

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
09/27/2017

ITEM NO. 2A REZONING FROM RSO TO RMO; 3705 CLINTON PKWY (BJP)

Z-17-00386: Consider a request to rezone approximately 150,000 sq ft from RSO (Single-Dwelling Residential) District to RMO (Multi-Dwelling Residential) District, located at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 150,000 sq ft from RSO (Single-Dwelling Residential - Office) District to RMO (Multi-Dwelling Residential - Office) 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 Connect Church has owned & occupied this facility since 2001 and has now outgrown this and has found a new location. They have a contract purchaser that desires to locate their IT business along with a similar business in this location. Professional offices of this size are an allowed use in the RSO zoning district but imposes a 5,000 sq ft limit on the amount of office space allowed. The existing building contains 15,315 sq ft in its current form. Changing the zoning to RMO would remove the square footage restrictions for professional offices and allow this building to legally exist as an office building in its current configuration."*

KEY POINTS

- The rezoning request facilitates the change of use of the existing building from a church to office space. The current RSO zoning limits the amount of office space to 5,000 square feet. Rezoning to the RMO District would permit the entire building to contain the *Office* use.
- Staff has identified that this use standard is not applicable to many of the developed sites that were automatically rezoned from RO-2 to RSO. A future text amendment may be drafted to address the issue.
- The property is currently owned by the Kansas District of Wesleyan Church. The church is relocating and the property is under contact with a potential new buyer.

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following items are also being considered by the Planning Commission at their September meeting.

- **SUP-17-00383:** A Special Use Permit for *Active Recreation* at 3705 Clinton Pkwy. Submitted by Allen Belot Architect, for Kansas District of Wesleyan Church Inc, property owner of record. An additional building on the property is being proposed for an indoor Active Recreation use. This use requires approval of a SUP in both the RSO and RMO Districts.

OTHER ACTION REQUIRED:

- City Commission approval of the Rezoning and adoption/publication of ordinance.
- City Commission approval of the Special Use Permit and adoption/publication of ordinance.

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment was received for this item prior to the printing of this staff report.

Project Summary:

The proposed request is to rezone approximately 3.4 acres from RSO to RMO to facilitate the redevelopment of the existing church building with offices. The RSO district permits the *Office* use; however, it limits the amount of office space to 5,000 square feet. The existing building is approximately 15,000 square feet. The intent of the rezoning request would allow the entire building to be converted to the *Office* use.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"This property & the properties immediately surrounding are classified to be either Medium or High Density Residential. All of the surrounding properties have developed as Medium Density Residential and have existed as such since pre-1995."*

The following section of *Horizon 2020* relates to this rezoning request (staff comments are in italics):

While the rezoning request has been submitted to accommodate a potential *Office* use, rezoning to the RMO district could allow for a multi-dwelling structure in the future. The use standards of the Development Code dictate that, in the RMO District, a multi-dwelling structure is permitted if it is part of a mixed-use project where at least 25% of the gross floor area is developed with nonresidential uses (Section 20-517). *Horizon 2020* states that the criteria for determining the proper location of medium-density residential development should include the consideration of land use relationships. The Plan states that development proposals shall be reviewed for compatibility with existing land uses. The subject property is located between RM24 zoning to the east and west. There are also *Multi-Dwelling Structures* located to the north.

The rezoning request aligns with the existing zoning and land uses to the east, west, and north.

Staff Finding – The proposed request is compatible with the surrounding existing land uses and is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: RSO (Single-Dwelling Residential – Office) District; Religious Assembly *Neighborhood Institution*.

Surrounding Zoning and Land Use: North: PUD-Alvamar (Planning Unit Development) District; *Multi-Dwelling Structures*.

East: RM24 (Multi-Dwelling Residential) District; *Duplexes*

West: RM24 (Multi-Dwelling Residential) District; *Multi-Dwelling Structures*.

South: RS7 (Single-Dwelling Residential) District; *Detached Dwellings*.



Figure 1a: The zoning of the surrounding area.

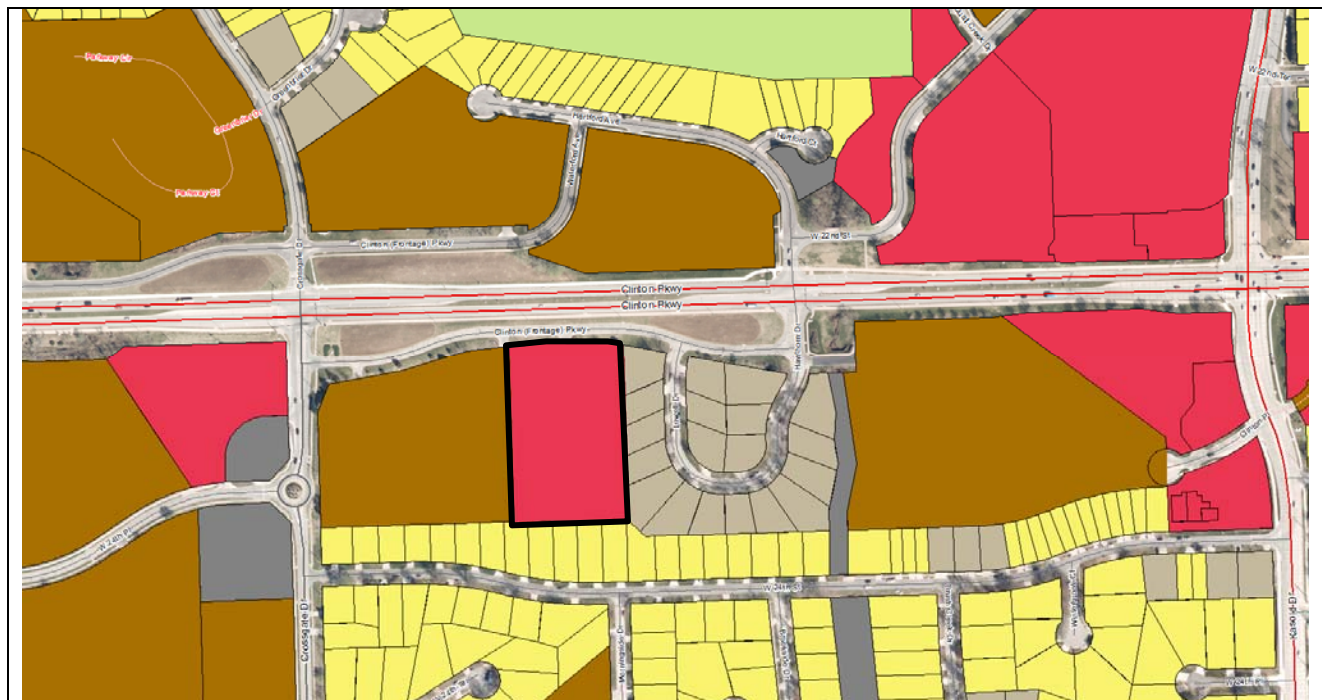


Figure 1b: The land use of the surrounding area. (Legend: =single-family, =multi-family, =duplex, =commercial) [The Douglas County Appraiser's Office classify the subject property as commercial with an occupancy of office.]

Staff Finding – The proposed zoning will conform with the existing multi-family zoning to the west and east. It also aligns with the multi-family land uses, zoned PUD, located to the north.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"North: PUD Multi-family townhomes attached; East: RM24 Duplexes; South: RS7 Single-family detached; West: RM24 Multi-family townhomes attached."*

Staff Finding – The area immediately surrounding the subject property has been developed with a mix of multi-family and single-family residences. There are also commercial and office uses located further to the east and west. The area near the intersection of Clinton Parkway and Kasold Drive contains retail and medical office uses. A convenience store is located to the west, at the southwest corner of Clinton Parkway and Crossgate Drive.

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

Staff Finding – No area or neighborhood plans have been adopted for this area. *Horizon 2020* is the guiding plan for this area.

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

Applicant's Response: *"The surrounding properties and this property have co-existed for over 25 years. All properties have been well maintained and property values have continued to rise with the overall market over this time. What is being proposed is no different than what has occurred in the past 25 years."*

Currently, the subject property is used by the Lawrence Wesleyan Church. Prior to this, the property contained administrative offices for the Unified School District 497. The site was originally developed as a Fraternal Lodge and later remodeled for office uses. At that time, the property was zoned RO-2. The zoning of the property converted to RSO with the adoption of the Development Code in 2006. The previous zoning of RO-2 did not restrict the amount of office space permitted. The restrictions on office space did not become applicable until the current Code was adopted.

The uses permitted in the RSO and RMO are similarly aligned. The new uses that would be permitted on the subject property, if the zoning request were approved, include *Multi-Dwelling Structure, Congregate Living, Extended Care Facility, General, Campus or Community Institution Religious Assembly, and Bed and Breakfast*. Given the existing multi-family developments to the east and west, the subject property is suited for these uses if development of this kind were proposed in the future. The property is also suited for office uses.

Staff Finding – The existing zoning is not suitable given the intended redevelopment pattern for this property.

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

Applicant's Response: *"This property has been continuously occupied since its construction. First as a Fraternal Lodge, then as a school district's central administration office and now as a place of worship. The proposed future use is to convert this facility back into office uses."*

Staff Finding – The subject property is not vacant. According to the Douglas County Appraiser's records, the existing structure was built in 1968.

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

Applicant's Response: *"There will not be any detrimental affect as this zoning change will allow the full use of this building in its present form which would be a continuation of the same intensity of use when USD #497 owned & occupied this property for their central administrative offices from the early 90's to 2001 and was an allowed use under the previous RO-2 zoning in the 1968 Zoning Ordinance which had no square footage limits of any kind."*

According to the Douglas County Appraiser's records, the building was constructed in 1968. The subject property has contained nonresidential uses since that time, including offices for the USD 497. The rezoning request aligns with previous development of the property.

The RMO District permits a few uses that are not allowed in the RSO District, as previously discussed. Generally, however, the uses permitted in the RMO District are also permitted in the RSO District. Approval of the rezoning request would permit the development of multi-family residences as part of a mixed use development and larger community facilities. These uses area appropriate for the area and the existing land uses.

The site includes a large parking lot and has had active uses occupy it over the last 50 years. The neighborhood has developed around this site.

Staff Finding – There are no anticipated detrimental effects for nearby 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: *"The building was first zoned as RO-2 under the previous zoning code which did not have any restrictions on the amount of office use allowed in the building. When the 2006 Land Development Code was adopted all RO-2 uses throughout the City were automatically swept into the RSO zoning district which restricts the amount of office space allowed in a development. This was not a problem at that time since the existing church use did not conflict with the new Development Code. Now that the church is moving on, this building is too large to conform with this existing zoning. The most efficient use for this building in order for it to continue to be maintained and retain its value is to convert it back into offices. If the zoning can't be changed to fit the existing building size, then it may be difficult to transfer the ownership for an underutilized building and will most likely deteriorate in repair and value which would be a remarkable departure for this neighborhood and its past."*

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 property is currently use by the Lawrence Wesleyan Church. The church is relocating to another site and selling the property. The new buyer would like to redevelopment the property with an *Office* use. Approval of the request would facilitate this desired redevelopment.

If the rezoning request were denied, only a portion of the structure could be developed with offices, which would be a hardship imposed on the buyer. This may prevent the buyer from developing on the subject property, and could leave the structure vacant until a more suitable

development is proposed. Denial of the request would not lead to a gain to the public health, safety and welfare.

Staff Finding – Approval of the proposed request facilitate redevelopment of the property with an *Office* use.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the proposed rezoning of approximately 150,000 square feet from RSO District to RMO District as it is an appropriate zoning district for the subject property.