
PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
09/27/2017

ITEM NO. 1A TEXT AMENDMENT TO LAND DEVELOPMENT CODE; (BJP)

TA-17-00495: Consider a Text Amendment to the City of Lawrence Land Development Code to permit nonresidential uses and vertical mixed-use structures in the Tertiary Zone of the MU (Mixed Use) District. *Initiated by Planning Commission on 8/23/2017.*

RECOMMENDATION: Staff recommends that the Planning Commission forward the proposed amendment, TA-17-00495, amending sections of Article 4 and Article 11 of the Lawrence Land Development Code to permit nonresidential uses and vertical mixed-use structures in the Tertiary Zone of the MU (Mixed Use) District to the City Commission with a recommendation for approval.

Reason for Request: The Planning Commission initiated a text amendment to the Development Code at their August 23, 2017 meeting to permit nonresidential uses in the Tertiary Zone of the MU District.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received

ATTACHMENTS

- Attachment A – Use Comparison Table
- Attachment B – Revised Code Sections

BACKGROUND

A Mixed Use Development is defined in the Land Development Code as one that includes a “mixture of residential and nonresidential uses together in one structure or in separate structures, designed to form a pedestrian-scale environment.” MU zoning also includes the designation of Development Zones as a means to govern development intensity and scale in order to ensure compatibility with adjacent development. The Development Code offers the applicant three options for development zones; Primary, Secondary, and Tertiary with the Primary Development Zone permitting the greatest scale and development intensity.

While the intent of the MU District is to permit a mix of uses throughout each of the development zones, the MU standards lack flexibility in permitting nonresidential uses in the Tertiary Development Zone. The Development Code requires that the Tertiary Development Zone be designated in cases where the MU District is proposed for a site which is surrounded by existing detached residential development. The standards then dictate that nonresidential uses are only permitted within this zone if those nonresidential uses exist within the surrounding area. While this standard is well intentioned to protect residential uses, it ignores the fact that single-family residential zoning districts allow some nonresidential uses.

Analyzing the MU standards leads staff to believe that the MU standards may benefit from more flexibility in permitting nonresidential uses in the Tertiary Zone outright or with approval of a Special Use Permit (SUP). Proposed uses would be considered in the context of their surroundings and conditions could be used to mitigate detrimental impacts. Attachment A provides a comparison of the uses permitted in the RS5, RSO, RMO, and MU Districts. The table shows the recommended uses permitted outright and with

approval of a SUP in the Tertiary Development Zone. The recommendation is based on substantially aligning the Tertiary Development Zone with the residential districts and other uses currently permitted in the MU District that could be compatible with residential districts with approval of a SUP.

The MU standards also restrict the type of structure permitted within a Development Zone. Currently, the standards do not permit vertical mixed use structures in the Tertiary Development Zone. The intent is to ensure compatibility of building form with the surrounding area; however, the standard limits the type of development that can occur in an existing structure. Based on this, staff recommends that the language of the MU standard be amended to permit vertical mixed use structures in the Tertiary Development Zone for existing multi-story structures while maintaining language that structures respect the character of the surrounding uses.

OVERVIEW OF PROPOSED AMENDMENT

The following is a summary listing of the proposed changes:

1. Section 20-403 Nonresidential District Use Table
2. Section 20-1108 General Development Standards for Mixed Use (MU) Districts

The portions of the Code being revised are attached to this staff report (Attachment B).

Changes to the nonresidential use table include the creation of a new column for the Tertiary Development Zone of the MU District that shows the uses permitted outright and with approval of a SUP.

Based on the review of the MU uses, and comparison with the RSO and RMO Districts, staff also believes that there are some uses not currently permitted in the MU District that would be appropriate in that district. These uses include *Extended Care Facility*, *General*, *Private Dining Establishment*, and *Research Service*. Staff recommends that these uses be permitted in the Primary and Secondary zone of the MU District, and allowed with approval of a SUP in the Tertiary zone.

Updates to Section 20-1108 include revisions to the language to provide a better balance between the compatible uses and design standards. Section 20-601(c) provides the Density and Dimensional Standards for the MU District (Table 1). The section provides standards for each of the Development Zones. Staff believes that the language provided in Section 20-1108 regarding the type of structure that is permitted in the Tertiary Development Zone is not needed. The Density and Dimensional Standards provide a mechanism to determine if a structure is appropriate. This, along with approval of a SUP, can facilitate compatible development in the Tertiary Zone with surrounding residential districts.

Standard	Primary	Secondary	Tertiary
Min. Site Area	20,000 sq ft		
Max. Site Area	20 acres		
Min. Lot Area	3,000 sq ft		
Min. Lot Width	25 ft		
Max. Dwelling Units (per acre)	32 DU	15 DU	12 DU
Front Setback	0-10 ft	0-20 ft	0-25 ft
Side (exterior) Setback	0-10 ft	0-20 ft	0-25 ft
Side (interior) Setback	0-5 ft	0-5 ft	0 (attached structure) 5 (detached structure)
Rear (abutting alley)	0-10 ft	0-20 ft	10-30 ft
Rear (no alley)	20/0 – 10 ft	20/0 -10 ft	20/10 – 30 ft
Max. Building Coverage	100%	85%	75%
Max. Impervious Coverage	100%	95%	85%
Max. Height	45 ft	36 ft	24 ft
Table 1. Density and Dimensional Standards in the MU District			

CRITERIA FOR REVIEW AND DECISION-MAKING

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition;

The intent of the MU District is to permit a mix of uses throughout each of the development zones. However, the standards restrict nonresidential uses in the Tertiary Development Zone unless the nonresidential uses existing in the surrounding area. Properties surrounded by detached residential uses must be designated Tertiary Development Zone which thereby reduces the opportunity for nonresidential mixed-use development even as the surrounding RS districts allow such uses. The proposed text amendment corrects this inconsistency in the Development Code by providing more flexibility in permitting nonresidential uses in the Tertiary Development Zone outright or with approval of a Special Use Permit.

The proposed amendment also corrects an inconsistency in the Development Code that restricts the development of an existing multi-story structure with mixed-uses in the Tertiary Development Zone.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Code (Sec. 20-901)

The Comprehensive Plan recommends “Consideration of good site planning and design principles that minimize unnecessary impacts to surrounding neighborhoods and promote compatible land use activities are encouraged.” The compatibility of nonresidential land uses and the impacts to the neighborhood will be reviewed through the Special Use Permit (SUP) approval process. The SUP process provides an opportunity to review proposed developments for compatibility with the surrounding area. The impacts of the proposed use would be evaluated and conditions could be placed on the SUP to help alleviate the perceived impacts.

Conclusion

The current MU standards intend to protect residential uses; however, they restrict all nonresidential uses in areas surrounded by detached dwellings. This restriction includes the nonresidential uses permitted in certain single-family residential zoning districts. The proposed text amendment provides flexibility for development of nonresidential uses in the Tertiary Development Zone of the MU District.