

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
03/27/2019

ITEM NO. 10B REZONING 1.47 ACRES FROM RS7 TO RM12; 2314 TENNESSEE ST & 305-307 W 23RD ST (BJP)

Z-18-00566: Consider a request to rezone approximately 1.47 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2314 Tennessee Street & 305-307 W. 23rd Street. Submitted by Allen Belot Architect on behalf of William & Sharon Elkins, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 1.47 acres, from RS7 (Single-Dwelling Residential) District to RM12 (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: *The subject parcel fronts on West 23rd Street and is sandwiched between RM12 zoning (Kentucky Court four-plexes) to the east and CN2 zoning (O'Reilly Auto Parts) to the west. The subject parcel is no longer desirable for single family use as has been evidenced by the Owners not being able to attract either single-family buyers or renters for the past three years. Thus, the Owners wish to rezone this parcel to a zoning district that is more compatible with the surrounding zoning development and as an ideal location for infill development.*

KEY POINTS

- The subject property contains three structures; two single-family residences and a detached garage.
- The intent of the rezoning request is for a multi-dwelling residential development (townhomes) with a total of 16 units. The property is approximately 1.47 acres which would permit a maximum of 17 dwelling units under the RM12 Zoning District.
- The parcel consists of one platted lot, vacated platted cul-de-sac right-of-way, and unplatted property. Submittal and approval of a major subdivision would be required prior to the proposed development.
- The property is located in the Park Hill Neighborhood.

ASSOCIATED CASES/OTHER ACTION REQUIRED

The following item is being considered by the Planning Commission at their March 27, 2019 meeting:

- CPA-19-00032: Consider a comprehensive plan amendment to Horizon 2020, Chapter 3, related to the rezoning of 2314 Tennessee St & 305-307 W. 23rd St. Submitted by Allen Belot Architect.

Other Action Required

- City Commission approval of the comprehensive plan amendment, CPA-19-00032.
- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning 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

ATTACHMENTS

Attachment A: Concept Map

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 23rd 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.

Project Summary:

The proposed rezoning request would accommodate a multi-dwelling residential development that would consist of a total of 16 units on one lot. This request is being considered concurrently with a comprehensive plan amendment, CPA-19-00032, to amend the Lawrence Future Land Use Map (Map 3-2) in Chapter 3 of *Horizon 2020*.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 designates this parcel and the parcel to the east as Low Density Residential, however the parcel to the east is currently zoned Medium Density Residential, which is inconsistent with the current Land Use Map. It would be consistent with the current policy to encourage infill development in lieu of development on the fringe of the city limits.*

This staff report assumes approval of the concurrent request for a comprehensive plan amendment, CPA-19-00032.

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 providing appropriate land use transitions. The proposed request for residential development is generally consistent with these development strategies.

The subject property is located along the 23rd Street corridor and is comprised of three structures that include two single-family residences and a detached garage with supporting infrastructure. The property is surrounded by existing development consisting of commercial land uses to the west, multi-dwelling residential uses to the east, and single-dwelling residential uses to the south.

Staff Finding – The proposed request is consistent with the residential land use policies of *Horizon 2020* and is consistent with the residential land use development pattern of the surrounding area.

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

Current Zoning and Land Use: RS7 (Single-Dwelling Residential) District; *Detached Dwellings*

Surrounding Zoning and Land Use: To the north: RS5 (Single-Dwelling Residential) District; *Detached Dwellings*

To the south: RS7 (Single-Dwelling Residential) District; *Detached Dwellings*

To the east: RM12 (Multi-Dwelling Residential) District; *Multi-Dwelling Structure and Duplexes*

To the west: CN2 (Neighborhood Commercial Center) District; *Retail Sales, General*



Figure 1. Zoning of surrounding area. Subject property outlined in blue.

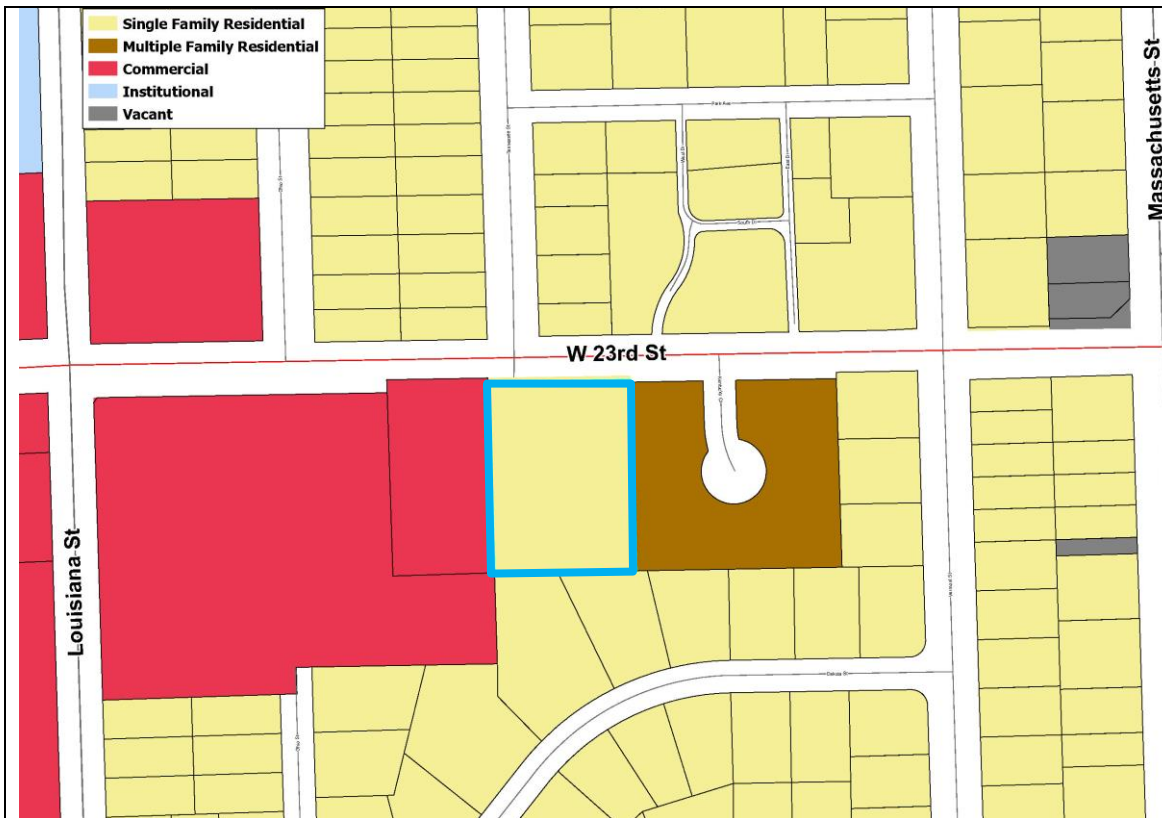


Figure 2. Land Use of surrounding area. Subject property outlined in blue.

Staff Finding – The surrounding zoning is residential to the north, east, and south and non-residential to the west. As proposed, the subject property will be uniformly zoned similar to development property located to the east.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *East: two single-family structures that have been converted to duplexes and six duplex structures on all the same platted lot. West: commercially developed auto parts store with extended hours. South: backing up to two existing single-family lots. North: facing single-family residences on either side of Tennessee Street and that face Tennessee Street.*

The property proposed to be rezoned is located in the Park Hill neighborhood, which is predominately residential. Commercial uses are located to the west of the subject property and multi-family residences are located to the east.

Staff Finding – The property is located along the W. 23rd Street corridor with multi-family residential uses to the east and commercial uses to the west. The proposed rezoning and subsequent development will provide an appropriate transition between the existing commercial and residential land uses along the corridor.

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

Staff Finding – The subject property has not been included in a specific area or sector plan. *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: *Granting the zoning would accomplish two goals; 1. provide an in-fill development with all utility and transportation improvements already in place and consistent with the city infill development policy; 2. Allow this property to develop to its highest and best use in the context of the surrounding existing uses.*

The property is currently zoned RS7 which permits low density residential development with a minimum lot area of 7,000 square feet. Other uses which are permitted in the RS7 District include *Religious Assembly, Neighborhood Institution; Cemeteries; Extended Care Facility, Limited; Passive Recreation; Nature Preserve; Private Recreation; and Crop Agriculture*. Below, Table 1 lists the uses which are permitted in the RS7 and RM12 Districts. Uses that are permitted in the RM12 District but not the RS7 District are shown in **bold**.

Uses permitted in the RM12 District are similar to those in the RS7 District with the addition of *Attached Dwelling, Duplex, Multi-Dwelling Structures, Assisted Living, Congregate Living, Adult Day Care, and Extended Care Facility, General*. The property is also well suited for the uses which would be permitted with the RM12 Zoning.

Land Use	RS7	RM12
Attached Dwelling	S	P
Cluster Dwelling	P	P
Detached Dwelling	P	S
Duplex	-	P
Manufactured Home	-	S
Manufactured Home, Residential Design	P	S
Multi-Dwelling Structure	-	P
Zero Lot Line Dwelling	P	P
Assisted Living	S	P
Congregate Living	-	P
Group Home, General	S	S
Group Home, Limited	P	P
Adult Day Care	S	P
College/University	S	S
School	S	S
Cultural Center/Library	S	S
Day Care Center	S	S
Day Care Center Home, Class B	S	S
Lodge, Fraternal & Civic Assembly	S	S
Public Safety	S	S
Utilities, Minor	P/S	P/S
Utilities, Major	S	S
Extended Care Facility, General	-	P
Extended Care Facility, Limited	P	P
Active Recreation	S	S
Passive Recreation	P	P
Nature Preserve/Undeveloped	P	P
Private Recreation	P	P
Neighborhood Institution (Religious Institution)	P	P
Private Dining Establishment	S	-
Bed and Breakfast	S	S
Agriculture, Crop	P	P
Urban Farm	S	-
Table 1: Comparison of uses permitted in the RS7 and RM12 Districts. Uses permitted only in the RM12 District are shown in bold .		

Staff Finding – The subject property is suitable for the uses to which it is currently restricted under the RS7 zoning district. The requested rezoning would align with the existing RM12 zoning district and multi-family development to the east, and would provide a transition to the commercial uses to the west.

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

Applicant's Response: *Three years.*

Staff Finding – The property is developed with three structures that include two single-family residences and one detached garage. The Douglas County Appraiser's records indicate that the residences were built in 1920 and 1925, and the garage was built in 1959. The applicant indicated that the structures have been unoccupied for at least 3 year.

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

Applicant's Response: *There should be no detrimental influences on the surrounding properties since it would be a continuation of the 30+ year existing zoning/development to the east and significantly lower in intensity than the commercial development to the west.*

If this rezoning is approved, site plan and platting approval will be required prior to development. The site plan will be reviewed for compliance with the Land Development Code to ensure compatible arrangement of buildings, off-street parking, lighting, landscaping, pedestrian connectivity, access, and stormwater drainage. A landscape bufferyard will be required between the subject property and the single-family residences to the south. The purpose of the bufferyard is to mitigate the potential impacts such as noise, dust/debris, and glare from lighting. Also, access to the site will continue to be provided from W. 23rd Street and should have little effect on the neighbors to the south.

Staff Finding – Rezoning the property to the RM12 District will not detrimentally affect the surrounding area.

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: *This land would be significantly underutilized and out of character with the surrounding developed properties if this rezoning were no approved. Were it to be approved, it would allow this property to be developed compatibly with its surrounding neighbors and provide appropriate buffer for the single-family residences to the south and allow infill development consistent with the current city 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.

The proposed rezoning is not creating an allowed use of the property in a manner that would be detrimental to public health, safety, and welfare. The proposed rezoning would allow the development of an infill parcel with a similar density as the property to the immediate east. The proposed development will be subject to plat and site plan approvals to ensure the project is compatible with the surrounding area.

Staff Finding – Approval of the rezoning request will allow a multi-dwelling residential development similar in intensity and compatibility with the development in the surrounding

area. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

9. PROFESSIONAL STAFF RECOMMENDATION

With approval of the comprehensive plan amendment, CPA-19-00032, the rezoning request is compliant with *Horizon 2020* and the Golden Factors, and would permit a development that will be compatible with the surrounding area.

Staff recommends approval of the request to rezone approximately 1.47 acres, from RS7 (Single-Dwelling Residential) District to RM12 (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.