

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
03/28/2018

ITEM NO. 1A Z-18-00024: RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District; .82 acres (SLD)

Z-18-00024: Consider a request to rezone approximately .82 acres from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District, located at 929 Arkansas St. Submitted by Paul Werner Architects, for DJC Holdings LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately .82 acres, from RM12 (Multi-Dwelling Residential) District and RM12 UC (Multi-Dwelling Residential Urban Conservation Overlay) District to RM32 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Applicant's Reason for Request: *We would like to rezone the vacant land on the site in order to improve the circulation of parking and the overall development of the cul-de-sac.*

ASSOCIATED CASES/OTHER ACTION REQUIRED

- MS-18-00046; Sinclair's Addition No. 2.
- SP-18-00091; 929 Arkansas Street.

Other Action Required

- Historic Resources Commission review and recommendation
- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

KEY POINTS

- This application is intended to facilitate the redevelopment of an RM32 zoned parcel along Michigan Street by revising the property line and zoning boundary.

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

- Attachment A: Area Map
- Attachment B: Concept Site Plan Drawing
- Attachment C: Minor Subdivision Drawing

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Property owner who resides along Michigan Street called to comment on the poor condition of the street and recommended that as a condition of development the street be improved.

- Property owner who resides on Arkansas Street called with concerns about plans to access Arkansas Street, lack of parking in the area, and added traffic that will result from the project.

Staff response to comments:

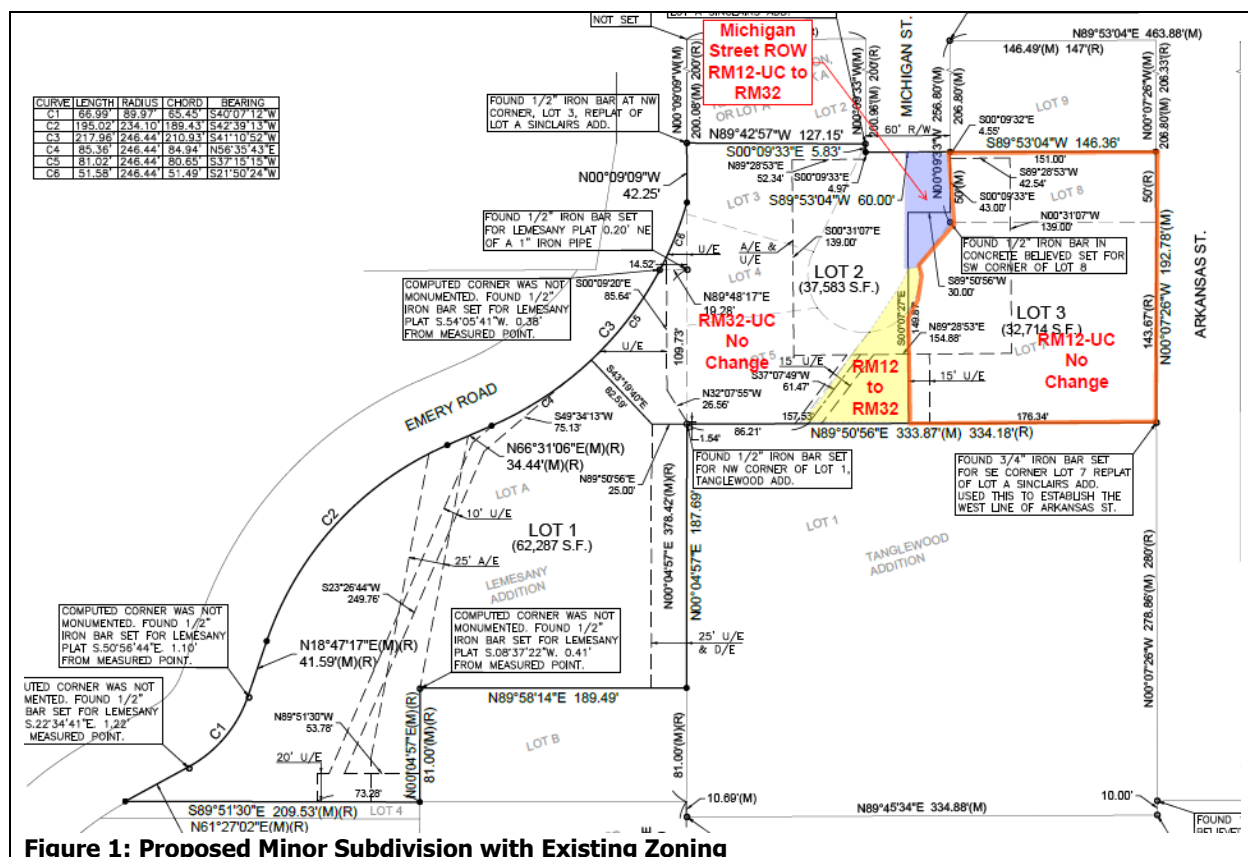
- Michigan Street is a City Street/public ROW. The street was overlaid in 2014. A new assessment of the street, by Public Works is due.
- No new access is proposed to Arkansas Street. Redevelopment of the should result in an improved off-street parking arrangement for the residential uses along Michigan Street.

Project Summary:

Proposed request is for rezoning land in the 900 block of Michigan Street to facilitate redevelopment of the property. The development request includes this rezoning and a proposed Minor Subdivision to reconfigure interior lot lines and vacate existing right-of-way. The applicant has also submitted a site plan. The site plan is included with the development packet for context.

Several design considerations, including the vacation of right-of-way, must be resolved prior to approval of the site plan. A complete discussion of the proposed request to vacate right-of-way is included in the Minor Subdivision staff report. Variances associated with the Minor subdivision are a concurrent item on the Planning Commission's agenda.

This application includes a discussion of the rezoning of a portion of Michigan Street ROW and private property. A portion of the request is located in the Oread Neighborhood and is zoned Urban Conservation Overlay District.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Key features of the plan are listed in Chapter Three – General Plan Overview.

The area is included in Map [3-2 *Lawrence future Land Use Map*. The subject property is located within an area shown where as "Medium Density Residential/High Density Residential" abuts very Low –Density/Low-Density Residential. (Map adopted 1998). This area is discussed in more detail in the Oread Neighborhood Plan.

Residential strategies are listed in Chapter 5 – Residential Land Use. Principal strategies for residential land use include the following statements.

- Infill residential development should be considered prior to annexation of new residential areas.
- Compatible densities and housing types should be encouraged in residential neighborhoods by providing appropriate transition zones between low-density residential land uses and more intensive residential development, and between higher density residential use and non-residential land use.
- Design, site improvements, and infrastructure shall be consistent with adopted neighborhood plans, with the development of a neighborhood concept and with area plans and sector plans.

Applicable policies in *Horizon 2020* are discussed below, with staff comments in red.

Goal 2: Create a Functional and Aesthetic Living Environment

Create and maintain medium and higher-density residential developments that are aesthetically pleasing and functionally efficient and practical.

Policy 2.6 Consider Residential Density and Intensity of Use

The number of dwelling units per acre in any residential category should be viewed as representing a potential density range rather than a guaranteed maximum density. Potential development should be approved based upon consideration of natural features, public facilities, streets/roads and traffic patterns, neighborhood character, and surrounding zoning and land use patterns.

This policy discusses the need to review the application in context. A range of densities may or may not be applicable to a specific property or location.

- Medium-density zoning districts include: RS5, RS3, RSO, RM12, RM12D and RM15.
- High-density districts include RM24, RM32, RMG and RMO Districts.

The proposed request is at the top range of the *High-Density* residential category. If approved, the existing RM32 district boundary will be expanded to the east toward the Oread Neighborhood, but by only a fraction to better accommodate redevelopment. The existing development along the east and west sides of Michigan Street include a range of density and housing types. The lowest density is 3 dwelling units per acre (900 Michigan Street and 907 Arkansas Street, detached dwellings). The highest density is 913 Michigan Street, a 6 unit multi-dwelling building. This property is developed to a density of 36 units per acre and is a non-conforming use because the use exceeds the maximum density of the zoning district, RM32.

By reconfiguring the property boundaries (lot lines) and vacating right-of-way, the existing 6-plex combined with the proposed new development would be made conforming because the density can be spread out across a larger area.

Goal 3: Compatible Transition from Medium-Density and Higher-Density Residential Development to both More Intensive and Less Intensive Land Uses

Ensure transition from medium and higher-density residential neighborhoods is compatible with non-residential land uses or low-density residential land uses.

Michigan Street is the west boundary of the low-density residential portion of the Oread Neighborhood. There is no significant transition that is provided in the existing development pattern. The detached residences located at 900 Michigan Street and 907 Arkansas Street are oriented so that the side and rear yards face Michigan Street. The remaining residential uses detached, duplex and multi-dwelling uses include a mix of building orientation and access. Buildings at 929 Arkansas Street face Arkansas Street with vehicular access provided from Michigan Street. Duplexes and attached housing both face and take access from Michigan Street.

The proposed request is intended to facilitate the redevelopment of the south portion of the street. The application requests rezoning to alter the existing boundary of the RM32 District.

Policy 3.1 Use appropriate Transitional Methods

- a. Careful attention should be given to areas, which may serve as a buffer between different housing types and different densities and intensities of use to ensure compatibility of use.

This policy discusses the need to provide and install an adequate buffer between low and medium density uses. Methods of transition include site orientation, building relationships, integration of natural land features, screening and landscaping and lighting considerations. These elements are specifically considered as part of site plans. All elements listed would be applicable through Articles 6, 9, 10, and 11 of the Land Development Code that address parking lots, buildings setback, landscaping, and lighting features of a particular development. However, because of the surrounding zoning, buffering will be minimal.

Staff Finding – The proposed RM32 district is a designated High-Density residential district consistent with the goals and policies stated in *Horizon 2020*.

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

GENERAL INFORMATION	
Current Zoning and Land Use:	RM12 and RM12-UC (Multi-Dwelling Residential) District and Urban Conservation Overlay District. Existing <i>Duplex</i> Residential uses (929 Arkansas Street). Existing <i>Duplex</i> and <i>Multi-Dwelling</i> Residential Uses (913, 931 935 Michigan Street).
Surrounding Zoning and Land Use:	
To the north: East side of Michigan Street-	RM12-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. Existing <i>Multi-Dwelling</i> Residential Use.
West side of Michigan Street-	RM32 (Multi-Dwelling Residential) District. Existing <i>Multi-Dwelling</i> Residential Use.
To the south: East side of Michigan Street [extended]-	RM32-UC (Multi-Dwelling Residential Urban Conservation Overlay) District. Existing <i>Multi-Dwelling</i> Residential Use.
West side of Michigan Street [extended]-	RM32 (Multi-Dwelling Residential) District. Existing <i>Multi-Dwelling</i> Residential Use.
To the east: East side of Arkansas Street-	RM12D-UC (Multi-Dwelling Duplex Residential Urban Conservation Overlay) District. Existing <i>Detached Dwellings</i> .
To the west: West side of Emery Road -	RM32 (Multi-Dwelling Residential) District. Existing <i>Multi-Dwelling</i> Residential District.

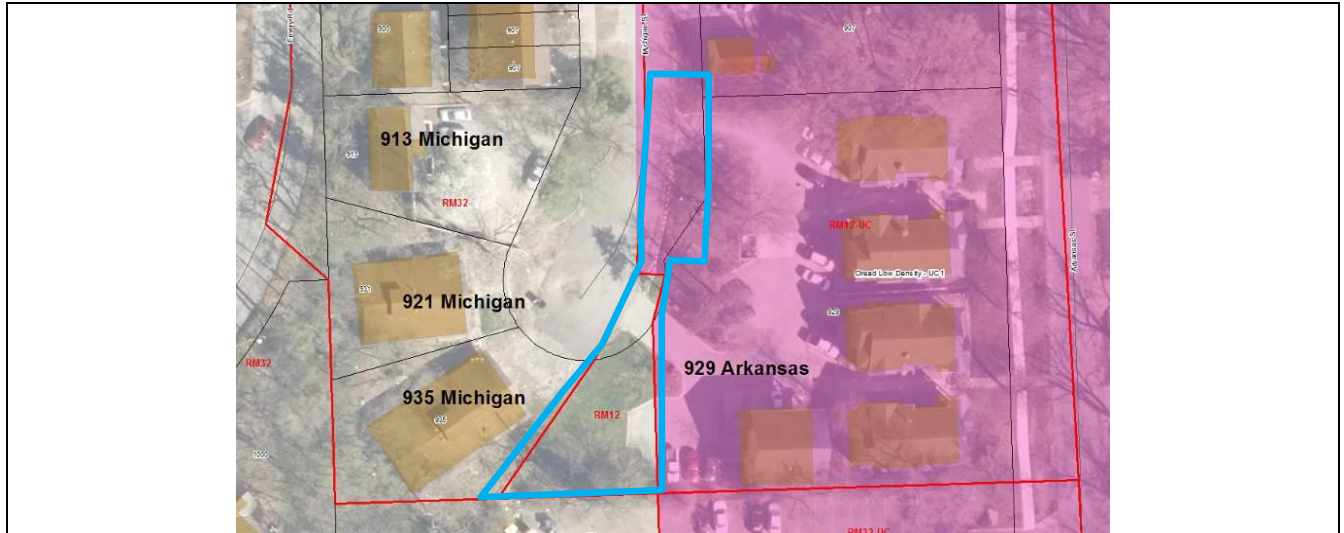


Figure 3: Zoning
Area included in rezoning highlighted in blue

Address	Unit Type	# of Units	Density
929 Arkansas Street	Duplex	9	11 units per acre
913 Michigan Street	Multi-Dwelling	6	36.8 units per acre
931 Michigan Street	Duplex	2	15 units per acre
935 Michigan Street	Duplex	2	11.3 units per acre

The property included in this rezoning request includes parts of platted lots and a portion of the existing Michigan Street right-of-way. The surrounding area is developed with a mix of residential uses including *Detached Dwelling*, *Duplex*, and *Multi-Dwelling* residential uses.

Staff Finding – The surrounding area includes a mix of residential uses and densities.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The neighborhood consists of mainly multi-family/rental properties.*

The property included in the request is partially located in the Oread Neighborhood (east of centerline of Michigan Street) and partially in an area adjacent to the Oread Neighborhood but not within a designated neighborhood. Zoning districts extend to the centerline of public streets.

The 900 block between Arkansas Street and Michigan Street include low-density detached dwellings and medium density multi-dwelling development. Land use transitions to the east to lower density/intensity residential uses within the neighborhood.

The area to the west includes *Multi-Dwelling* and *Group Living* (Sorority and Fraternity housing). This area is not part of a designated neighborhood. The University of Kansas campus is located to the south making this a desirable location for student housing.



Figure 4. Neighborhood Boundary Map

Commercial uses are located to the east along W. 9th Street and in the Downtown area. Neighborhood commercial uses are located to the west within a half mile of the proposed rezoning.

Staff Finding – The property included in the request is partially included in the Oread Neighborhood and in close proximity to other established neighborhoods and the University.

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

Applicant's Response: *The neighborhood consists of mainly multi-family/rental properties.*

A portion of the property included in this request is located within the Oread Neighborhood Plan boundary. Section 3 of the Neighborhood Plan includes the goals, policies, and implementation strategies for the neighborhood. The plan specifically states as a main goal the intent to, "maintain a variety of housing types and to provide a balance in the diversity of people living in the neighborhood while maintaining strong neighborhood scale commercial areas." (Page 3-1). This application applies only to the residential portion of the neighborhood plan.

The west boundary of the plan extends to the centerline of Michigan Street, extended south, and includes all of the east side of Michigan Street and the east 175' of Lot 7, Sinclair's Addition (929 Arkansas Street). Figures 6 and 7 show the neighborhood boundary excludes the west corner of 929 Arkansas Street. That portion of land is zoned RM12 and not subject to the Oread Design Guidelines. The east portion of Lot 7 is, however, in the district and subject to the Oread Design Guidelines.

3.1.2 Goal 2 –Preservation

Preserve and improve the character of the neighborhood by encouraging the preservation of existing historic structures and features and by supporting infill development that is compatible with the surrounding neighborhood.

This request is intended to facilitate the redevelopment of land at the south end of Michigan Street (infill). By rezoning, vacating a portion of Michigan Street right-of-way, and replatting the lot lines the property owner is able to assemble more land area to redevelopment the property with more residential units than currently exists.

Map 4-1 of the Oread Neighborhood plan shows the area between Arkansas Street and Michigan Street as suitable for medium density residential land use. This land use is further refined in the Oread Design Guidelines as UC-1 – Low Density.

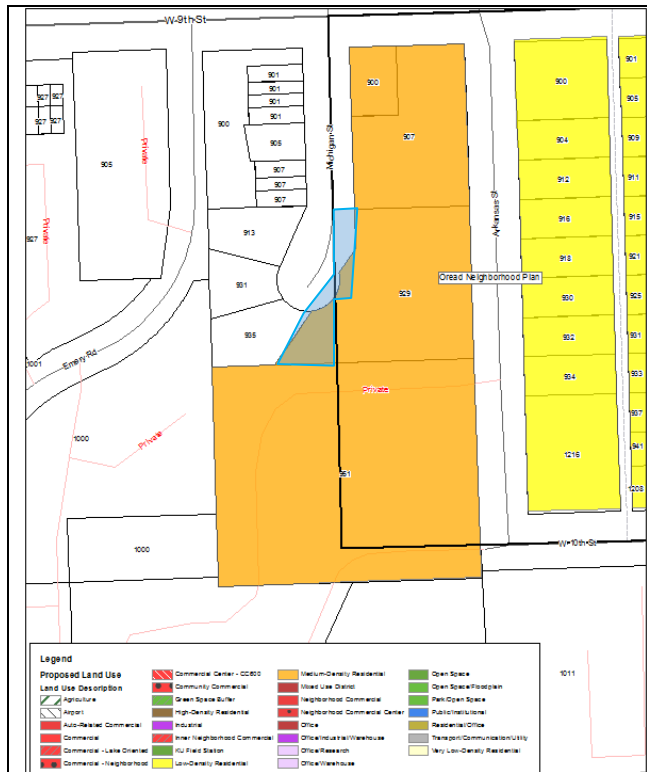


Figure 5: Future Land Use Map Oread Neighborhood Plan

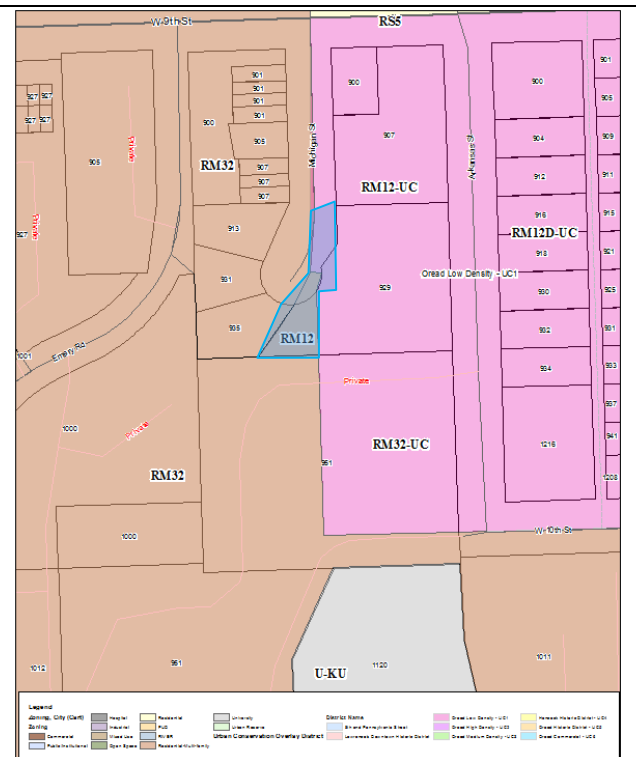


Figure 6: Zoning District/Urban Conservation Overlay Map

The Oread Design Guidelines provide specific detail regarding development for each unique district in the neighborhood. Urban Conservation District UC-1 is primarily zoned RM12D. The adoption of the design guidelines followed the original district-zoning boundary so property that was zoned RM12 was rezoned to RM12-UC. Within District 1, "lots shall not be created or modified to accommodate the construction of duplexes or other higher intensity residential dwellings." (Page 80). This specific requirement prohibits lot consolidation that would create larger parcels for more intense development. It would also prevent the encroachment/removal of a portion of a lot to likewise create a parcel for more intense development. This application is a request to rezone a portion of a platted lot, removing it from the district, to be consolidated with the small portion of property to the immediate west, that is located outside of the district and not subject to these design requirements.

The existing four duplexes and one detached dwelling located along Arkansas Street are not changing with this project. The building fronts will continue to face Arkansas Street. No access to Arkansas Street is proposed. Parking for the residential uses will be provided from a new access and parking area in the rear of the dwellings.

The portion of land included in the request that is zoned RM12 (not part of the Oread Neighborhood) is not addressed in any specific neighborhood or area plan.

Horizon 2020 shows the west side of Michigan Street as suitable for Medium-Density/High-Density residential development and the east side of Michigan Street is identified as low density. The Oread Neighborhood Plan shows the area on the east side of Michigan Street as suitable for Medium-Density residential development and the Oread Design Guidelines both show and proscribe the same area as reserved for Low-Density development.

Staff Finding – A portion of the area included in the request is located in the Oread Neighborhood plan boundary. Generally, the recommended land use is medium to low density 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 current area is zoned for multi-family, and it will continue to be multi-family.*

Lot 7, Sinclair's addition (929 Arkansas Street) is zoned RM12 and RM12-UC. The west corner of the lot is undeveloped portion and provides open space between 929 Arkansas Street and 935 Michigan Street. This lot is developed with multiple duplex buildings and one detached dwelling. Because the units are not located on individual lots, the development is defined as multi-dwelling. The RM12 segment of the lot generally aligns with the west side of Michigan Street, if the street were extended to the south. By changing the zoning from RM12 to RM32, the resulting density of 929 Arkansas Street is only nominally affected. Given the proposed infill/redevelopment project, the proposed zoning is more suitable than the existing RM12 District. The area highlighted in yellow in Figure 7 shows the portion of existing Lot 7 Sinclair's Addition and a portion of the Michigan Street right-of-way that would be rezoned to RM32 if approved. Figures 8 and 9 show the existing UC District boundary and the proposed UC District boundary.

Figure 7 shows an area, north of the yellow highlighted area, a portion of Michigan Street right-of-way proposed to be rezoned from RM12-UC to RM32. Part of this area would be located in Lot 2 and part would be located in Lot 3. If the intent of the subdivision is to align with the proposed rezoning, only a portion of the right-of-way would be rezoned to RM32. The remainder would remain RM12-UC.

Figure 10 shows the proposed lot lines. All of proposed Lot 3 will be located in the UC District. This aligns with the build of existing Lot 7 Sinclair's Addition that is currently zoned RM12-UC and will not change.

The rezoning is complicated by the proposed development applications for a Minor Subdivision and existing development pattern. The infill/redevelopment project does not include the demolition of all existing improvements, only two duplexes located at 931 and 953 Michigan Street. In order to provide enough land area to maximize the existing RM32 zoning, the lot area must be configured in a manner that leaves the existing development on proposed lots compliant with the base zoning district and the Urban Conservation Overlay District. The project is subject to approval by the Historic Resources Commission as outlined in the Oread Design Guidelines. Suitability is subject to a determination by the Historic Resources Board.

Staff Finding – By vacating right-of-way and rezoning back to a platted lot line the district boundary is easier to administer. Given the proposed infill/redevelopment for this area, and assuming the approval of the Historic Resources Commission, the proposed zoning change is suitable

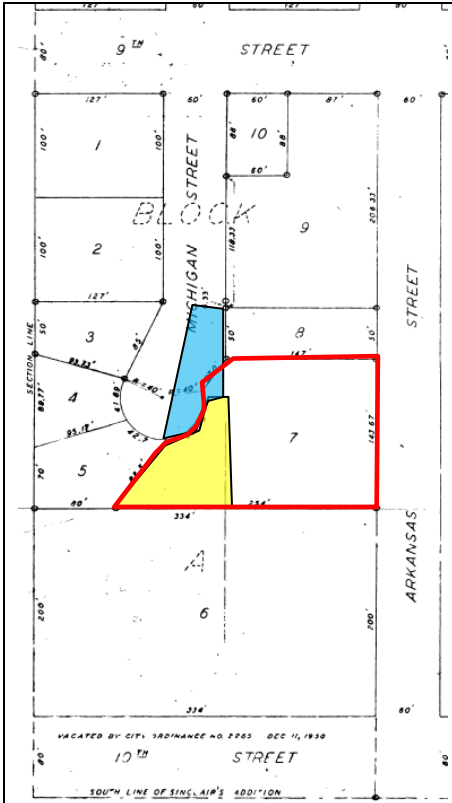


Figure 7: Sinclair's Addition – Lot 7 outlined in red.

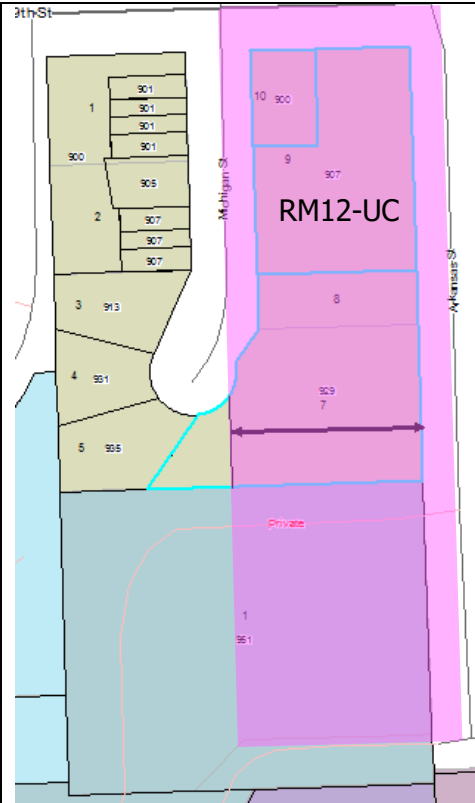


Figure 8: Existing RM12-UC District

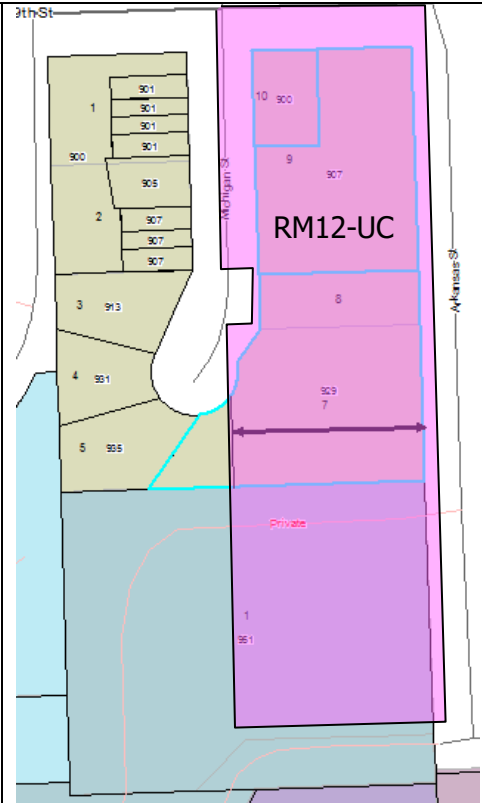


Figure 9: Proposed RM12-UC District

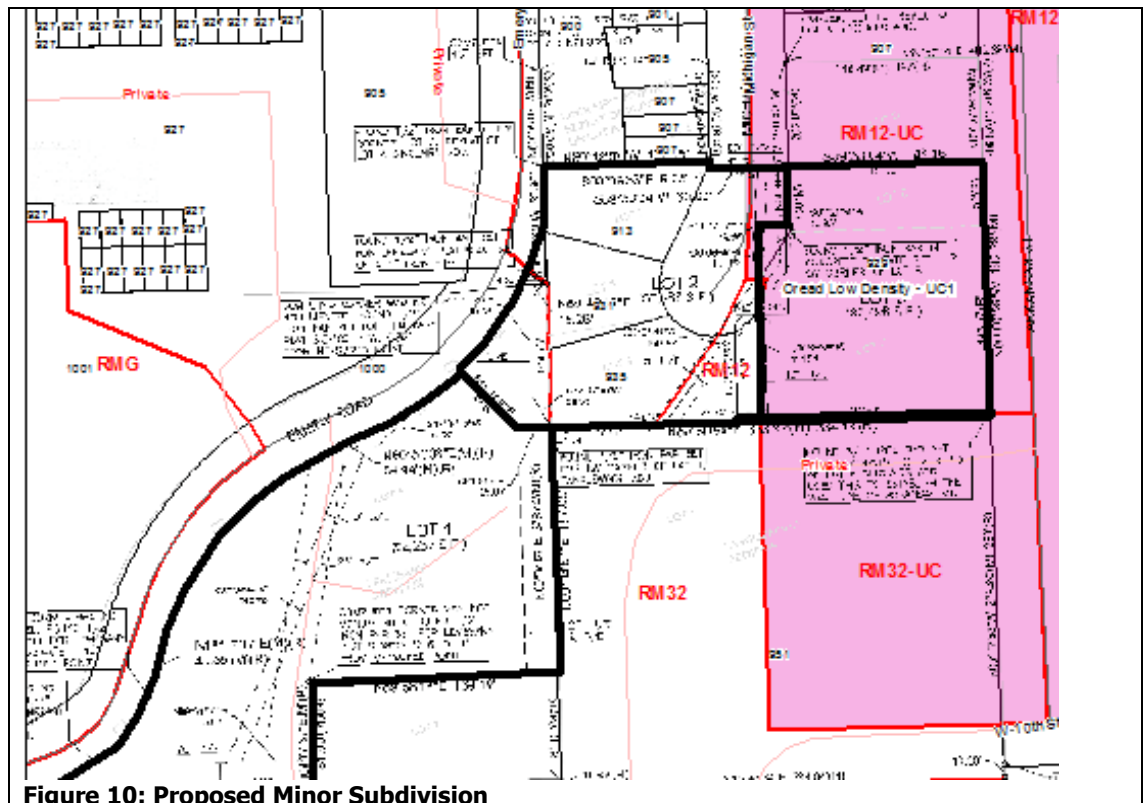


Figure 10: Proposed Minor Subdivision

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

Applicant's Response: *The property is not vacant, just underutilized.*

The property was rezoned in 2006 with the adoption of the Land Development Code. The Urban Conservation District was established by ordinance no. 9212 on December 6, 2016. The Design Guidelines became effective on February 6, 2017.

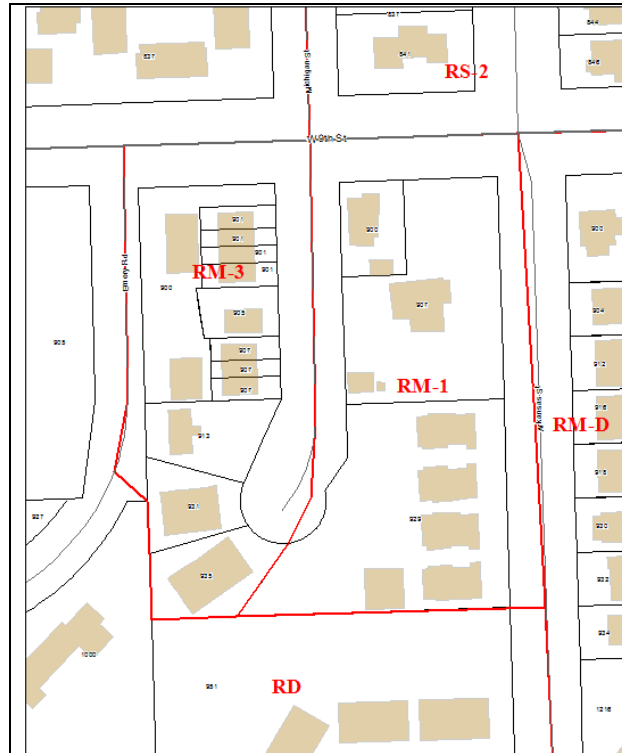


Figure 11: Zoning Prior to 2006

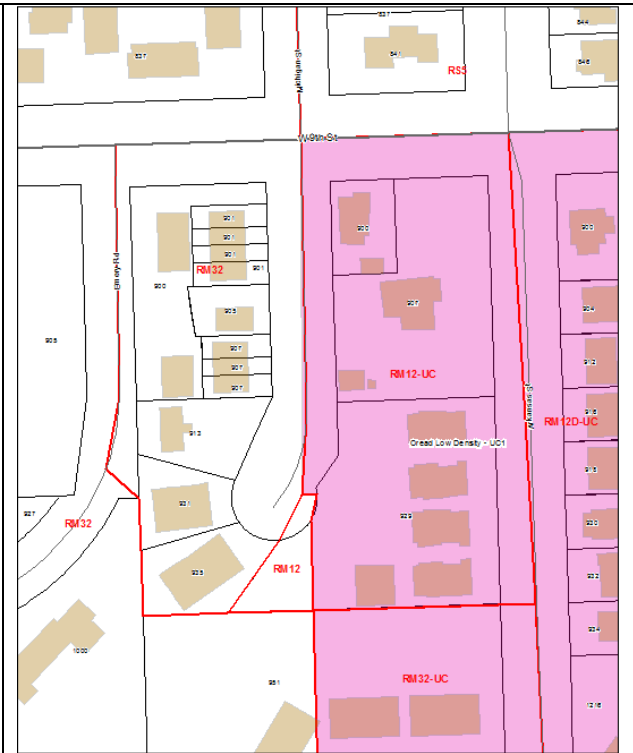


Figure 12: Existing Zoning

Staff Finding – The property is not currently vacant and is developed as part of the Michigan Street right-of-way and abutting residential development.

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

Applicant's Response: *Approving the rezoning will only help to improve the area and nearby properties. There will be no detriment to the area.*

Approving this request would rezone. 82 acres from RM12 and RM12-UC to RM32, yielding a change in maximum density allowed of 17 units.

The district guidelines do not address changes to the boundary of the neighborhood. The Guidelines do not support consolidating lots for increasing density. In this application. The original Lot 7 is being reduced (not consolidated), and right-of-way in the district is proposed to be vacated and rezoned for the purpose of creating a lot that will accommodate increased density, but outside of the UC District. The project shifts density to the west side of Michigan Street and increases the development density of the new lot on the west side of the street by 17 units over the existing development.

The four existing duplex units that face Arkansas Street will not change other than the rear parking arrangement. The one detached dwelling on the south side and the six-unit building at the north end of the development also will not change. The two duplex buildings (4 units) located on the west side of Michigan Street will be demolished and replaced with a three story 21 unit building. Density is concentrated on the west side of the project. This preserves the existing building and density relationship between the Oread Neighborhood to the east and higher density residential development to the west.



Figure 13: Existing Development

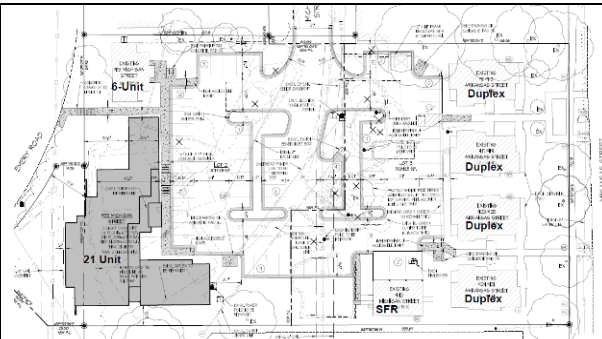


Figure 14: Proposed Development

Some additional traffic will result from the proposed redevelopment, which is more a function of the site plan than the rezoning. Access to the property is only accommodated from Michigan Street. The related site plan proposes to increase off-street parking in the area to accommodate the change in demand for the new development.

Staff Finding – Impacts related to the proposed infill/redevelopment project are mitigated by the orientation of the project that places density to the west side of Michigan Street. A slight increase in traffic is anticipated because of the net increase of 17 new units to the area. The RM32 zoning permits 15 units today if parking is provided. The project will result in an improved parking area for the existing and new residential uses at the south end of Michigan Street. Overall, detrimental impacts related to the increase in density are minor. The project will include reasonable design solutions to traffic.

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: *By approving the rezoning, you will allow the owner to improve the area. The circulation of the parking and the traffic in the cul-de-sac will improve fire access, which is a gain for public health safety, and welfare.*

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 two existing duplexes, proposed for demolition, are currently vacant and in substandard condition. The development project proposes to redevelop the property based on the available density and provide 21 new units in this same location. Approval of the proposed rezoning facilitates reinvestment in an existing urban area where high-density residential development already exists.

Staff Finding – The proposed request along with the proposed minor subdivision will bring the zoning and platted lot lines into alignment, if approved. These actions support the efficient implementation of the development regulations and reinvestment in an underutilized area.

9. PROFESSIONAL STAFF RECOMMENDATION

This infill/redevelopment request includes multiple processes including zoning, subdivision platting, and site plan approval. Both the City Commission and the Historic Resources Commissions are required to act on various portions of the development request. A key decision of the development application is the determination of the feasibility to assemble enough land area and rezone it to a uniform district to accommodate the density for the proposed project.

The majority of this rezoning request is zoned RM12 and is not located in the Oread Neighborhood Urban Conservation Overlay District. However, that same area is only a portion of a larger platted lot that is located in the Urban Conservation Overlay District. The original neighborhood boundary and zoning district did not follow platted lot lines and resulted in a lot with dual zoning.

Zoning districts extend to the centerline of public streets. It is preferable that when zoning boundaries follow parcel lines that the entire parcel is located in one uniform district. The development pattern along the east side of Michigan Street is not proposed to be altered by the change in zoning or modifying the platted lot lines. By modifying the zoning boundary and the platted lot lines the property at 929 Arkansas changes density from 11 dwelling units per acre to 12 dwelling units per acre because the overall lot area is reduced. The property will remain zoned RM12-UC. The resulting development will be compliant with the maximum density allowed in the base district.

929 Arkansas Street	
Existing Zoning: RM12 and RM12-UC	Proposed Zoning: RM12-UC
Existing Dwellings: 9	Proposed Dwellings: 9
Existing Lot area: 35,618 SF	Proposed Lot Area: 32,724 SF
Existing Density: 11 DU/Ac	Proposed Density: 12 DU/AC

CONCLUSION

Staff recommends approval of the proposed zoning request that rezones area from RM12 and RM12-UC to RM32 .