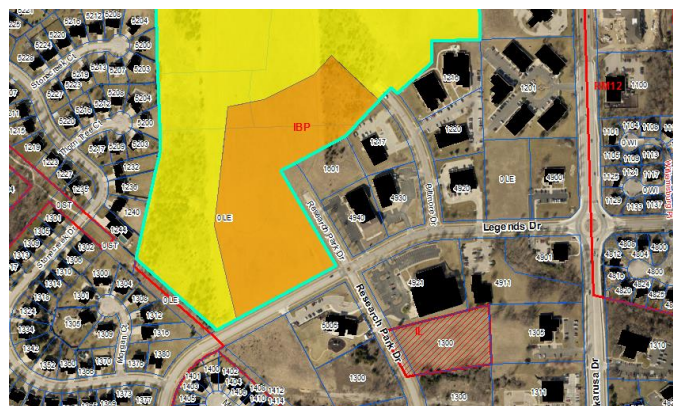
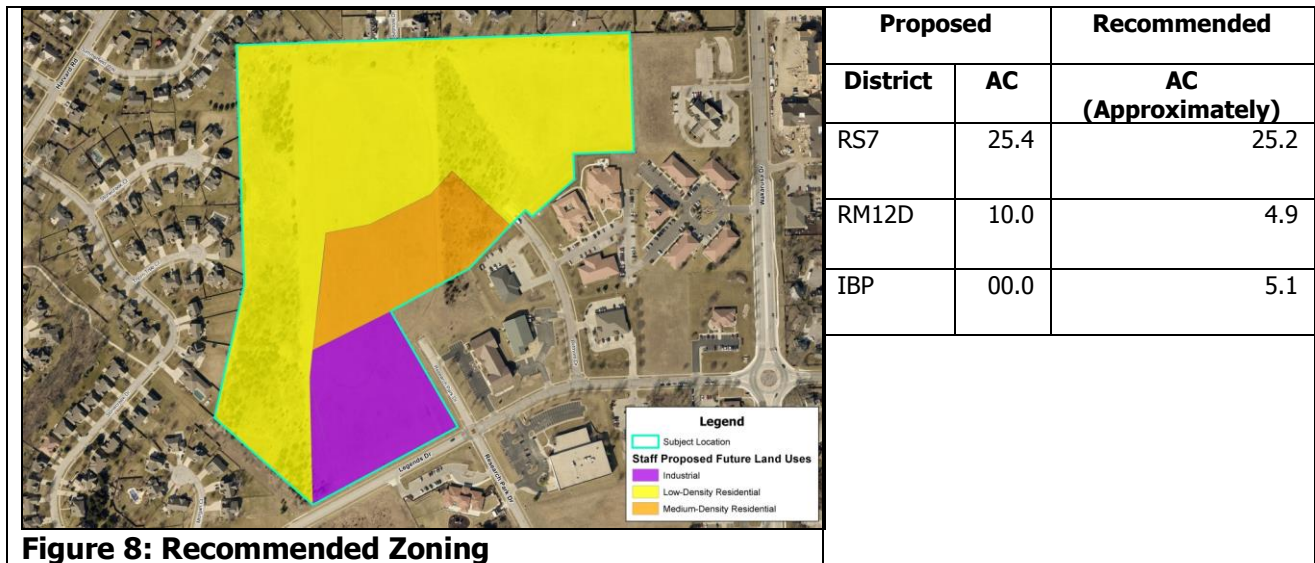


Figure 7: Legends Drive Development

Staff recommends that a sufficient area along Legends Drive and Research Park Drive be retained in the IBP District to provide a compatible land use fronting to the adjacent streets with like development across the street and providing a back-to-back relationship and the land use transitions north of Legends Drive from office/research to residential. This is graphically represented in the following figure.



This recommendation only marginally impacts the proposed RS7 district but reduces the proposed RM12D by 50%.

Staff Finding – The current zoning is not suitable for the proposed residential development. However, the extent of the proposed RM12D District is also not suitable. A portion of the IBP District, located on the northwest corner of Legends Drive and Research Park Drive is suitable to remain as IBP. The development potential for research oriented development is diminished by encroachment of residential uses. Non-residential uses are established on the south side of Legends Drive and on the east side of Research Park Drive. It is suitable to retain a similar amount and configuration of IBP District zoning along these two street frontages. By revising the proposed boundary of the RM12D District a back-to-back land use orientation is preserved. The use of the RM12D District as a transition between the IBP District uses and the proposed RS7 District is suitable in this application.

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

Applicant's Response: *The property has never been developed.*

The property was rezoned to IBP (Industrial Business Park) District in 2006 with the adoption of the Land Development Code. Prior to 2006 the property was zoned M-1 (Research Industrial) District. The M-1 District was established through multiple annexation and rezoning request from 1983 to 2003. A portion of the area included in this request was at one time zoned PCD-2 (Planned Commercial Development) District and planned for a hotel development. The property was rezoned in 2003 to M-1 (Z-11-38-03).

Farther south in the IBP District there was a request to change a portion of the district from M-1 to PID (Planned Industrial Development) District (1994), then to PRD-2 (Planned Residential

Development) District for multi-dwelling residential development in 2003. The project did not progress and the property was zoned back to PID in 2005.

Other portions of the established IBP District (former M-1 District) were removed for residential development both north and south of Bob Billings Parkway (former W. 15th Street).

Staff Finding – The property included in the request has been zoned for industrial development in the current configuration since at least 2003. The property is undeveloped and has not been platted.

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

Applicant's Response: *The rezoning has no detrimental effect on nearby and surrounding properties because the change in use from IBP to low-density residential is consistent with surrounding residential developments and the objectives of Horizon 2020. The proposed project is compatible with the adjacent single family residential developments.*

The impact of the request is to lower the intensity of land use with the neighborhood and provide a suitable land use transition between the remaining IBP District and the proposed RS7 District. Non-residential uses are directed to the arterial street to the east (along Wakarusa Drive) and south to Legends Drive, a collector street. This change in zoning creates a node in the industrial district zoning and existing land uses.

Area residents may perceive harm by the extension of streets and additional traffic regardless of zoning as the area develops. Lot arrangement and street connectivity are functions of the subdivision design review. A future application for both preliminary and final plats will be required for this property.

Approvals of the combined requests have impact on the existing development in the immediate area. Development along Wakarusa Drive included parking lots and access easements that anticipated cross access for vehicular circulation of the area. This was largely due to the fact that access points to Wakarusa Drive, as well as Legends Drive and Research Park Drive, are restricted and require shared access between lots.

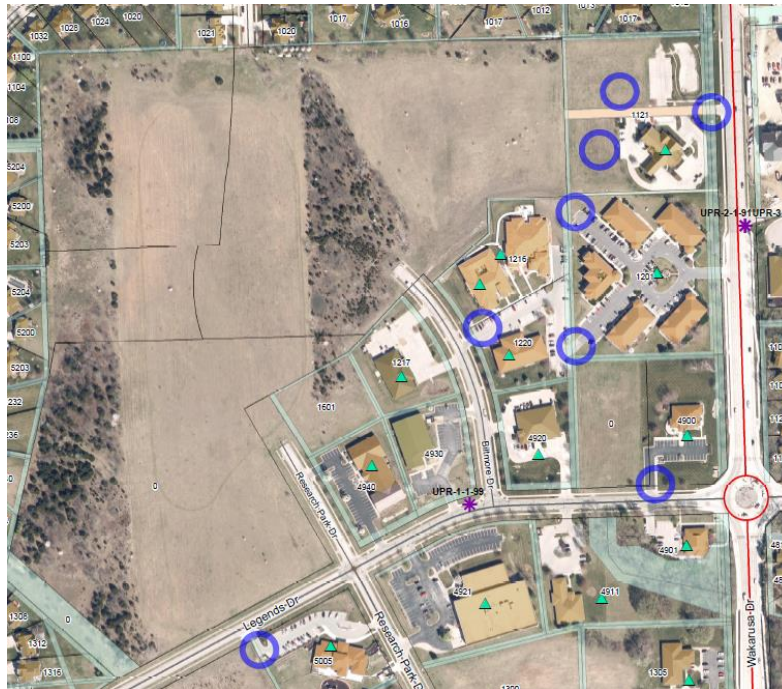


Figure 9: Shared Access Locations

The proposed request, if approved encroaches on the remaining IBP District. By reducing the area and retaining frontage along Legends Drive and Research Park Dive this encroachment is minimized.

Staff Finding – Approval of the **RM12D** request, as modified by Staff’s recommendation, mitigates detrimental effects on nearby properties. These impacts must continue to be assessed through proceeding development requests 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: *The goals of Horizon 2020 encourage development of the property, given the location of the property within the City boundaries and its access to public infrastructure. If approved, the project will increase the tax base, as well as help increase the City’s and County’s budget. Denial of the application would affect the Owner’s ability to develop the property and would conflict with Horizon 2020 policies.*

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.

This IBP District is unique in the City of Lawrence. It is the only industrial node with this specific designation. The area was developed incrementally. The district boundary has fluctuated with respect to various development demands. Infrastructure is adjacent to this specific area included in the request, but will need to be extended to serve new development. The proposed **RM12D** District would provide a transition of land use between the remaining industrial district and the proposed residential district and provide a buffer to the established neighborhood.

Approval of the combined RM12D and RS7 requests complete the neighborhood by extending streets, sidewalks and looping water and sanitary sewer services. The proposed request would fill in the undeveloped area with a similar land use to the existing residential uses to the north and west. The extension of infrastructure is anticipated to be the responsibility of the developer. The community will benefit from connected streets and sidewalks providing multi-modal options and increased connectivity in the eastern quadrant of the neighborhood.

Development opportunities for uses allowed in the IBP District exist south of Legends Drive on other lots. There are two undeveloped phases located along Wakarusa Drive (1121 Wakarusa Drive) and an undeveloped portion of a platted lot located on the northwest corner of Legends Drive and Wakarusa Drive (between 4900 and 4920 Legends Drive) within this part of the Research Park Drive. By retaining the area on the northwest corner of Legends Drive and Research Park Drive, the developer can design a project that integrates and transitions from the industrial area to the residential area without making an abrupt change.

Denial of the request will have the effect of continued underutilization of land in an otherwise developed neighborhood.

Staff Finding – Denial of the request defers development opportunity of underutilized land. Approval of the request facilitates infill development within the neighborhood and provides opportunities to extend and connect the public street and sidewalk network as well as basic infrastructure.

9. PROFESSIONAL STAFF RECOMMENDATION

There is a reasonable expectation that the ultimate boundaries of the RS7 and the RM12D District will be revised as the applicant proceeds with engineering studies and preparation of a preliminary plat. The overall recommendation for low-density residential development in this area is consistent with the developing neighborhood pattern and with *Horizon 2020* as amended.

Staff's recommendation is for approval of the proposed RM12D zoning except for that portion described in the body of the staff report and illustrated in Figure 8. The area recommended to remain IBP is approximately 5 acres in size and mirrors the development on the east side of Research Park Drive and the south side of Legends Drive. This recommendation has the impact of reducing the applicant's request by approximately half. A development application to provide more duplex housing in the general area would reduce the amount of area for detached residential development (RS7) and would require a new zoning application request. This can be better evaluated with the submission of a preliminary plat.

CONCLUSION

Staff recommends approval of RM12D zoning, as a transition district. Staff does not recommend approval of the entire area included in the applicant's request but that a portion of the existing IBP District should remain as discussed in the body of the staff report. If approved, the applicant will be required to provide a revised legal description for preparation of an ordinance to rezone the property that excludes the area to be retained as IBP.