

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
07/22/2015

ITEM NO. 7D RM12D TO RS5; 3.255 ACRES; 6304-6323 SERENADE CT (SLD)

Z-15-00252: Consider a request to rezone approximately 3.255 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6304-6323 Serenade Ct. Submitted by Tim Herndon, for RSR Holdings LLP, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 3.225 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) 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: *Rezoning is requested to accommodate detached single-family houses in an area presently zoned exclusively for attached two-family housing.*

KEY POINTS

- Applicant desires to develop more detached housing on smaller lots.
- A Minor Subdivision was submitted and is being processed to revise the existing platted duplex lots to accommodate smaller detached residential lots.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- MS-15-00285; Minor Subdivision

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

1. Area Map
2. Rezoning Exhibit provided by applicant
3. Building Permit Map
4. Minor Subdivision drawing

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None regarding this application

Project Summary:

Proposed request is for an area currently zoned RM12D located at the south end of Langston Heights Subdivision. The proposed zoning is for RS5. This district requires a minimum of 5,000 SF per lot and allows for 40' wide lots and narrower side and front yard building setbacks. Similar zoning is being developed to the north of this property in the Langston Heights subdivision along Serenade Drive and to the south along Steeple Chase Drive.

Zoning is the framework that establishes the base uses allowed in a particular district. This application represents a change to the boundary of the RS5 District as it relates to Langston Heights Subdivision only.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 calls for "low density residential" [six or fewer units per acre.] Proposed RS5 zoning will effectively reduce the subject area gross density from approx. 5 units/acre to approx. 3.5 units/acre.*

This property was originally discussed in Z-12-00229 and Z-13-00015 that established the RM12D and RS5 district boundaries within Langston Heights Subdivision. The intent of the mixed residential zoning districts was to provide both a range of housing types while keeping the overall density low and to provide land use transition through housing type between W. 6th Street to the north and Bob Billings Parkway to the south. The proposed request seeks to rezone the property to a district for detached residential dwellings on individual lots.

Horizon 2020 recommends infill development over new annexation and compatibility of densities and housing types within neighborhoods. The plan also recommends the provision of a mix of housing types and styles for new residential and infill developments. This application represents an extension of development from the Diamondhead and Langston Heights Subdivisions. Larger residential lots, zoned RS7, are located to the east of the proposed rezoning and duplex lots, zoned RM12 are located to the west of the subject property. Approval of the request extends a uniform development pattern to the south.

The overall residential density is 5.328 dwelling units per acre. This is a low density residential development pattern. Changing the zoning district boundary and replacing the RM12D District with the proposed RS5 District establishes a uniform zoning district for the residential portion of the proposed subdivision and continues to lower the overall density.

Staff Finding – The proposed request represents a low-density residential development pattern that 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:	RM12D (Multi-Dwelling Residential) District; undeveloped land.
Surrounding Zoning and Land Use: To the east	RS7 (Single-Dwelling Residential) District; Residential developing residential lots.
To the south	RS7 (Single-Dwelling Residential) District; developing residential lots.
To the west	RM12 (Multi-Dwelling Residential) District; developing duplex lots.
To the north	RS5 (Single-Dwelling Residential) District; developing residential lots.

Staff Finding – As proposed, the subject property will be uniformly zoned similar to development property located both north and south.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This Langston Heights neighborhood is comprised of predominantly detached single-family housing (75 single-family lots and 23 two-family lots).*

This application is located within the boundary of the developing Langston Heights Subdivision and was submitted concurrently with a Minor Subdivision to adjust the interior lot lines to accommodate the change from duplex to detached residential lot development. The area is developing with predominantly detached residential housing. Multiple building permits have been applied for within the Langston Heights Subdivision and are either under construction or pending approval.

Staff Finding – The proposed request is consistent with the developing character of the area and appears to meet a market-defined need for more individual residential lots.

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

This property is located within the boundary of the *West of K10 Plan*. The area shown is located within an interior portion of a developing area that reflects a low density residential development pattern. The residential portion of the plan generally recommends low-density residential development. The previous zoning plan for this property included multiple zoning districts and lot sizes to achieve an overall density consistent with the plan. The proposed request uses a single zoning district, RS5, and the subdivision plat to achieve compliance with the land use plan for this area.

Langston Heights as approved					
	Total Area	Lots	Units	Density	Average Lot size
RM12	5.565	15	30	2.70	16,161
RM12D	5.135	16	32	6.23	13,980
RS7	6.691	29	29	4.33	10,050
RS5	4.049	28	28	6.92	6,299
All	21.44	88	119	5.55	10,613

Langston Heights with Additional RS5					
	Total Area	Lots	Units	Density	Average Lot size
RM12	5.565	15	30	2.70	16,161
RM12D	2.56	8	16	6.25	13,939
RS7	6.691	29	29	4.33	10,050
RS5	6.627	39	39	5.89	7,402
All	21.443	91	114	5.32	10,264

Overall, the proposed zoning change does not substantially impact the residential density. The proposed rezoning and related Minor Subdivision are consistent with the residential land use recommendations for low-density residential development described in the *West of K10 Plan*.

Staff Finding – The proposed rezoning represents a single dwelling housing type consistent with the existing zoning to the north and south. The overall density proposed complies with the residential land use recommendation included in the plan.

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

Applicant's Response: *The subject property is generally suited for two-family and/or single-family development.*

The proposed zoning is for a land use that is a detached dwelling housing type located on individual lots. Detached dwellings are allowed in the RM12 and RM12D district but require a Special Use Permit. This would be an onerous requirement for new development. The applicant could not plat lots meeting the RS5 dimensional standards with the existing base zoning of RM12D. The applicant's intent is to modify the development pattern to provide more detached housing on smaller lots than previously approved. Therefore, the existing RM12D zoning is not suitable.

Staff Finding – The existing zoning is not suitable given the intended development pattern for this property as exhibited in the Minor Subdivision for a portion of Langston Heights (MS-15-00285).

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

Applicant's Response: *The subject undeveloped property has been zoned in its present condition for approximately two years.*

Prior to the 2013 application that rezoned this property to a duplex residential zoning districts, the property had been zoned UR (Urban Reserve). The Langston Heights Final Plat and related zoning applications established a framework for development of the property. This request is a reflection of a revision in the development concept.

Staff Finding – This property has been zoned since September 2013.

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

Applicant's Response: *Approval of this request will have no effect upon nearby properties.*

The immediately surrounding area is developing with residential uses. This area includes school district property to the southeast, planned neighborhood commercial zoning to the south, and K-10 Highway to the west.

Staff Finding – There are no anticipated detrimental affects for nearby property.

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 gain to the public by approval of this application is the addition of sought-after single-family housing stock to the Lawrence Residential Market; the hardship imposed by denial would lie in the absence of such stock in a predominantly single-family neighborhood.*

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 request modifies the intensity of development by reducing the overall number of total dwelling units planned for this area and restricts the use to a single housing type consistent with the developing area to the north and south. Utility plans to serve this area are not substantially altered by the reduced density planned.

Staff Finding – Approval of the proposed request facilitates infill residential development in an area planned for low-density residential development.

9. PROFESSIONAL STAFF RECOMMENDATION

The significant change this application represents is a modification in the development pattern from a plan to provide a mix of housing types to a plan for a uniform housing type. Duplex development continues to be an allowed use within the Langston Heights Subdivision to the west and south of the subject property. Higher density residential uses also continue to be allowed uses for undeveloped land located in the Diamondhead Subdivision also to the north. These

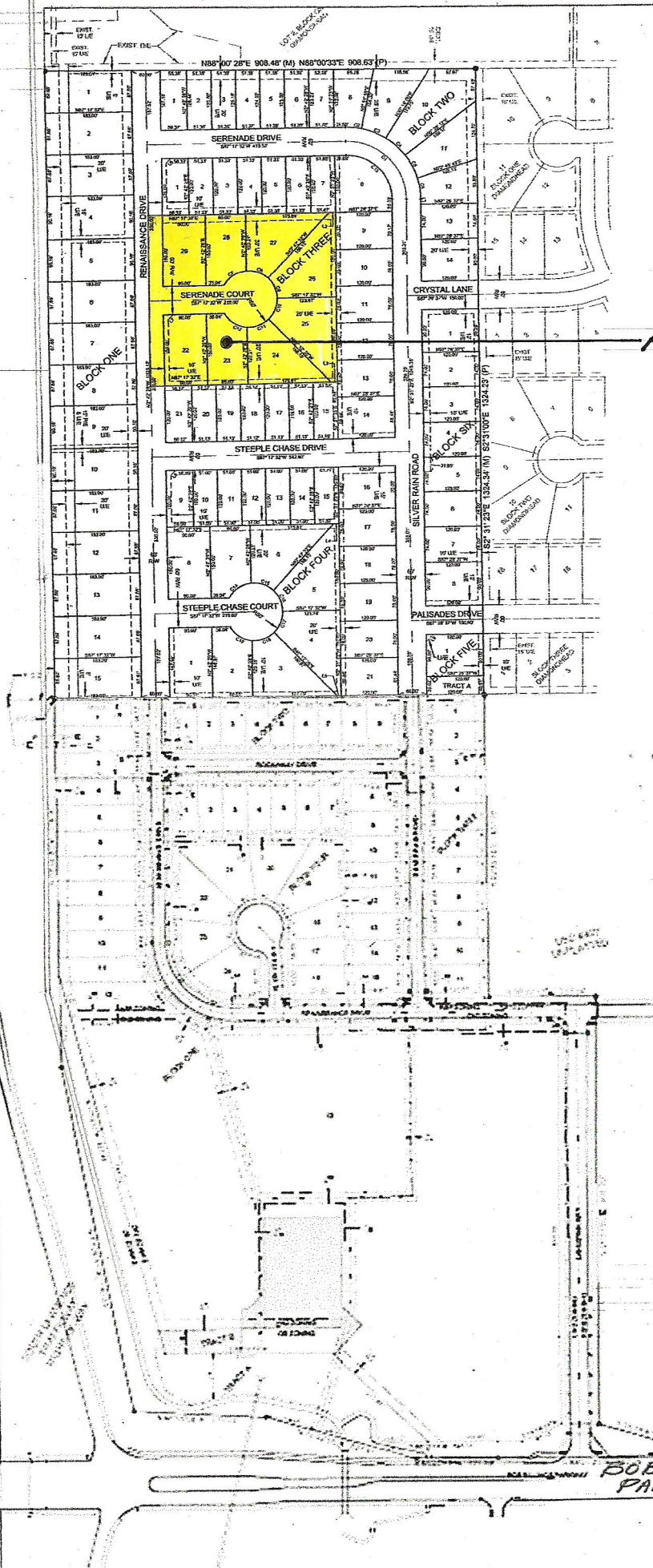
undeveloped areas and other existing multi-dwelling zoned areas south of Bob Billings Parkway and west of George Williams Way provide options for housing within the larger neighborhood context. The proposed request reflects a housing demand as interpreted by the developers. Numerous building permits have been applied for and/or issued for the Langston Heights Subdivision. Development in this area is expected to continue in the near future.

CONCLUSION

Staff recommends approval of the proposed rezoning to facilitate planned residential development.

Rezoning Exhibit

SOUTH LAWRENCE TRAFFICWAY

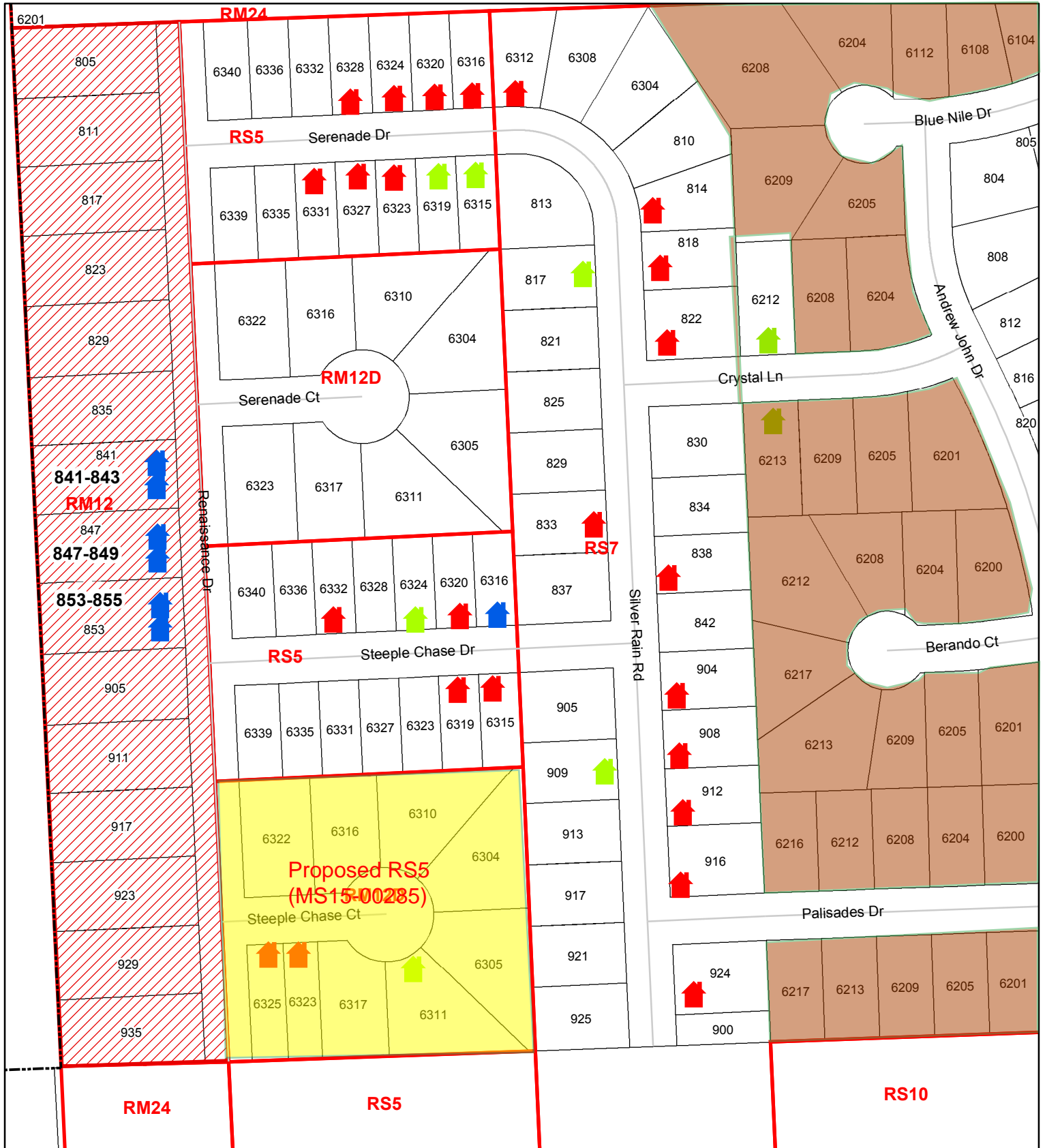


RM12D to R55

NORTH
NOT
TO
SCALE

BOB BILLINGS
PARKWAY

Building Permit Map



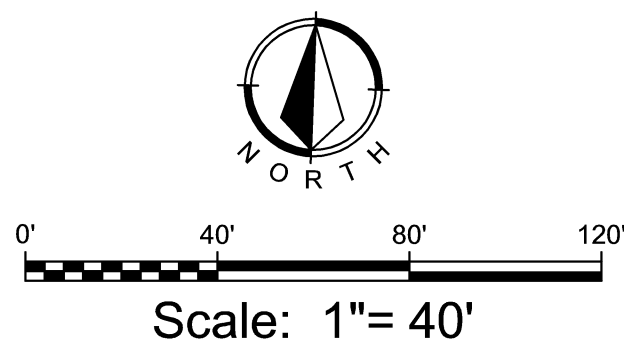
Blue indicates the permit has been approved, but has not been picked up by the contractor.



Red indicates permit has been approved, and picked up – work may be underway at this address.

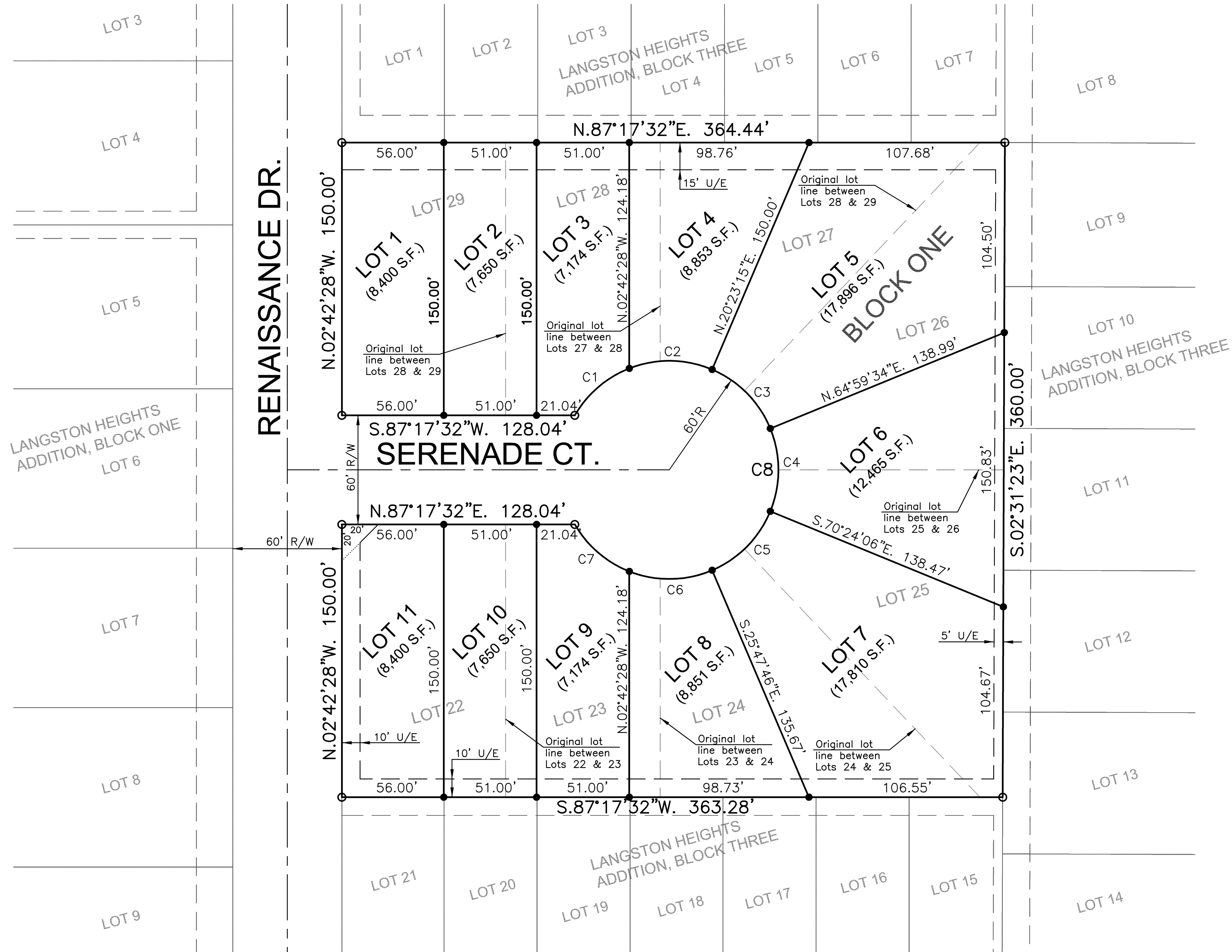


Green indicates work has been completed and inspected.



A REPLAT OF LOTS 22 - 29, BLOCK THREE LANGSTON HEIGHTS ADDITION

A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS



LEGEND

- ◆ SET 1/2" x 24" IRON BAR WITH PLASTIC CAP MARKED "BG CONS RLS-758"
- ⊙ FOUND MONUMENT (1/2" IRON BAR BELIEVED SET FOR LANGSTON HEIGHTS ADDITION) UNLESS NOTED OTHERWISE
- P/E PEDESTRIAN EASEMENT
- U/E UTILITY EASEMENT

DESCRIPTION

LOTS 22 THRU 29, BLOCK THREE, LANGSTON HEIGHTS ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

GENERAL NOTES

- THE BEARINGS HEREON ARE BASED ON THE LANGSTON HEIGHTS ADDITION.
- FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION/REPLAT IS PROHIBITED, AND SHALL BE PROCESSED AS MAJOR SUBDIVISIONS, UNLESS THE ACTION MEETS THE EXCEPTION NOTED IN SECTION 20-808(c)(5)(i).

FLOODPLAIN DATA

THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. RE: THE FEDERAL EMERGENCY MANAGEMENT AGENCY FEDERAL INSURANCE ADMINISTRATION PUBLICATIONS: FLOOD INSURANCE RATE MAP, MAP NUMBER 20045C0154D, EFFECTIVE DATE AUGUST 5, 2010.

STREET TREES

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE DOUGLAS COUNTY REGISTER OF DEEDS. BOOK _____, PAGE _____.

CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	40.31'	60.00'	39.55'	S.46°32'14"W.
C2	46.71'	60.00'	45.54'	N.88°05'05"E.
C3	46.71'	60.00'	45.54'	N.47°18'35"W.
C4	46.71'	60.00'	45.54'	N.02°42'16"W.
C5	46.71'	60.00'	45.54'	N.41°54'04"E.
C6	46.70'	60.00'	45.53'	N.86°30'11"E.
C7	40.31'	60.00'	39.55'	S.51°57'10"E.
C8	314.16'	60.00'	60.00'	N.02°42'28"W.

SURVEYOR'S CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF KANSAS WITH EXPERIENCE AND PROFICIENCY IN LAND SURVEYING, THAT THE HERETOFORE DESCRIBED PROPERTY WAS SURVEYED AND SUBDIVIDED BY ME, OR UNDER MY SUPERVISION, THAT ALL SUBDIVISION REGULATIONS OF DOUGLAS COUNTY, KANSAS, HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT, THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS, AND THAT ALL THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE FIELD WORK WAS COMPLETED MAY 2015.

BY: _____
ALBERT R. DIEBALL, P.S., #758

BG CONSULTANTS, INC.
1405 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 749-4474



COUNTY SURVEYOR

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

MICHAEL KELLY P.S. #869
COUNTY SURVEYOR

DATE _____

DEDICATION

BE IT KNOWN TO ALL MEN THAT I, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED PROPERTY, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED AS A MINOR SUBDIVISION UNDER THE NAME OF "A REPLAT OF LOT 1 & TRACT A, BLOCK FIVE, LANGSTON HEIGHTS ADDITION" AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AS SHOWN AND FULLY DEFINED ON THIS PLAT.

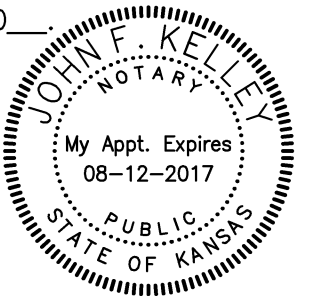
BY: _____ DOUGLAS W. RANEY, MANAGER
LANGSTON HEIGHTS DEVELOPMENT LLC ROBERT S. SANTEE, MANAGER
LANGSTON HEIGHTS DEVELOPMENT LLC

NOTARY CERTIFICATE:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

I, JOHN F. KELLEY, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT DOUGLAS W. RANEY, MANAGER & ROBERT S. SANTEE, MANAGER, LANGSTON HEIGHTS DEVELOPMENT LLC, ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION AND DELIVERY OF THIS PLAT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, A.D., 20____, MY COMMISSION EXPIRES _____.

NOTARY PUBLIC



PLANNING DIRECTOR

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY.

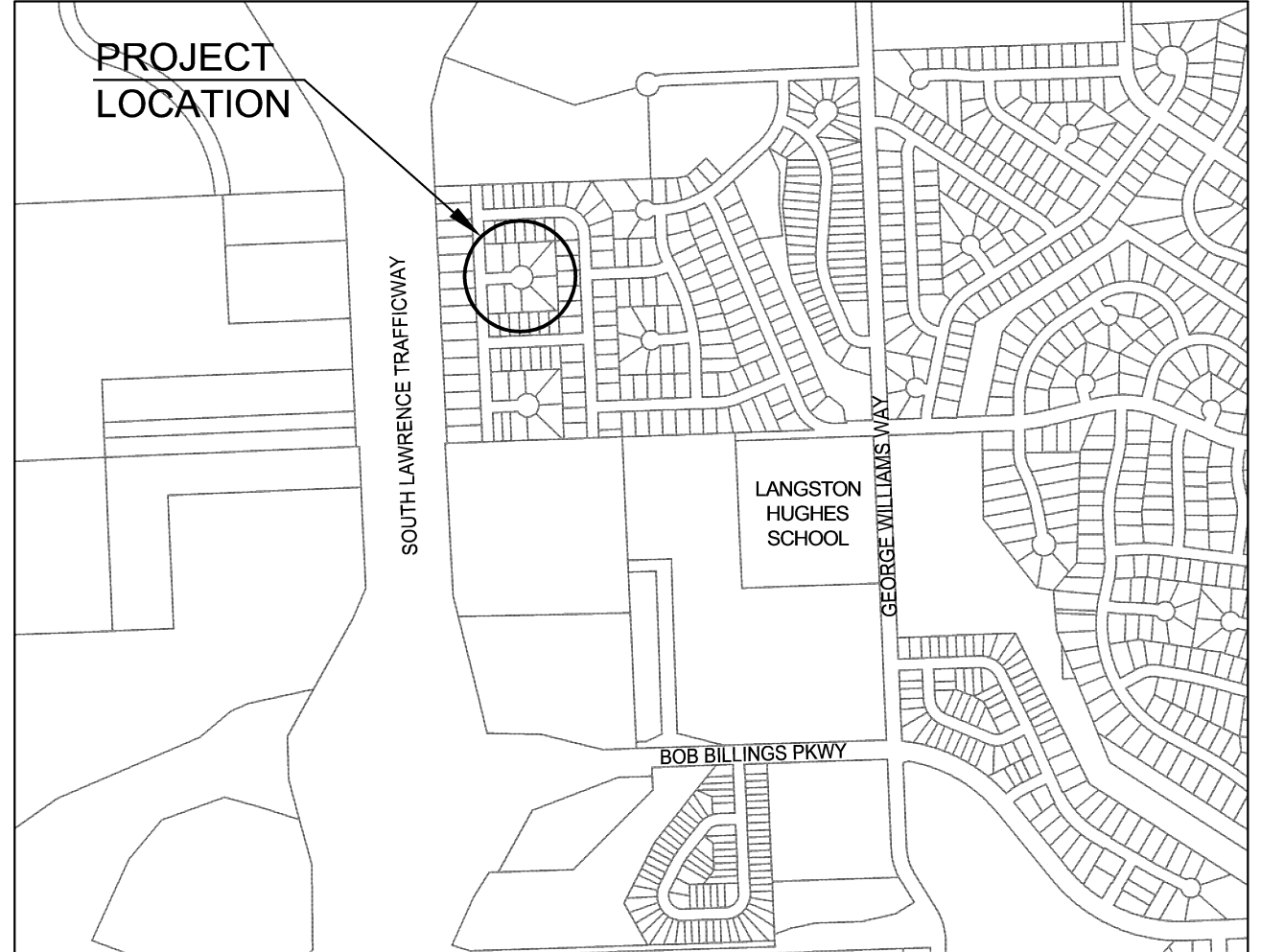
SCOTT McCULLOUGH _____ DATE _____
PLANNING DIRECTOR

CERTIFICATE OF THE REGISTER OF DEEDS:

(STATE OF KANSAS)
(COUNTY OF DOUGLAS) SS:

THIS INSTRUMENT WAS FILED FOR RECORD, ON THE _____ DAY OF _____, A.D., 2015 AT _____ O'CLOCK _____ M., AND DULY RECORDED IN BOOK _____ ON PAGE _____.

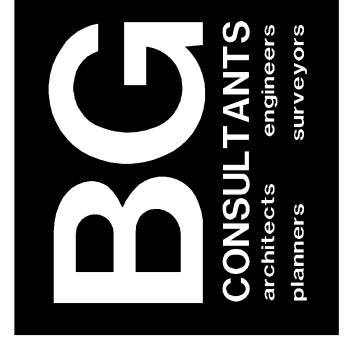
KAY PESNELL, REGISTER OF DEEDS



LOCATION MAP

A REPLAT OF LOTS 22 - 29, BLOCK THREE
LANGSTON HEIGHTS ADDITION
SERENADE COURT, LAWRENCE, KS 66049

MINOR SUBDIVISION



Project No. 14-1316L
Date: June 2, 2015
Revised: N/A

SHEET NO.

1

