

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Action Item**

**ITEM NO. 10A COMPREHENSIVE PLAN AMENDMENT; 2314 TENNESSEE ST & 305-307 W 23<sup>RD</sup> ST (BJP)**

**CPA-19-00032:** Consider a Comprehensive Plan Amendment to *Horizon 2020*, Chapter 3, related to the rezoning of 2314 Tennessee St & 305-307 W. 23<sup>rd</sup> Street, to revise Map 3-2 at this location from Very Low/Low Density Residential Land Use to Medium/High Density Land Use. Submitted by Allen Belot Architect.

**STAFF RECOMMENDATION:** Staff recommends approval of this comprehensive plan amendment to *Horizon 2020*, applying the medium-density residential development polices to future developments, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 3 to revise Map 3-2 at this location from Very Low/Low Density Residential Land Use to Medium/High Density Land Use.

**STAFF RECOMMENDATION:** If appropriate, approve and authorize the Chair to sign Planning Commission Resolution PCR-19-00112.

**KEY POINTS**

1. The amendment is requested by the applicant to allow for the construction of three attached dwelling structures, totaling 16 units, at a density of 10.8 dwelling units per acre.
2. The proposal would add the Medium/High Density land use on Map 3-2 Future Land Use Map, which currently identifies the subject property from Very Low/Low Density Residential land use and land uses to the west as Office and/or Commercial and land uses to the east as Very Low/Low Density Residential land uses (although the property to east is developed with medium density residential uses).
3. The subject parcel is developed with three structures and includes 2 single-family residences and 1 detached garage. The single-family residences are addressed as 2314 Tennessee Street and 305 W. 23<sup>rd</sup> Street. Through research completed for this proposed request, it was determined that an address point of 307 W. 23<sup>rd</sup> Street was applied to the detached garage to assist emergency responders. The detached garage was not converted to a residence and remains an accessory structure for the residential structure at 2314 Tennessee Street. (Figure 1)
4. The requested Future Land Use designation would be consistent with *Horizon 2020's* enumerated land use transition policies.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Staff met with the property owners of 232 and 306 Dakota Street, who provided concerns regarding stormwater drainage, increased traffic, building height, noise, lighting and property value changes. In particular, the property owners noted concerns related to the affects the proposed development would have to stormwater drainage issues for the properties to the south on Dakota Street. The property owners also noted concern that residents of the proposed development may avoid turning left on 23<sup>rd</sup> Street by using Vermont Street and

Dakota Street to access Louisiana Street. Staff noted that platting and site plan approval will be required prior to development. The site plan will be reviewed for compliance with the Land Development Code on standards related to these concerns. Approval of a Drainage Study and Traffic Impact Study will be required prior to site plan approval.

- Prior to publication of the report, staff also received a communication from Mr. Tuttle. This communication is provided as an attachment to this report.

## SUMMARY

The request is for an amendment to *Horizon 2020*, Chapter 3: General Plan Overview, to revise Map 3-2 "Lawrence Future Land Use" from Very Low/Low Density Residential Use to Medium/High Density Residential.

The reason for this comprehensive plan amendment is to bring [Horizon 2020](#) into alignment with the proposed residential development.

Items related to this comprehensive plan amendment include:

Z-18-00566: Consider a request to rezone approximately 1.47 acres from RS5 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District located at 2314 Tennessee Street and 305-307 W. 23<sup>rd</sup> Street. Submitted by Allen Belot Architect on behalf of William and Sharon Elkins, property owner of record.



Figure 1: Subject Site

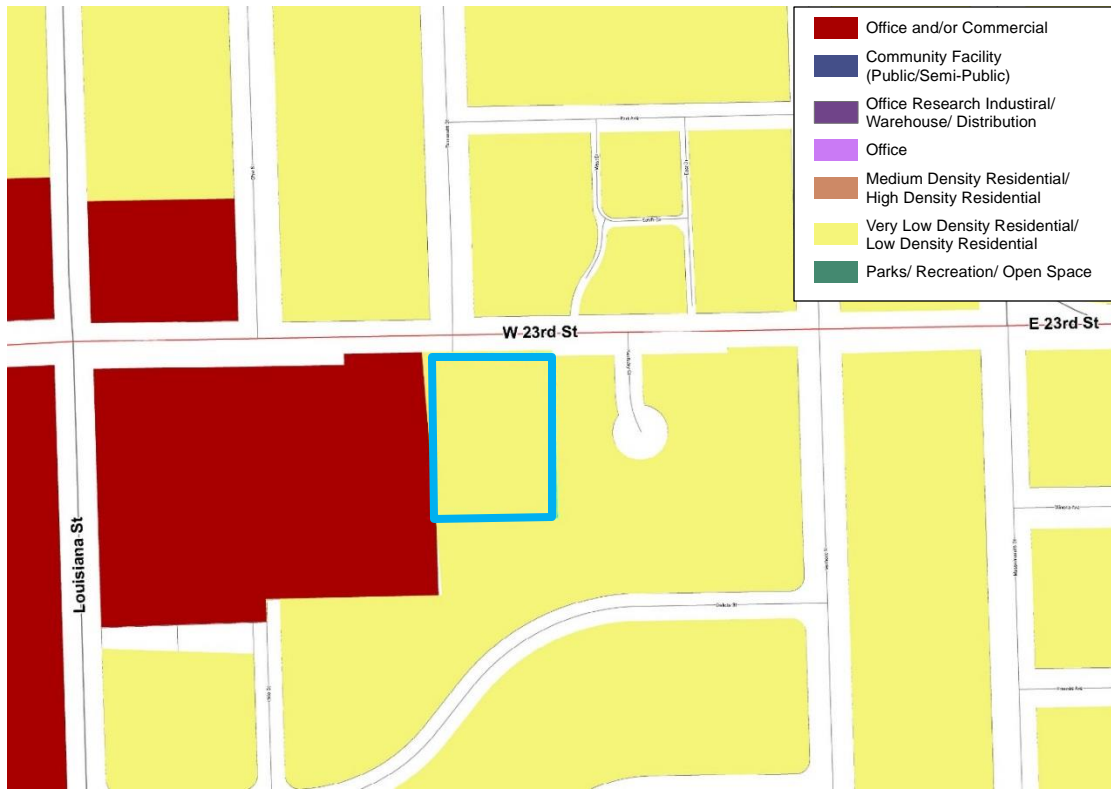


Figure 2: Currently Adopted *Horizon 2020*: Future Land Use Map 3-2

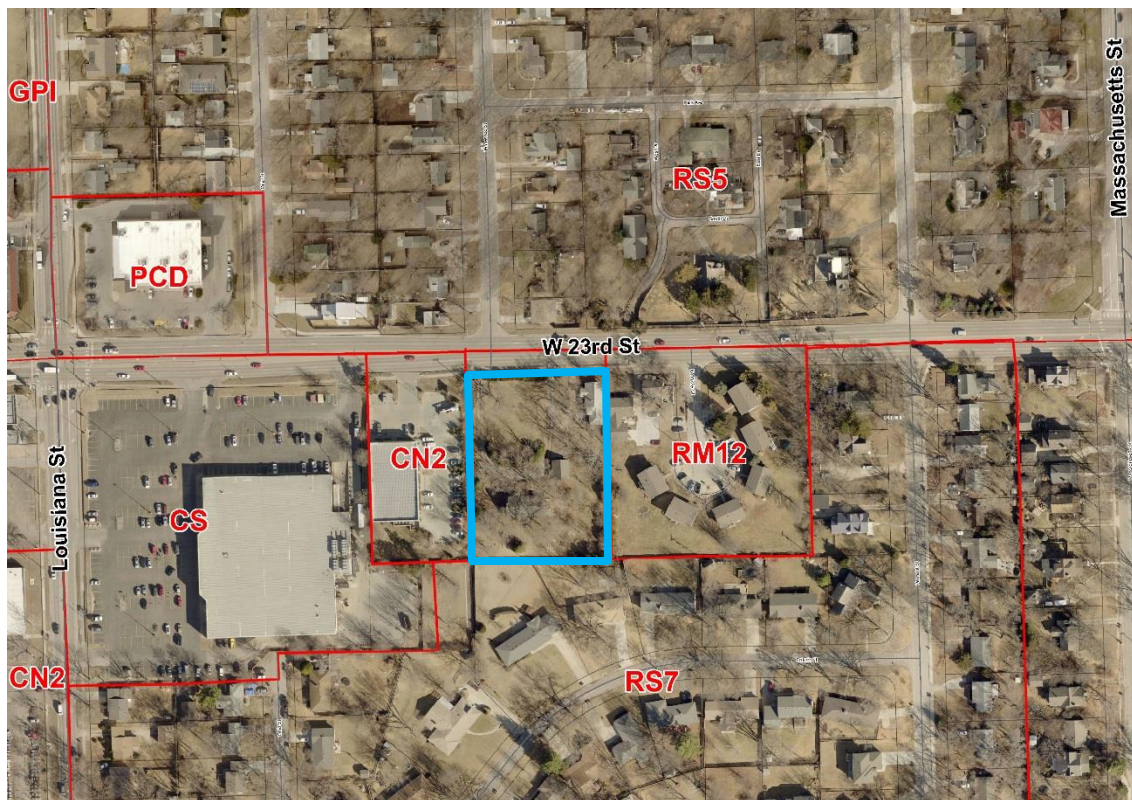


Figure 3: Zoning of surrounding area.

## **STAFF REVIEW**

The applicant is requesting revisions to the adopted Lawrence Future Land Use Map (Map 3-2) in Chapter 3: General Plan Overview of *Horizon 2020*. The request would modify Map 3-2 allowing for a proposed multi-dwelling residential development. The development concept entails the construction of 3 townhome structures with 16 total units, at a density of 10.6 dwelling units per acre.

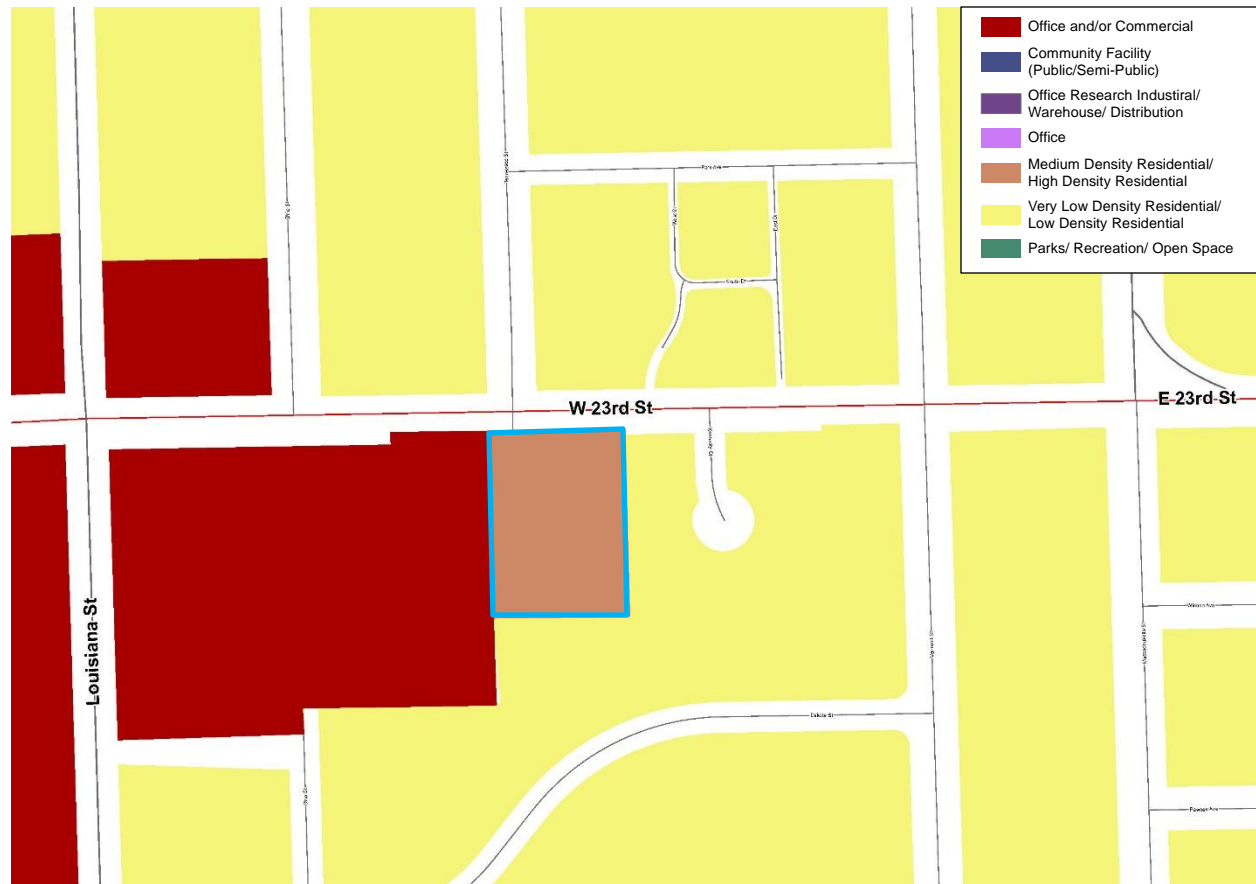
The subject property is currently identified as Very Low/Low Density Residential land use in the Lawrence Future Land Use Map (Map 3-2). The area to the west of the subject property is identified as Office and/or Commercial Land Use, and the area to the east is identified as Very Low/Low Density Residential Land Use. The applicant is requesting that the Lawrence Future Land Use map be revised to identify the subject property as Medium/High Density Residential Land Use. *Horizon 2020* defines this residential land use as:

### ***Medium-Density Residential Development***

*Medium-density residential development, reflecting an overall density of 7 to 15 dwelling units per acre, is recommended as clustered development at selected locations along major roadways, near high-intensity activity areas, and when adjacent to important natural amenities. This type of land use may be a likely choice for cluster development where density can be transferred from the natural area to the remainder of the property to creatively retain natural features which will enhance the overall development.*

*Medium-density residential areas are intended to promote a mix of housing types within planned development areas. Medium-density areas should include a mix of single-family detached and attached homes, cluster homes, townhouses and similar housing types, designed and arranged to create compatible and attractive new residential environments. Extensive concentrations of the same housing type or development pattern should be avoided.*

*Most of the sites recommended for new medium-density residential development occupy transitional locations between single-family neighborhoods and office/commercial areas. Some sites are recommended near large open space or natural areas. In addition to providing attractive new housing options within the city, these areas should be designed to help avoid major and abrupt changes in density or use. Existing and planned medium-density residential development is widely scattered throughout the city. (*Horizon 2020*, p 5-4 - 5-5)*



**Figure 4: Proposed Modification to *Horizon 2020*: Future Land Use Map 3-2**

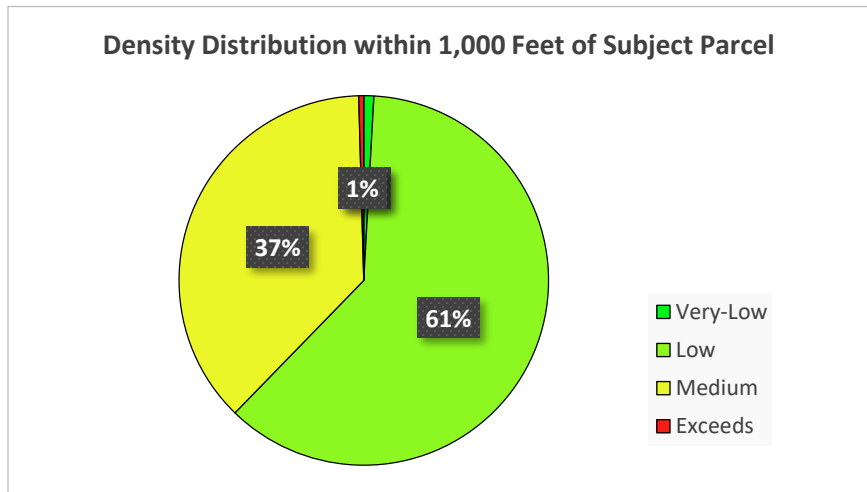
A key difference between the Land Development Code and *Horizon 2020* is the definition of the upper bounds on density. While *Horizon 2020* defines the upper limit of residential density at 21 dwelling units per acre, the Land Development Code permits a maximum residential density of 32 dwelling units per acre. This deviation also existed between *Horizon 2020* and the 1966 Zoning Code, which permitted a maximum residential density of 54 units per acre.

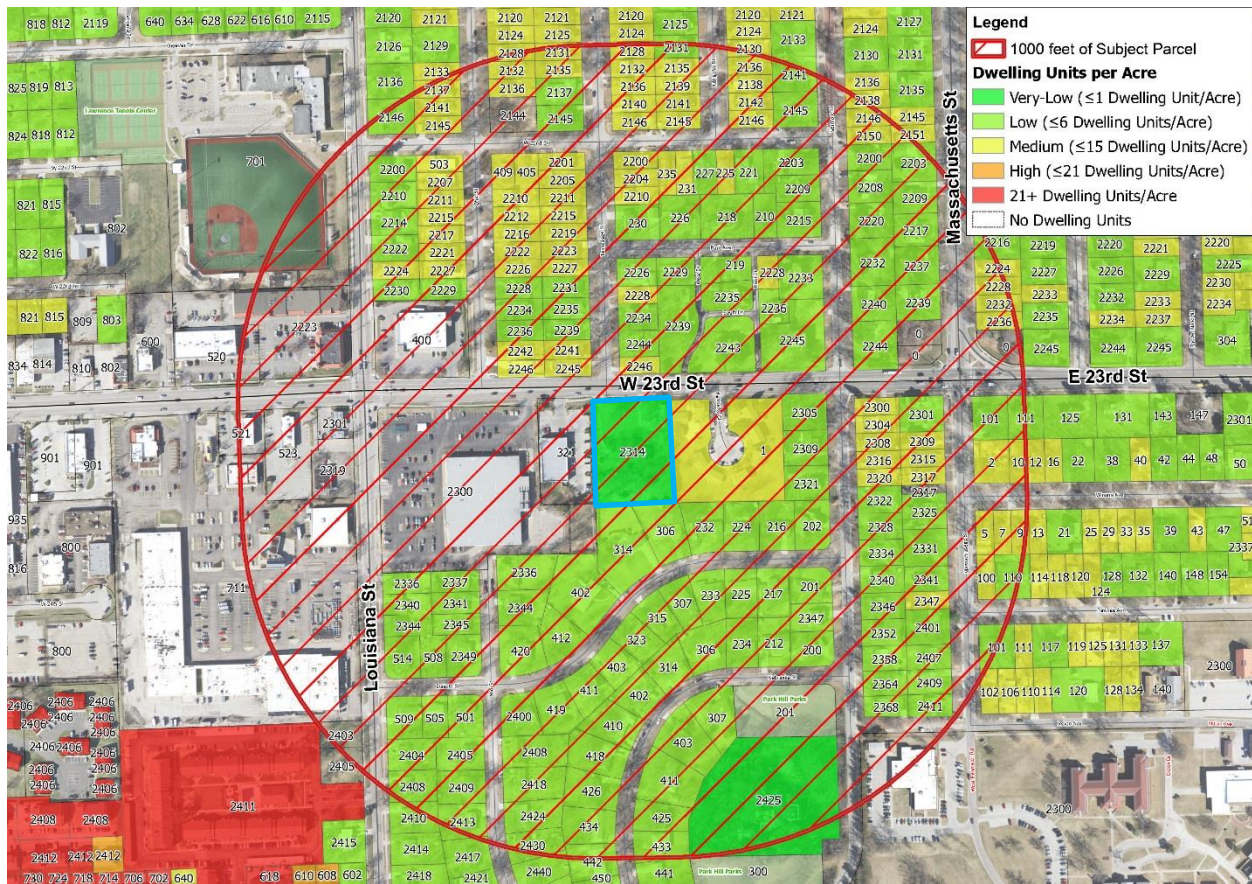
<i>Horizon 2020</i> Residential Density Increments (Ch.5)	
Residential Density Development	Dwelling Units per Acre
Very Low	≤ 1
Low	1 to 6
Medium	7 to 15
High	16 to 21

The Residential Land Use chapter of *Horizon 2020* notes that both medium and high density housing should be encouraged so as to provide a range of housing types. (p. 5-5) Figure 4 below shows the parcel densities of properties within 1,000 feet of the subject property. In the figure, the 1,000 foot boundary is represented by the red diagonal area. Any adjacent properties that touch the boundary are included in the area. In examining the density of the 228 properties within 1,000 feet of the proposed site, a wide variety of densities is found ranging from 0.35 dwelling unit per acre to 24.6 units per acre. Overall, the area has an average density of 4.9 dwelling units per acre, with 62% of the properties falling within the bands for Very-Low/Low Density and 37% within the Medium/High Density definitions. One property (2411 Louisiana Street) exceeds *Horizon 2020's* upper value for High Density with 24.6 dwelling units per acre.

*Horizon 2020* states that, "Most of the sites recommended for new medium-density residential development occupy transitional locations between single-family

neighborhoods and office/commercial areas." (p. 5-5). The plan envisions medium-density residential areas as a means to promote a mixture of housing types within planned development areas, which include a mix of single-family detached dwellings and attached homes (e.g. cluster homes and townhomes) designed and arranged to create compatible and attractive new residential environments. It notes that an extensive concentration of the same housing type or development pattern should be avoided. The plan also contains a policy that in addition to providing attractive new housing options within the city, these areas should be designed to help avoid major and abrupt changes in density or use.





**Figure 5: Dwelling Units per Acre (As of: June 2018) with Proposed Subject Site Included**

Principally, most of the medium density development has been constructed to the north of W. 23<sup>rd</sup> Street and to the east of the subject property. In the surrounding area, the majority of the housing types are single-family residential; however the property to the east of the subject property is developed with duplexes.

Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below and as identified in Chapter 17 (Implementation) of *Horizon 2020*. The applicant's responses are also provided.

### COMPREHENSIVE PLAN AMENDMENT REVIEW

- Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?**

Applicant's response: *This parcel has been in the applicants' family since before Plan 95 was adopted. And although both Plan 95 and Horizon 2020 designated the three parcels of land along West 23<sup>rd</sup> as low density residential, during this span of time the Owners have seen the old Rusty's Grocery Store, at 23<sup>rd</sup> and Louisiana, be demolished and replaced with the existing Checkers Grocery Store and the existing single family structure immediately to the west be demolished and replaced with an auto parts store. Throughout those years, this property has remained the same with three single family structures and various outbuildings. Over the past few years the applicant*

*has been unable to rent or sell this property and it has remained vacant for the past three years and this might be an indication that the market and Horizon 2020 are not in alignment. Of the three parcels facing West 23<sup>rd</sup> Street and designated Low Density Residential, this is the only one that has remained residential (RS5) with the property to the east zoned multi-family (RM12) and the property to the west zoned neighborhood commercial (CN2) both inconsistent with the goals set out in Horizon 2020.*

Staff's response: At the time of Map 3-2 adoption in 1998 ([Ordinance 6990](#)) there were different market forces and considerations present than those at work today. Staff agrees that some significant land use considerations have occurred in the 21 years since the adoption of this future land use map. Other circumstances and conditions have not changed since the plan was adopted and include the commercial nature and intensity of the W. 23<sup>rd</sup> Street corridor and the varying level of residential development that parallels the commercial corridor. It should be noted that W. 23<sup>rd</sup> Street, east of Iowa Street, was subject to the Kansas Department of Transportation turn back agreement that occurred with the completion of K-10 highway.

While the existing designation of Very Low/Low Density Residential is compatible at the subject location, *Horizon 2020* anticipated medium-density residential development to occur and occupy transitional locations between single-family neighborhoods and office/commercial areas. The plan also anticipated compatibility with existing land uses, which include use, building type, density and intensity of use, architectural style, scale, access, relationship to the neighborhood, and the amount and treatment of screening and open space. These site and architectural design facets of the project will be considered as part of a future site plan review process.

## **2. Does the proposed amendment advance a clear public purpose?**

Applicant's response: *Looking to the future, which is a must in this situation, the most recently presented draft of Plan 2040 Commercial Map shows this parcel commercial, not low density residential, but commercial and in the Accommodating Growth section this parcel would be a Tier 1, Prioritizing Infill Development, candidate most certainly. This amendment request is caught between the soon to be obsolete Horizon 2020 where amendment is required ad Plan 2040 where it appears that it would not be required.*

Staff's response: One of the stated features of *Horizon 2020* is to support infill development and redevelopment that will provide a range of residential, commercial, office, industrial, and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas. While the proposal is a different land use than presently adopted for this site, the applicant's proposed use is consistent with *Horizon 2020's* location criteria for medium-density residential land uses.

The amendment arguably advances the public purpose to help strengthen a compatible transition from the higher-intensity commercial uses located to the west along W. 23<sup>rd</sup> Street, buffering the Very-Low/Low Density Residential area from the commercial land uses as currently designated within the comprehensive plan along W. 23<sup>rd</sup> Street from the existing residential neighborhood to the east.



**3. Is the proposed amendment consistent with the long-range goals and policies of the plan?**

Applicant's response: *Yes, please see response to No. 2 above.*

Staff's response: The requested amendment is consistent with the spirit of *Horizon 2020*. The applicant's request is substantially consistent with the overarching goals the comprehensive plan, and acknowledges the changing market preferences for both very low/low density residential and medium/high density residential developments throughout the local market. Specifically, Policy 3.2 in Chapter 5: Residential Land Use encourages the integration of medium-density residential development through compatible design with low-density residential areas and more intensive land uses using Medium/High Density Residential development as a transitional land use as development progresses westerly from the W. 23<sup>rd</sup> Street commercial area towards the Very Low/Low-Density residential areas.

One of the noted key policies of *Horizon 2020* encourages the development of neighborhoods in a range of densities to provide a sense of community. The comprehensive plan also supports infill development and redevelopment that provides a range of residential, commercial, office, industrial, and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas. In many respects, the proposed project is meeting these intents of the plan.

Below is the goal for medium/high density residential land uses from *Horizon 2020*, and its associated criteria:

**Goal 1: Criteria for Location of Medium- and Higher-Density Residential Development**

Adopt criteria which will ensure that livability, property values, open space, safety and the general welfare are sustained.

**Policy 1.1: Consider Land Use Relationships**

- a. Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space.

**Staff Finding:** Submittal of a site plan application for the proposed multi-dwelling residential development is required prior to development. The site plan will be reviewed against this policy. The intent of this comprehensive plan amendment and corresponding rezoning request is for a multi-dwelling residential development with a total of 16 units at a density of 10.8 dwelling units per acre. The property to the east is developed with multi-family residential structures, totaling 16 dwelling units, at a density of 13.5 dwelling units per acre.

The requested RM12 zoning permits a maximum building height of 35 feet, which is the same maximum building height permitted under the existing RS7 zoning district. Access to the subject property would continue to be provided from W. 23<sup>rd</sup> Street and should not

impact the neighborhood. A traffic impact study is a required component of a site plan application.

Other potential impacts to the neighborhood will be mitigated through landscaping requirements, review of a photometric plan, and stormwater detention requirements. The requested RM12 zoning requires a landscape bufferyard when adjacent to a single-family zoning district. The purpose of the bufferyard is to mitigate the potential impacts such as noise, dust/debris, and glare from lighting. The photometric plan would be reviewed for compliance with lighting standards that prohibit spillover light onto R-zoned properties from exceeding 0.2 foot-candles, measured at the property line. Finally, approval of a drainage study by the Stormwater Engineer would be required as part of the site plan review.

b. Careful attention shall be given to the transition areas between different housing types and different densities and intensities of use so as to ensure compatibility of uses.

**Staff Finding:** The subject property represents a transition from W. 23<sup>rd</sup> Street, an arterial street, to the single-family residences to the south. The property also represents a transition from the commercial uses located to the west and the residential land uses to the east along W. 23<sup>rd</sup> Street. However, the existing single-family development on the subject property, and the current land use designation identified in Map 3-2, do not provide an appropriate transition between different housing types, densities, and land use intensities.

c. Encourage integrated compatible community facilities such as schools and churches within neighborhoods.

**Staff Finding:** This criterion is not applicable to this project proposal.

#### Policy 1.2: Protect Areas Planned for Medium- and Higher-Density Development

a. In newly developing areas, special attention shall be given to integrating housing types so that uses are of compatible density and scale and are appropriately mixed in a given area.

**Staff Finding:** The subject property is not located within a newly developing area; however, it is arguably an underutilized property given its location on an arterial street and adjacent to commercial uses.

b. Avoid reducing medium- and higher-density residential areas designated on the Future Land Use Map (as depicted on Map 3-1) by allowing encroachment of non-residential land uses which are not typically allowed in residential districts.

**Staff Finding:** The proposal is consistent with this criterion.

c. Avoid reducing medium- and higher-density residential areas designated on the Future Land Use Map (as depicted on Map 3-1) by allowing encroachment of low-density residential land uses within these planned transition areas.

**Staff Finding:** The proposal is consistent with this criterion.

#### Policy 1.3: Identify Suitable Sites

Medium- and higher-density developments should be arranged in small clusters as transitions from more intensive land uses, or located at the intersection of major street/roads.

**Staff Finding:** The proposal is consistent with this criterion.

#### Policy 1.4: Limit Development beyond Growth Service Areas

Encourage the development of housing to be located in areas to maximize the use of existing infrastructure and minimize the cost of expanding community facilities and services.

**Staff Finding:** The proposal is consistent with this criterion.

#### Policy 1.5: Ensure Adequate Infrastructure

Ensure that medium- and higher-density development occurs in areas which can be adequately and efficiently served by infrastructure facilities.

**Staff Finding:** The proposal is consistent with this criterion.

#### Policy 1.6: Consider Access

a. Ensure adequate vehicular circulation within medium- and higher-density residential developments.

**Staff Finding:** Submittal of a site plan application for the proposed multi-dwelling residential development is required prior to development. The site plan will be reviewed against this policy.

b. Higher-density residential developments shall be located adjacent to arterial, access or frontage roads.

**Staff Finding:** W. 23<sup>rd</sup> Street is currently designated as a principal arterial. The proposal is consistent with this criterion.

c. Provide sidewalks on one side of local street/roads (public and private) and both sides of collector and arterial street/roads.

**Staff Finding:** Sidewalk exists within the adjacent W. 23<sup>rd</sup> Street right-of-way.

#### Policy 1.7: Adhere to Designated Land Uses

Require a traffic impact study for development proposals which increase the amount of medium- and higher-density residential areas beyond areas designated on the Future Land Use Map (as depicted on Map 3-1).

**Staff Finding:** A traffic impact study will be required as part of the submittal of a site plan application for the proposed multi-dwelling residential development, which is required prior to development.

In 2016, Planning Staff completed the [Multi-Dwelling Inventory Report](#) which concluded there were approximately 21 years of multi-dwelling zoning capacity available currently within the City of Lawrence.

Using the average annual number of permits issued over a 10-year period against the amount of undeveloped land zoned for multi-dwelling construction, assuming an average density of 18 units per acre, there is an estimated 20.79 years of inventory presently within the Lawrence city limits, though not all of this inventory may be available for development. Rezoning this property and immediately constructing the project would have a negligible effect on the multi-dwelling balance. If the project was rezoned and not constructed, the project would add less than 1 months of supply to the existing balance, increasing the estimated capacity to 20.85 years.

#### **4. Does the proposed amendment result from a clear change in public policy?**

Applicant's response: *Yes, please see response to No. 2 above.*

Staff's response: At present, there has not been a change in public policy per se, though recommendations in the draft *Plan 2040* encourage consideration of higher densities on infill lots at appropriate locations. The policies to ensure adequate consideration and design of transitional features is a key component of the Land Development Code. The concept of using medium/high density residential to buffer very-low/low density residential from higher intensity uses, such as commercial, have been a key component of both *Horizon 2020* as well as other planning documents since the plan's adoption in the 1990s.

The concept includes key site and design considerations to ensure that lower-density residential areas will be screened from higher-density developments through such means as natural barriers, dense vegetation, and/or berms.

Other design site criteria such as the location and size of open areas, sensitive land preservation, and utilizing architectural design to mitigate building heights that are taller than neighboring structures as the development approaches intensity transitions should also be considered. Specific site analysis for this proposal will be completed as part of a future site plan application review.

**In addition, the following shall be considered for any map amendments:**

**5. Will the proposed amendment affect the adequacy of existing or planned facilities and services?**

Applicant's response: *No, all utilities required are existing at the property lines and extend into the property, easements are in place to connect any proposed development into the existing stormwater infrastructure and West 23<sup>rd</sup> Street is currently being upgraded with the addition of a center turn lane that will make ingress and egress from this property safer.*

Staff's response: Infrastructure exists to serve the proposed development. Further analysis regarding the details of traffic impacts and infrastructure capacity will be addressed in the associated site plan and final plat approvals.

**6. Will the proposed change result in reasonably compatible land use relationships?**

Applicant's response: *Yes, it will make it identical with the zoning immediately to the east, create a land use buffer between the neighborhood commercial immediately to the west from the more intense grocery store further to the west. Also, it will allow for an acceptable buffer between 23<sup>rd</sup> Street and the single family neighborhood to the south.*

Staff's response: The site is adjacent to an existing Very-Low/Low Density Residential land use designated area to the east, and Office and/or Commercial land use to the west. The recommended land use designation of Medium/High Density Residential development is consistent with the plan's land use transition policies and objectives.

**7. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?**

Applicant's response: *If being consistent with at least two of the major goals of the about to be adopted Plan 20140, this would be consistent in advancing the interests of the citizens Lawrence and Douglas County and the public will in adopting this planning document.*

Staff's response: This proposed amendment does not necessarily advance the interests of the citizens of Lawrence and Douglas County as a whole, but neither does it harm them. This change seeks to revise the future land use first ascribed to this area in the 1990s to a different land use based on the property's vacancy and in response to changing market conditions. The requested amendment does not seek to expand the use beyond the existing site into other adjacent land uses, and is compatible with the existing surrounding land uses. Site planning and other design considerations will be further reviewed in the associated rezoning and preliminary development plans for compatibility and integration considerations.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020*, applying the medium-density residential development polices to future developments, and forwarding that

recommendation to the Lawrence City Commission to amend Chapter 3 to revise Map 3-2 at this location from Very Low/Low Density Residential Land Use to Medium/High Density Land Use.

This recommendation acknowledges that the design and site layout of any future developments will adhere to the transitional nature and policies of the medium-density residential land use designation.