

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
2/24/14

ITEM NO. 2: IG TO RS5; 0.52 acres; 830 E. 13th Street (JSC)

Z-13-00513: Consideration, a request to rezone approximately .52 acres, from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District, located at 830 E. 13th Street. Submitted by William Price, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately .52 acres, from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

KEY POINTS

- The intent of the applicant is to rezone the property to RS5 to make it a conforming use.
- The property is platted.
- The properties immediately south (829 E. 13th Street and 831 E. 13th Street) of the subject property are currently zoned RS5.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The surrounding area is developed principally with residential land uses mixed with some nonresidential land uses. In the immediate area surrounding the property is a condominium development to the west, single-family residences to the south, and a warehouse/office building to the east and north.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from IG (General Industrial) District to RS5 (Single-Dwelling Residential) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No written comments were received prior to the publishing of this staff report.

Project Summary

The subject parcel has been maintained as a single-family residence use since approximately 1984. The industrial zoning, and the legal non-conforming status, may make it difficult to insure, refinance, or sell the property in the future. The zoning change to

single-dwelling residential district reflects the actual use of the property, making the use conforming under the Land Development Code.

GENERAL INFORMATION

Current Zoning and Land Use: IG (General Industrial) District; single-family residence.

Surrounding Zoning and Land Use: To the north and east: IG (General Industrial) District; warehouse/office.

To the south: RS5 (Single-Dwelling Residential) District; single-family residences.

To the west: PRD (Planned Residential Development) District; Delaware Commons residential development.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

Chapter 5 – Residential Land Use:

Goal 3: Neighborhood Conservation:

The character and appearance of existing low-density residential neighborhoods should be protected and improvements made where necessary to maintain the values of property and enhance the quality of life. (Page 5-15)

Policy 3.2: Protect Existing Housing Stock:

(b) Preserve existing dwellings. (Page 5-15)

Rezoning the property to RS5 would be in conformance with the Neighborhood Conservation goal in Horizon 2020.

Staff Finding -- The proposed rezoning request conforms to *Horizon 2020* goals and policies related to neighborhood conservation.

2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Staff Finding -- The area contains a mixture of residential and nonresidential. Single-family residences are located to the south of the property on currently zoned RS5 property. Industrial businesses are located adjacent to the east of the subject property, on IG zoned property.

3. CHARACTER OF THE AREA

The immediate character of the area is most recognizable as residential, principally with single-family homes on individual lots. The subject property is directly across the street from other single-family residences, and adjacent to a residential housing development on the subject property's west boundary.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the immediate area is principally residential in use.

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

Horizon 2020 identifies future plans for the general area as appropriate for low-density residential uses. The property is identified in the Burroughs Creek Corridor Plan as a property where the existing use is not permitted in the current zoning at that time.

Staff Finding – Approval of the request is consistent with land use plans for the area.

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

The subject property is currently zoned for industrial uses. According to the Land Development Code for the City of Lawrence, the purpose of the IG (General Industrial) District is, "*primarily intended to accommodate moderate- and high-impact industrial uses, including large scale or specialized industrial operations requiring good transportation Access and public facilities and services. The District is generally incompatible with residential areas and low-intensity commercial areas.*"

This part of East Lawrence was platted with small lots which do not easily support industrial land uses. Further, the current zoning does not reflect the existing land use. The property contains an existing single-family dwelling. The property also is adjacent to similar, and other, residential land uses.

Staff Finding – The subject property is not suitably zoned given the existing use of the property and the existing surrounding residential land uses.

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

Staff Finding – The subject property was developed as a residential use since approximately 1984.

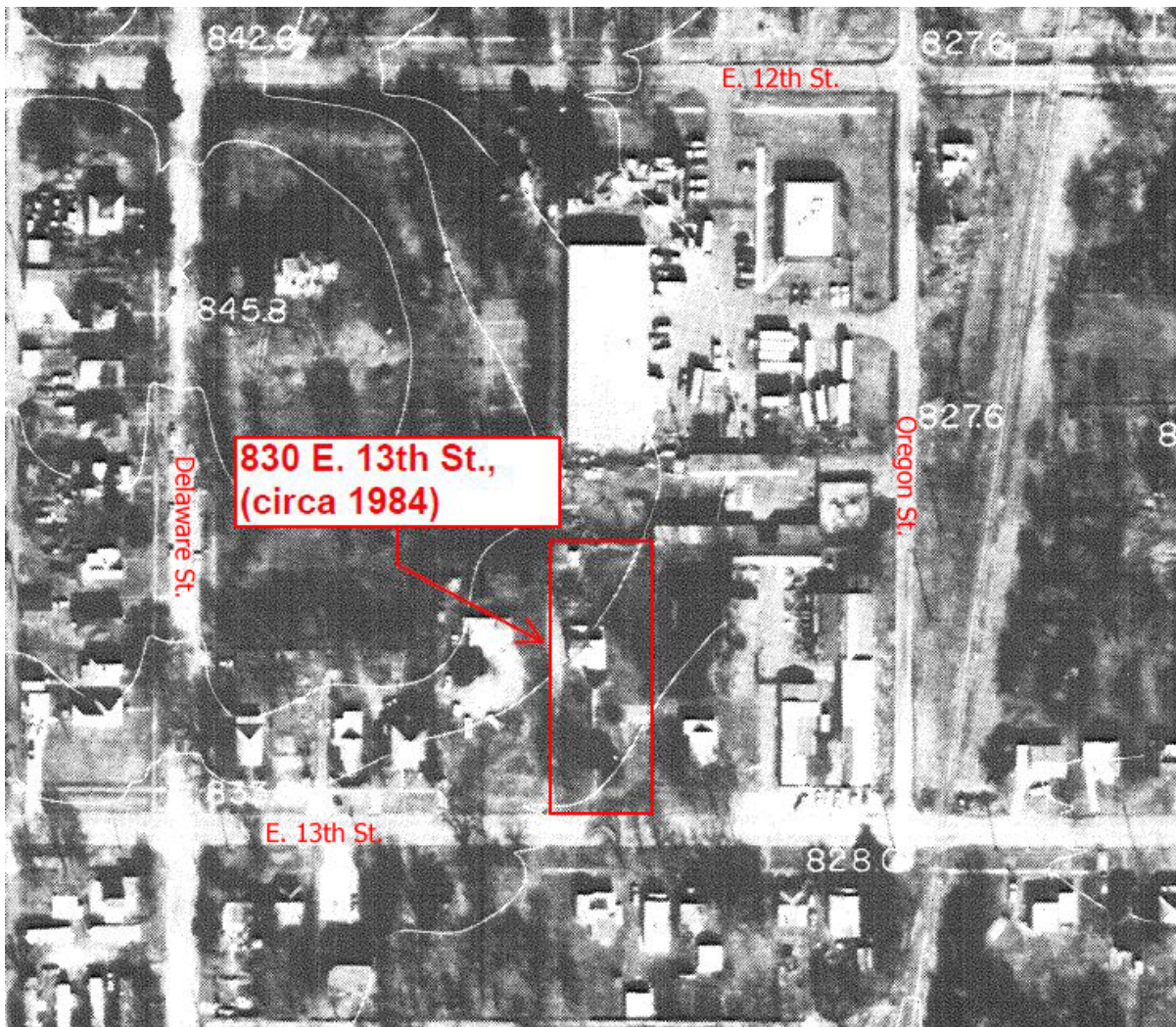


Figure 1: 1984 Aerial Imagery of 830 E. 13th St.

7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Approval of the proposed request would result in a reduction of allowed uses, and it would increase the number of properties zoned RS5 within the overall neighborhood area. This would restrict potential land use to single-family homes on individual lots. Nearby property will not be directly affected. If approved, redevelopment of abutting lots with nonresidential zoning may be required to address screening of adjacent residential lots in the future. The uses to the south and west include similar existing residentially used dwellings. The area to the east includes the aforementioned warehouse/office structure.

Staff Finding – The impact on nearby properties is one perspective for consideration given the surrounding residential uses. Approval of the proposed rezoning would be beneficial for those properties currently used for single-family housing in the immediate area. The proposed change provides the ability to obtain reasonable home insurance, and this proposal would act as protection against encroachment of non-residential activities within the immediate area. Regulations added as a result of this rezoning include the review and regulations applicable to any parcels used for rental housing.

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

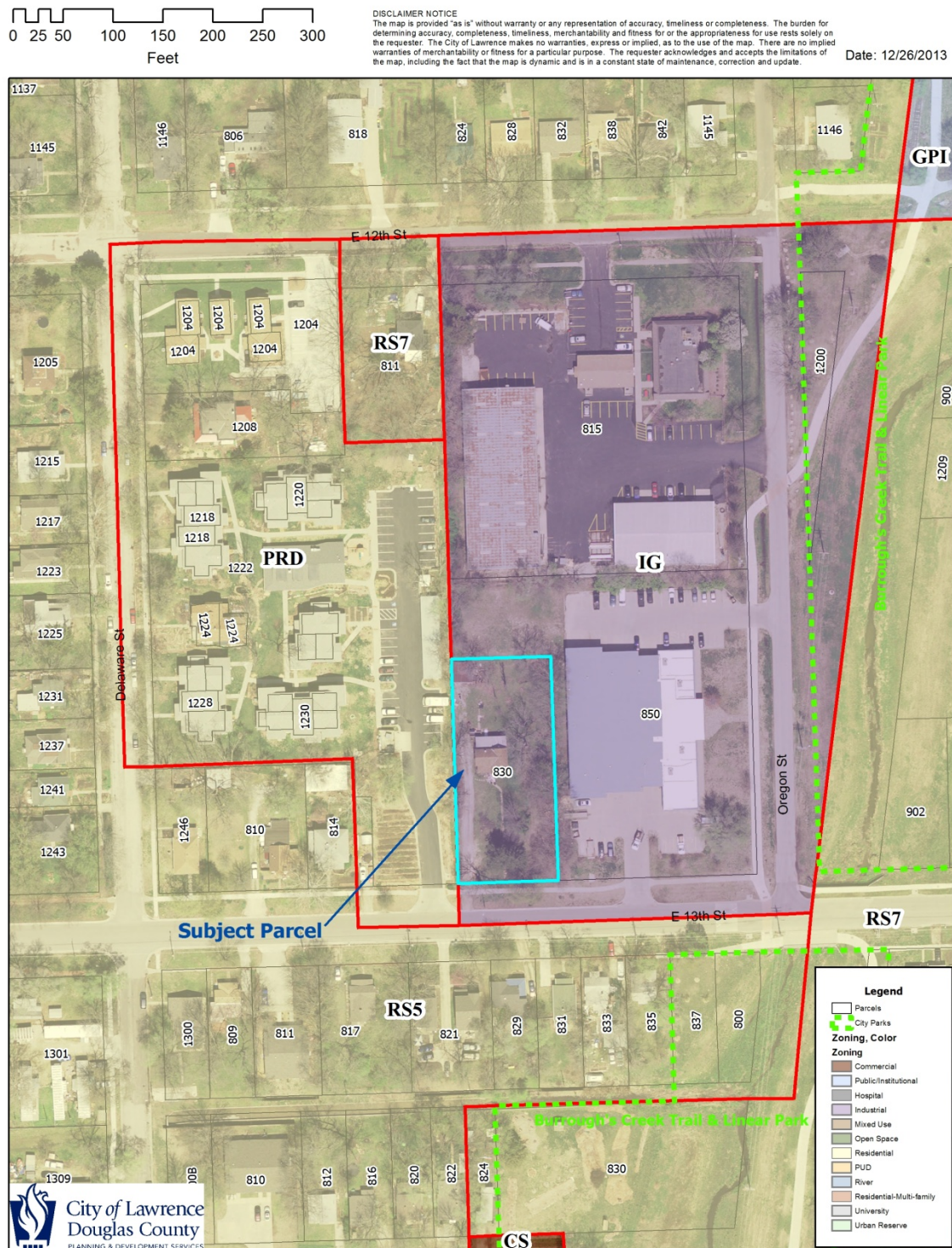
Evaluation of these criteria includes weighing the benefits to the public versus the benefits to the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety, and welfare.

If the rezoning was denied, the property would remain non-conforming as zoned for industrial uses. The property has a long history as a single-family use, and the immediate surrounding area is comprised of predominately single-family homes. Encroachment of industrial development allowed by the current zoning would not be appropriate. The residential zoning would ensure that the property will remain a single-family residence, which will minimize negative impacts on the neighborhood that might occur with potential industrial uses.

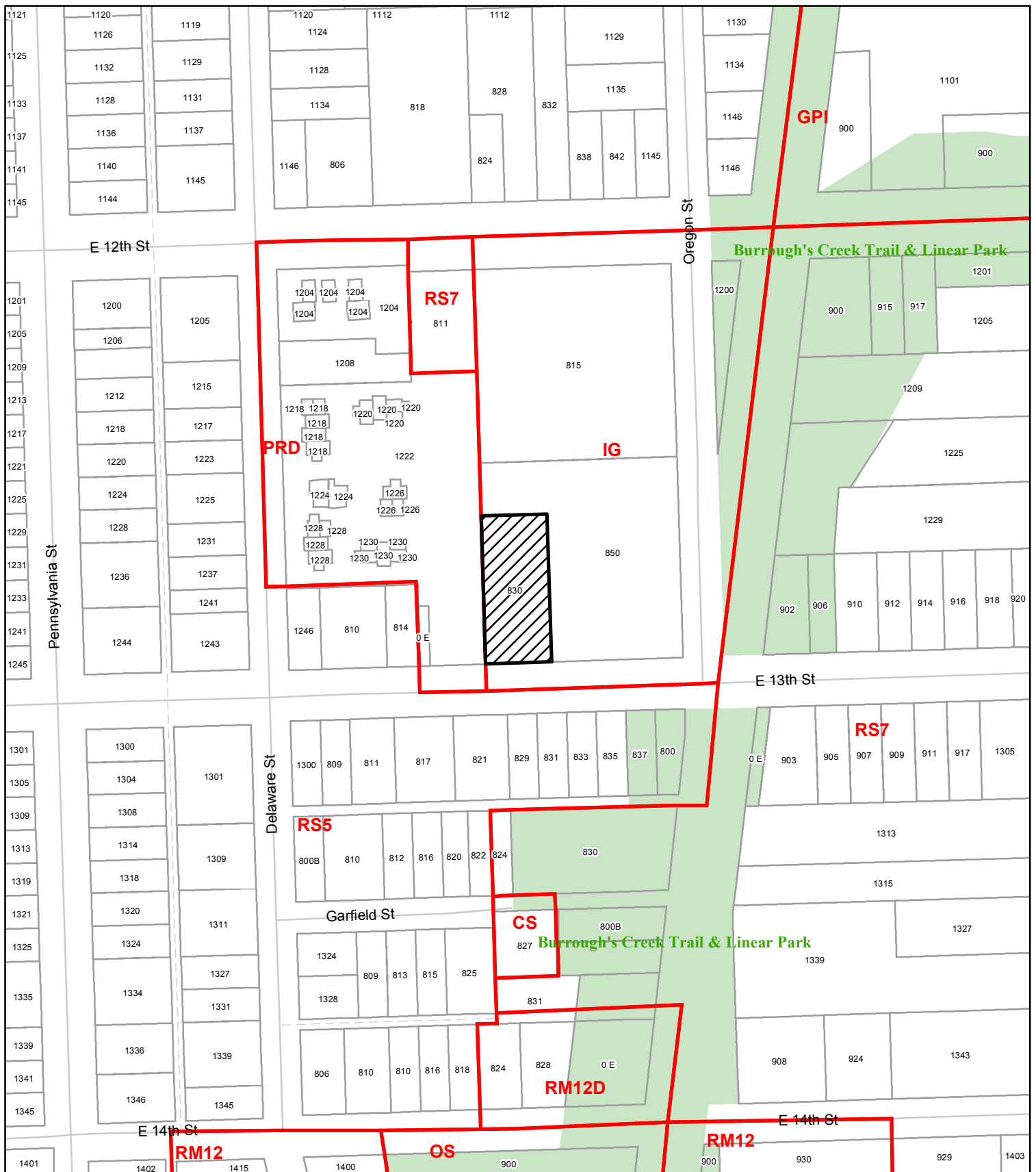
Staff Finding – There would be no gain to the public, and there would be a hardship to the landowner if the rezoning request is denied. The rezoning request would assign an appropriate zoning designation to the property for its current and intended land use as a single family home.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approving the rezoning of 830 East 13th Street to the RS5 Zoning District finding it appropriate for the subject property. The single-family zoning district matches the existing and long-term use of the property; therefore, it is an appropriate zoning district for the property.



The boundary of the property which is the subject of this rezoning request is outlined in blue.



**Z-13-00513: Rezone 0.5 acres from IG District to RS5 District
Located at 830 E 13th Street**

