

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
07/25/2016

**ITEM NO. 5A RM12D (MULTI-DWELLING RESIDENTIAL) DISTRICT TO RS5  
(SINGLE-DWELLING RESIDENTIAL) DISTRICT; 13.268 ACRES (SLD)**

**Z-16-00219:** Consider a request to rezone approximately 13.268 acres from RM12D (Multi-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 751 W 29<sup>th</sup> Terrace. Submitted by Landplan Engineering, for Savannah Holdings, LC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 13.268 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:** *This rezoning request facilitates the development of single-family detached homes on the subject property.*

**KEY POINTS**

- Planned residential development.
- Property includes small areas encumbered by regulatory floodplain.
- Proposed request modifies the housing type from duplex to detached housing.
- This application should be considered concurrently with the preliminary plat.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- A-13-00437; Annexation of 14.53 Acres, Ord. No. 8953
- Z-13-00348; A to RM12D and RM12D-FP, Ord. No. 8954
- Z-16-00220; RM12D-FP to RS5-FP
- PP-16-00221; Naismith Creek Addition

**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. Neighborhood Map
3. Land Use Map
4. Existing RS5 Zoning District Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None

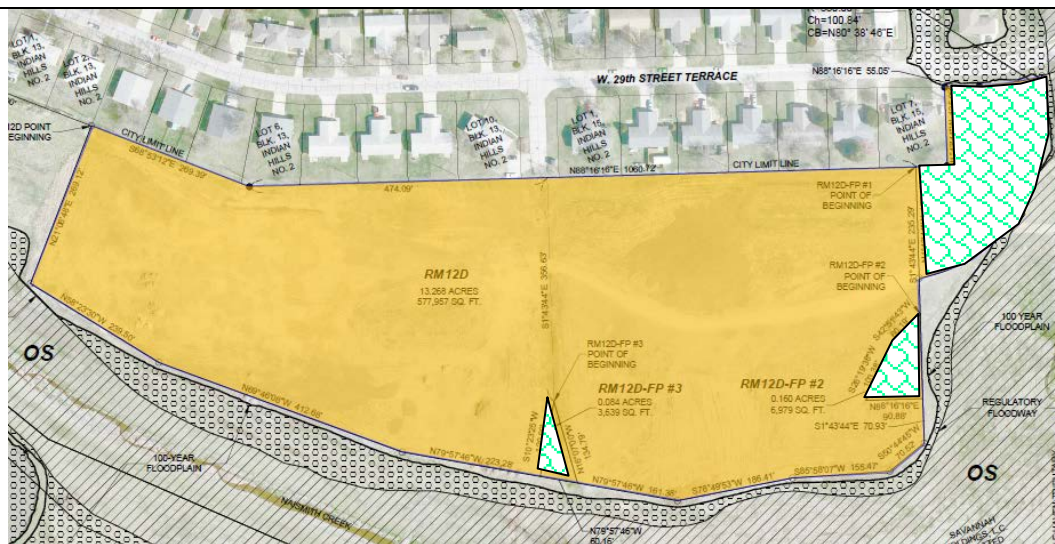
**Project Summary:**

This request would amend the zoning district affecting only the base zoning of the existing RM12D. This application was submitted concurrently with a preliminary plat for the Naismith Creek Addition.

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *This request conforms to the future land use recommendations provided in the Revised Southern Development Plan which, as a specific area plan, is incorporated into Chapter 14 of Horizon 2020. That plan specifically recommends for this site residential land use with a gross density of no more than 8 dwelling units per acre. As depicted in the preliminary plat, which is concurrently submitted with this rezoning request, the proposed subdivision for this site features a gross density of 4.5 units per acre. The Revised Southern Development Plan further specifies that the site development with a residential character similar to the neighborhood to the north including single-family, duplex, triplex and townhome structures. This request for RS5 will facilitate the development of such residential housing types. This request also conforms to multiple strategies for residential development listed in Chapter 5 of Horizon 2020 such as providing a mixture of housing types, styles and economic levels for new and infill residential developments, as well as providing appropriate transition zones between low-density residential uses and non-residential land uses.*

The original annexation and zoning of the area in 2013 included an identification of the boundary of the floodplain and resulted in certain additional areas needing to be included in the Floodplain Overlay District. Much of the area annexed that was encumbered by the regulatory floodplain was transferred to the City of Lawrence and expanded the boundary of Naismith Valley Park. Only a small area of the floodplain remains within the proposed development area and was required to be zoned with the Floodplain Overlay designation (Z-16-00220). This request impacts only the portion of the subject property that is not encumbered by the floodplain within the development area.



**Figure 1: Areas with Floodplain Overlay**

*FP overlay highlighted with green patterned shape. Beige color represents the base zoning district unencumbered by floodplain.*

The zoning was approved in 2013 for duplex development that included a concept plan for the area that extended the street network to the south.

This area is identified as suitable for future medium density residential development reflecting an overall density of 7 to 15 dwelling units per acre. Density was further defined by the approved ordinance to not exceed 8 dwelling units per acre. Regardless of the housing type, attached or detached, the maximum density for the area is unchanged by this request.

### **Residential 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 properties and enhance the quality of life.*

Policy 3.3 Encourage compatible Infill Development

*a. Encourage redevelopment and infill as a means of providing a variety of compatible housing types within neighborhoods.*

*f. Maintain the physical form and pattern of existing, established neighborhoods to the extent possible.*

**Residential Goal 5: Create a Functional and Aesthetic Living Environment**

*Create and maintain neighborhoods that are aesthetically pleasing and functionally efficient and practical.*

These goals and policies speak to the intent to integrate new infill development with the surrounding neighborhood pattern. These design policies are implemented through the subdivision design standards. This application meets the recommendations for medium density development while accommodating detached residential lots and providing additional housing choices within the neighborhood.

**Staff Finding** – The proposed rezoning request conforms with *Horizon 2020* policies related to medium density residential development in existing neighborhoods.

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

The following zoning and land use summary is provided for the surrounding area extending south to 31<sup>st</sup> Street. The request is to modify the base district and retain the Floodplain Overlay District designation.

Current Zoning and Land Use: Z-16-00220 applies to portions of development that are encumbered by the regulatory floodplain within the boundary of the development.	RM12D (Multi-Dwelling Residential) District and RM12D-FP (Multi-Dwelling Residential Floodplain Overlay) District. Undeveloped land.
Surrounding Zoning and Land Use:	RM12 (Multi-Dwelling Residential) District to the north; Existing development includes both duplex and triplex residential units.  RS7 (Single-Dwelling Residential) District to the north and northeast east of Belle Haven Drive. Existing uses include a <i>Detached Dwelling</i> and a <i>Religious Assembly</i> use.  OS-FP (Open Space Floodplain Overlay) District to the east, west, and south. Existing Naismith Valley Park.

**Staff Finding** – The proposed request is directly related to the request for the proposed preliminary plat for Naismith Creek Addition. The surrounding area to the south and east is also designated with the Floodplain Overlay District designation and is incorporated into Naismith Valley Park. Residential uses to the north are a mix of detached and attached dwellings. Land uses to the

east include a *Religious Institution* use and a City sanitary sewer pump station adjacent to Louisiana Street.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The subject site is bounded to the north by the Indian Hills Neighborhood, a predominantly residential neighborhood. The properties immediately to the north were developed with duplexes in the late 1960s and are zoned RM12. Development north of W 29<sup>th</sup> Terrace consists of single-family detached homes and is zoned RS7. Property to the east, south and west is zoned Open Space with floodplain overlay district (OS-FP) and is owned by the City of Lawrence. The property to the east across Belle Haven Tributary is currently being developed by the City as the site of the new Pump Station No. 10. Also to the east is a pair of churches, both zoned RS7. The property to the west and south is part of Naismith Valley Park. Lying further to the south and west is property owned by Menards and the very eastern edge of the South Iowa Commercial Corridor.*

The subject property is located in the south portion of the Indian Hills Neighborhood. The neighborhood includes all of the Naismith Valley Park on the west and is bounded on the south and east by W. 31<sup>st</sup> Street and Louisiana Street. The Neighborhood extends to the north excluding development north of W. 24<sup>th</sup> Street west of Alabama and excluding development north of W. 25<sup>th</sup> Street between Alabama Street and Louisiana Street. A map of the Neighborhood is attached to this report.

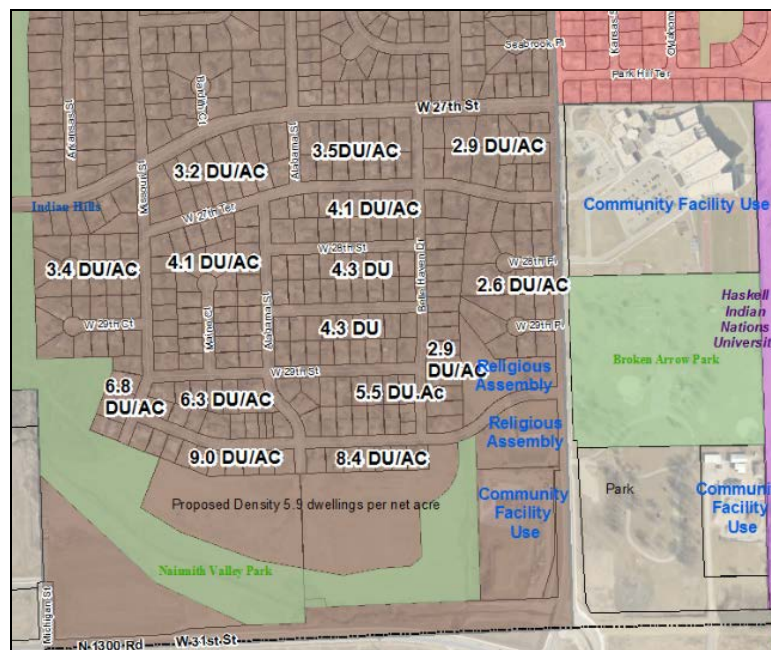


Figure 2: Residential Density south of 27th Street

The neighborhood is residential and includes detached and attached housing. A review of the density between 27<sup>th</sup> Street and 31<sup>st</sup> Street shows an increasing residential density at the south end of the subdivision. Housing type includes predominantly detached housing. Duplex, triplex and multi-dwellings are located at both the north and south ends of the neighborhood. The proposed request is consistent with this density pattern and provides a small lot, detached dwelling alternative

**Staff Finding** – The proposed request is compatible with the existing development pattern.



#### **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 included in the revised Southern Development Plan boundary. The property is also located within the Indian Hills Neighborhood. The Revised Southern Development Plan identifies this property as suitable for medium-density residential (7-15 dwelling units per acre). Zoning districts consistent with this land use recommendation include the *Multi-Dwelling Residential Districts* RM12D, RM12 and RM15. Applicable medium-density *Detached Residential Districts* are RS3 and RS5. The proposed request is consistent with the planned development of the area in terms of residential use.

**Staff Finding** – The proposed request is consistent with the planned development of the area in terms of 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 subject property is currently zoned RM12 which strongly restricts the property to duplex, triplex or some other form of multi-family development. Additionally, the zoning district carries a condition which restricts the gross density to 8 or fewer dwelling units per acre. The current market for duplexes and townhomes in Lawrence is weak while the single-family character of the Indian Hills neighborhood is strong. Those factors make the property ill-suited for the uses to which it is currently restricted. Nearly three years since the property was annexed into the City and zoned RM12D, the applicant prefers to pursue single-family development of this property.*

The key consideration of this application is the change in housing type that is permitted in the RM12D district compared to an RS district. The overall intensity of development is restricted by the physical limitations of the property; floodplain, utility infrastructure, and access. This area is surrounded by and immediately adjacent to public property on the south, east and west. The direct access to public open space (Naismith Park) balances the design of smaller lots having less private open space with proximity and accessibility to public open space.

The previously approved duplex zoning reflected the existing development pattern immediately north. However, the proposed detached residential zoning is situated so that it is rear yard to rear yard orientation consistent with land use trends that change zoning boundaries within neighborhoods.

Either type of development type, duplex or detached housing are suitable options for this property. Since the adoption of 2006 Land Development Code, the RS5 District has grown in acceptance and is used in many of the original neighborhoods and in new developing neighborhoods. This district allows lots as small as 5,000 SF and as narrow as 40'. This district accommodates smaller residential lots with less area required for private maintenance (yards) and is often reflective of a more traditional type of neighborhood development pattern.

The approval of this area was restricted to a maximum density of 8 dwelling units per acre. The proposed request does not exceed that density cap. If the property were developed at the maximum allowed density, 8 dwelling units per acre, the total number of units would be between 106 and 115 residential units. This is an unrealistic capacity for the area and does not account for the requirements for public streets and minimum required yards. These elements are further considered with the preliminary plat.

**Staff Finding** – The proposed request is suitable for subject property.

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

Applicant's Response: *The property has been vacant, at least since purchased by the current owner in 1973.*

This property is undeveloped and has been zoned A (Agricultural) since 1966. The property was annexed and rezoned to RM12D in 2013.

**Staff Finding** – This property is undeveloped and has been zoned A (Agricultural) since 1966 and RM12D since 2013.

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

Applicant's Response: *This rezoning will not result in any significant detriment to nearby properties. The request will facilitate residential development at a type and scale similar to the existing neighborhood to the north. This request, combined with the concurrent rezoning request for property inside floodplain overlay districts, ensures preservation of the floodway and floodway fringe associated with the nearby Naismith Creek and Belle Haven Tributary.*

The property is currently a vacant field. There are a number of existing utility easements through the property along the north property line with planned improvements to the lines in the area. This will have the effect of disturbing the rear areas of the existing development (along W. 29<sup>th</sup> Terrace). The applicant is working with the City to coordinate improvements to limit disruption to the area as it develops. Utility improvements in the area will occur regardless of the zoning designation.

The property has been acknowledged through the years as suitable for future infill development. The Revised Southern Development Plan designated the specific use as to medium density residential. The proposed request does not alter that land use recommendation. The area to the south has been incorporated into the City's park inventory and Naismith Park has been extended to the south and east with the 2013 annexation and zoning considerations.



**Figure 3: Existing Parks**

**Staff Finding** – Staff concurs with the applicant that the proposed change will not result in detrimental impacts to the adjacent properties.

**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: *Approval of this request facilitates the development of infill and appropriate residential uses adjacent to the existing Indian Hills neighborhood as recommended in Horizon 2020. Denial of this request will perpetuate the vacancy of this land.*

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.

Either the existing or the proposed zoning district will facilitate the infill development of the area within the Indian Hills neighborhood. This application is consistent with a trend to develop detached housing over attached housing. This phenomenon is also occurring in the Langston Heights subdivision in West Lawrence.

**Staff Finding** – While either the existing or the proposed zoning will meet the public needs as they relate to infill development and extending housing choices within an established neighborhood the proposed zoning is more consistent with the residential development trends of the neighborhood and the community.

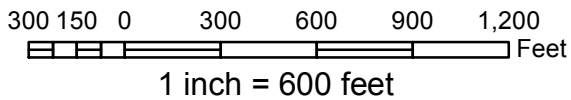
**9. PROFESSIONAL STAFF RECOMMENDATION**

The RS5 zoning district was initially applied to the older neighborhoods of Pinckney, Old West Lawrence, East Lawrence, Oread, Brook Creek, University Place, Centennial, Breezdale, Sunset Hills and North Lawrence. More recently it has been used in newer Neighborhoods including Fairfield Farms Subdivision east of O'Connell, Langston Heights (part of the West Lawrence Neighborhood) and in the Gateway Neighborhood west of Queens Road north of Overland Drive. See attached Map.

Staff recommends approval of the proposed rezoning.

**CONCLUSION**

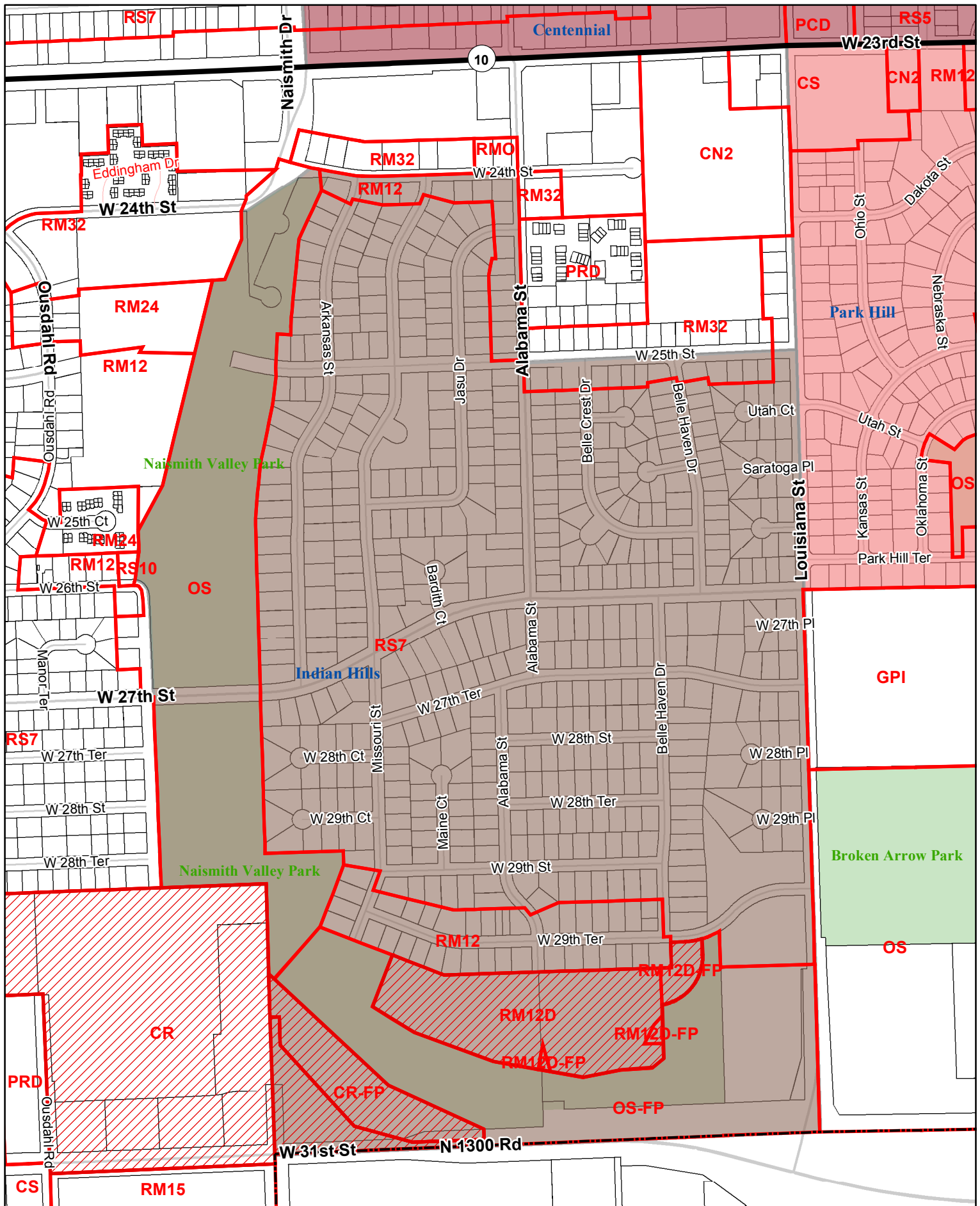
This application is submitted concurrently with a rezoning application for retaining the floodplain overlay district (Z-16-00220) and a preliminary plat (PP-16-00221). The proposed request continues the intent for medium density residential development but alters the housing type from duplex housing to detached housing. The proposed request is consistent with the planned development of the area.



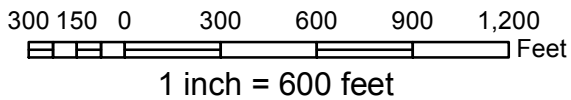
DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 7/5/2016



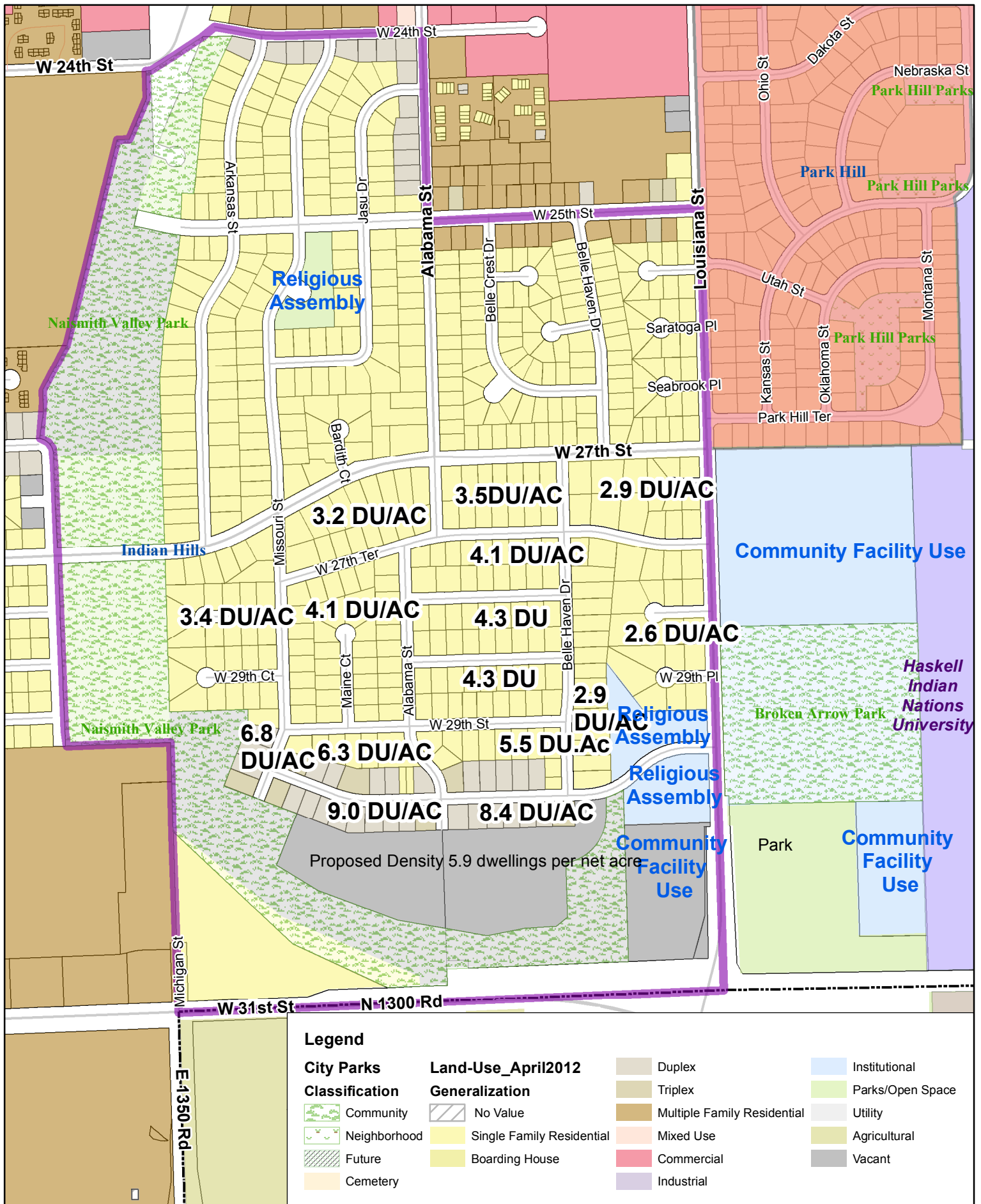




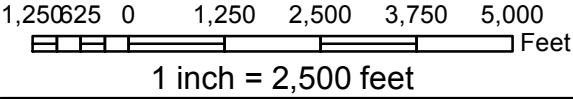
#### DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 7/5/2016



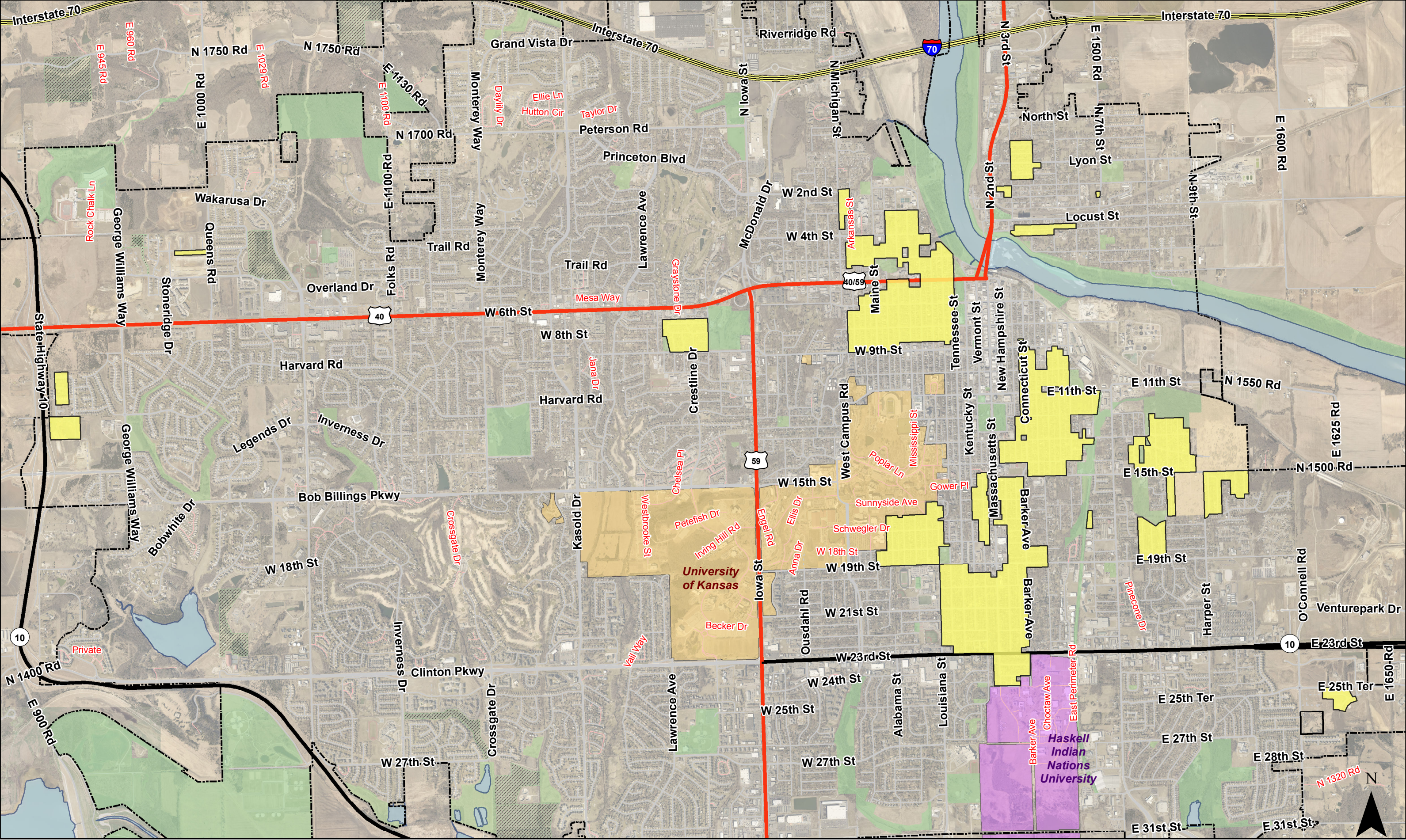




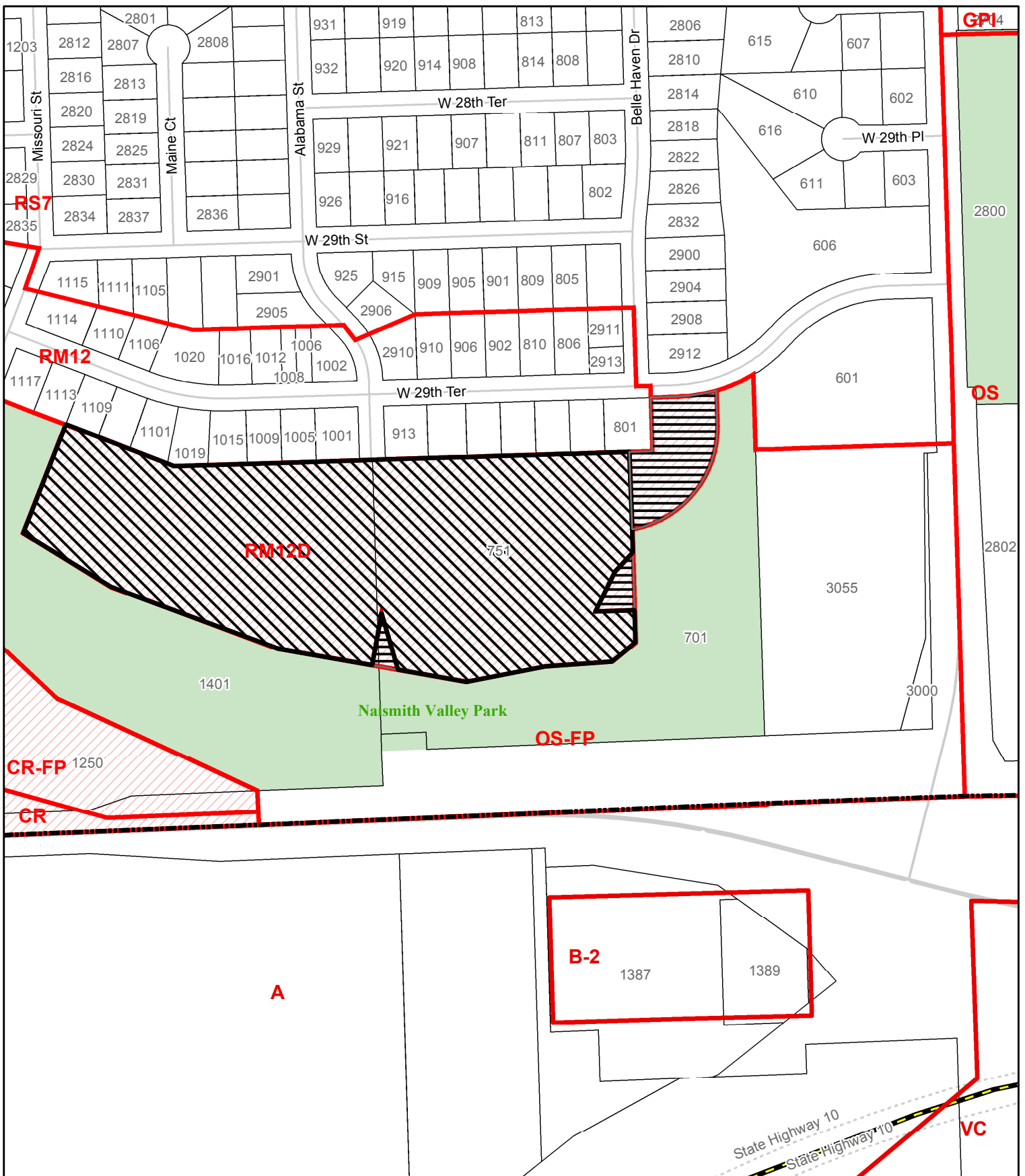
DISCLAIMER NOTICE  
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 7/5/2016

# Existing RS5 Zoning Districts







**Z-16-00219: Rezone Approximately 13.268 acres from RM12D District to RS5 District**  
**Z-16-00219: Rezone Approximately 1.262 acres from RM12D-FP District to RS5-FP District**  
**Located at 751 W 29th Terrace**

