

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
10/20/14

ITEM NO. 1: Z-14-00369 RSO (Single-Dwelling Residential Office) District TO RM24 (Multi-Dwelling Residential) District; 46,395 SF (SLD)

Z-14-00369: Consider a request to rezone approximately 1.1 acres from RSO (Single-Dwelling Residential-Office) District to RM24 (Multi-Dwelling Residential) District located at 345 Florida St. Submitted by Grob Engineering Services LLC on behalf of DCCCA Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 46,395 SF, from RSO (Single-Dwelling Residential Office) District to RM24 (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.

Reason for Request: *Property has been vacant for some time and redevelopment as RSO zoned property is not conducive to the surrounding neighborhood zoning. Nearly all property adjacent to this property is zoned RM24.*

KEY POINTS

- Existing underutilized property.
- Property located in predominantly RM24 zoned area.
- Intent of rezoning to facilitate redevelopment of this property.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- UPR-8-12-85; First Step House
- MS-11-8-10; Minor subdivision for Petey Cerf Early Education Center (Approved, but not recorded)
- SUP-10-07-10; Child Care Facility

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

- Location map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

Residents in area have contacted staff regarding application, concern that future development will alter the character of the neighborhood and requesting information about development of the property.

Project Summary:

Proposed request is for rezoning the property to accommodate redevelopment of the site as a single use multi-dwelling residential development. There are no specific development concepts for this property available at this time.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *While the comprehensive plan calls for Low Density Residential with higher density nearer to 6th Street, the area is generally more higher-density the site being completely encompassed with high density zoning.*

Key features of the plan are stated in Chapter 3 – General Plan Overview. One of these key features expresses the *"support for infill development and redevelopment which 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."* With regard to neighborhoods, the plan *"encourages the development of neighborhoods in a range of densities to provide a sense of community and to complement and preserve natural features of the area."*

The subject property is located in an established neighborhood. The property has historically been used for residential purposes. Rezoning the property facilitates redevelopment of the site to accommodate housing similar to the surrounding land use pattern of multi-dwelling units.

The Land Use Map 3-2 indicates a large area within the Pinckney neighborhood as suitable low-density residential development. Medium and higher density residential development is located adjacent to the W. 6th Street commercial corridor and in areas on the west and north boundary of the neighborhood.

Staff review of the actual density of the area concluded that much of the neighborhood west of Michigan Street is currently developed with medium and high-density residential uses. The housing form in this area includes attached duplex units, triplex, quad-plex, and multi-unit apartment buildings as well as some detached residences. The intensity of institutional uses are not calculated based on dwelling units as are other types of residential units.

Given the surrounding land use pattern and historic use of the property, the proposed request does not create an entirely new high-density residential area. This request seeks to change the zoning to a district consistent to the surrounding area. If approved, one parcel located on the northwest side of the subject property will remain RSO within the larger RM24 District shown in figure 1.

The Comprehensive Plan includes other goals and policies that address building orientation and physical design compatibility that will be included in the review of a specific development application for this site. A key factor will be encouraging building setbacks, yard areas and off-street parking requirements consistent with the surrounding area.

Staff Finding – The proposed request is consistent with the purpose and intent of the comprehensive plan as it pertains to infill development and neighborhood conservation.

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

Current Zoning and Land Use:	RSO (Single-Dwelling Residential Office) District; existing building currently vacant.
Surrounding Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District to the north, east and south. Existing residential uses in all directions. RSO (Single-Dwelling Residential Office) District to the northwest. Existing four-plex.

Staff Finding – This property is located in an existing RM24 District surrounded by residential development.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *There is a general mix of single-family rentals and owner occupied, duplex rentals, and multi-dwelling units.*

This property is located within the Pinckney Neighborhood. This portion of the neighborhood is dominated by a variety of residential densities and housing types. The neighborhood includes commercial uses located along W. 6th Street, Lawrence Memorial Hospital and associated uses located in the central part of the neighborhood. In addition, lower density residential uses generally located north of 3rd Street and east of Michigan Street. However, high density residential development, while generally located west of Michigan, is located throughout the neighborhood and includes multiple residential forms such as duplexes, 4 and 6 unit apartments, larger apartment developments and a condominium development located at the north end of N. Michigan Street. The neighborhood also includes an elementary school, public properties and designated green space and parks. These elements combine to provide a vibrant mixed-use neighborhood.

Staff Finding – This neighborhood includes a mix of housing types and densities throughout the neighborhood.

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

The Pinckney Neighborhood plan was adopted in the early 1970's. The plan has not been updated since the adoption of the plan. Major land uses changes within the boundary of the neighborhood include the addition of parkland in the northeast corner of the site and expansion of medical and medical related uses around the hospital. A portion of the Pinckney Neighborhood is included in the HOP District Plan [Hillcrest, Old West Lawrence and Pinckney Neighborhoods]. See Figure 2. The plan is intended to address redevelopment of specific portions of each of the three neighborhoods but predominantly the W. 6th Street Corridor. The plan supports a medial entryway to the Pinckney Neighborhood for Maine and Michigan Streets to the Lawrence Memorial Hospital. The boundary of the plan area does not include the subject property. Policies regarding development and redevelopment of the area are included in *Horizon 2020* discussed above.

Staff Finding – Other than the Pinckney Neighborhood Plan there are no adopted area or sector plans 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: *With RSO zoning and the proximity to LMH, office use may be viable but restrictions of 3,000 maximum square feet of office greatly restricts it. RSO zoning is also used as a transitional zoning between heavy commercial and single family residential. Since the property is completely surrounded by RM24 zoning, transitional zoning is not really applicable.*

This property was originally developed as a nursing home. It later served as a residence for a women's recovery/transitional housing facility for women. In 2008, a Special Use Permit was approved for a daycare center that would have reused the existing improvements. A new Special Use Permit was approved in 2010 and extended in 2013 for site redevelopment for a childcare facility, new parking lot and outdoor play area. That project is technically approved and includes an approved extension. The applicant has indicated that project has been abandon. The current state of the building requires substantial rehabilitation or demolition to accommodate a more efficient use of the property. If the proposed zoning is approved the current Special Use Permit for a daycare center will be withdrawn.

The purpose of the RSO zoning *"is to accommodate low to medium-intensity administrative and professional offices that are compatible with the character of low and medium-density residential neighborhoods. The District is also intended to be used as a transitional zoning district between higher intensity commercial areas and residential neighborhoods. This district allows detached dwellings, duplexes, attached dwellings and administrative and professional Office uses which may be combined in the same structure."*

Within this neighborhood, buildings are generally single purpose such as an apartment or dwelling or a commercial or public building. Mixed-use buildings are not typical in this area. Office and commercial uses are primarily located along W. 6th Street, Maine Street, and McDonald Drive in the Pinckney Neighborhood. This site is not suitable for an office use.

The character of the immediately surrounding area is single use residential buildings. The requirements to redevelop the property necessitate the demolition of the existing structure. The current zoning represents a "spot" of RSO zoning within an established high-density residential zoning district within the neighborhood. The current site is not suitable as a mixed residential-office use.

This property is located interior to the neighborhood and does not function as a transitional use between commercial and residential parts of the neighborhood. Historically, this property has been used for group housing type uses as a nursing home. The existing zoning is a function of the adoption of the 2006 Development Code that converted the prior RO-2 District to RSO. There was no deliberate attempt to zone this property to RSO.

Staff Finding – These factors support a position that rezoning the property to a comparable or same district as the surrounding area is suitable. The zoning is not suitable to facilitate redevelopment of this site.

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

This property is not vacant. Improvements include a one story 8,400SF building, surface parking lot and fenced yard area. The building was constructed in 1963. The property was zoned "C" Apartment prior to the 1966 Zoning Code. The property was rezoned to RM-2 with the adoption of the 1966 Zoning Code. The RM-2 district was a high-density residential district that allowed up to 21 dwelling units per acre.

The property was rezoned from RM-2 (Multiple-Family Residential) District to RO-2 (Residential-Office) District in 1973 in anticipation of future medical office spaces but that the existing nursing home could remain (Z-11-18-73). The RO-2 district allowed a maximum residential density of 12 dwelling units per acre. The district limited the residential use to single-family or duplex type units. The property was rezoned to RSO (Single-Dwelling Residential-Office) in 2006 with the adoption of the Land Development Code. The current RSO district allows mixed use with a maximum density of 15 dwelling units per acre.

Staff Finding – This property is not vacant. This property has previously been zoned for both high-density and medium density residential development.

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

Applicant's Response: *The property is directly adjacent to a collector street so increased traffic on local streets through single-family neighborhoods should be minimal. Because the adjacent properties are already RM24, rezoning this property to RM24 should have no detrimental affects on the nearby properties.*

Nearby uses, include detached housing and apartment uses in the immediate vicinity. The surrounding density includes low, medium and high-density development within an established RM24 zoning district. Rezoning the property to RM24 will not result in a detrimental affect for nearby properties. Development of the site that includes reduced parking or building setbacks would be inconsistent with the surrounding development pattern. Redevelopment of this property should anticipate full compliance with the required density and dimensional standards, off-street parking and landscape requirements of the Development Code to mitigate any impacts to nearby properties.

Staff Finding – Rezoning the property to the same RM24 district as the surrounding properties will not detrimentally affect the surrounding area. Redevelopment of the site consistent with building setbacks, off-street parking, screening and other applicable density and dimensional standards must be implemented to assure there are no detrimental impacts.

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 owner has had no success selling the property or finding a rental tenant for the existing structure. Rezoning would allow redevelopment and removal of existing degraded structure. Rezoning would allow for in-fill development which is greatly desired.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit to 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 property is currently developed with a building and a surface parking lot. Previous plans to reuse the existing improvements have been abandoned and the building has deteriorated. This building is currently vacant. Approval of the request will facilitate redevelopment of the site and reinvestment of the property.

If denied, the property could be redeveloped with detached housing or office uses including medical offices.

Staff Finding – Approval of the request will facilitate redevelopment of the property for residential purposes and exclude office and medical office uses.

9. PROFESSIONAL STAFF RECOMMENDATION

There is no active redevelopment plan for this site. In reviewing this application, staff analyzed the density and development pattern in the immediate area of the surrounding RM24 zoning district. Structure type and density vary throughout the district. Generally, higher density is located closer to W. 6th Street. Density reduces in intensity northward from W. 6th Street. Densities are generally medium to high in this area. The highest density of 27.5 dwelling units per acre is located on the southwest corner of Colorado Street and W. 57th Street. The lowest density in the area, 5.7 dwelling units per acre is located on the northwest corner of Wisconsin Street and W. 4th Street. Density between W. 5th Street and W. 4th Street ranges from 23.7 dwelling units per acre to 7.9 dwelling units per acre. While the RM24 district conveys a specific maximum density, achieving that density requires other considerations such as provision of off-street parking, open space and landscape buffers to meet current design standards. The location and size of the property are likely to self-limit the achievable density for the site resulting in a density consistent with the surrounding development pattern. This is especially true if the required off-street parking, building setback, density, and dimensional standards are upheld in a future development application.

Conclusion

The proposed rezoning request is consistent with the surrounding zoning and land use pattern as well as the historic use of the property. Staff recommends approval of the zoning.

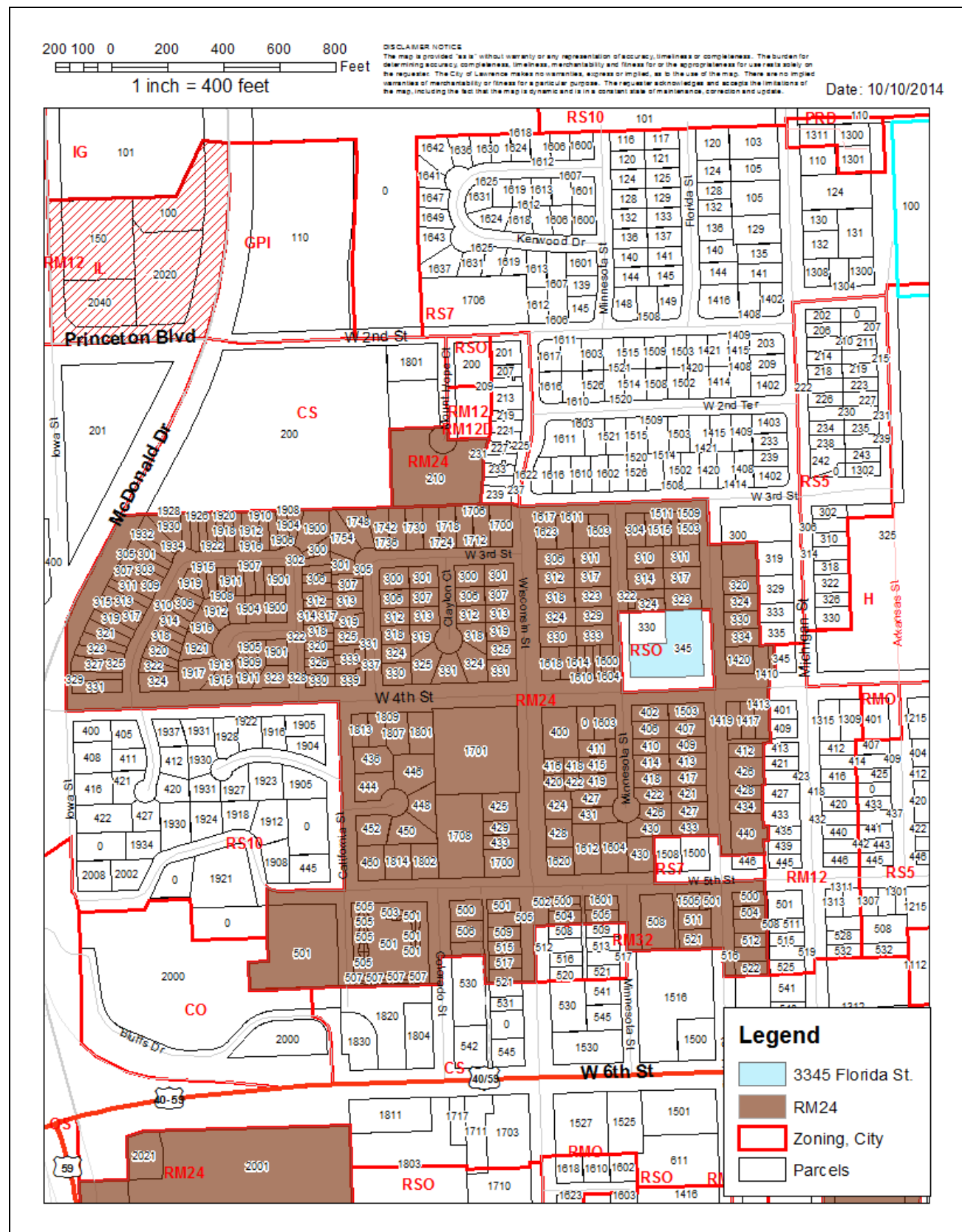


Figure 1: Surrounding Zoning

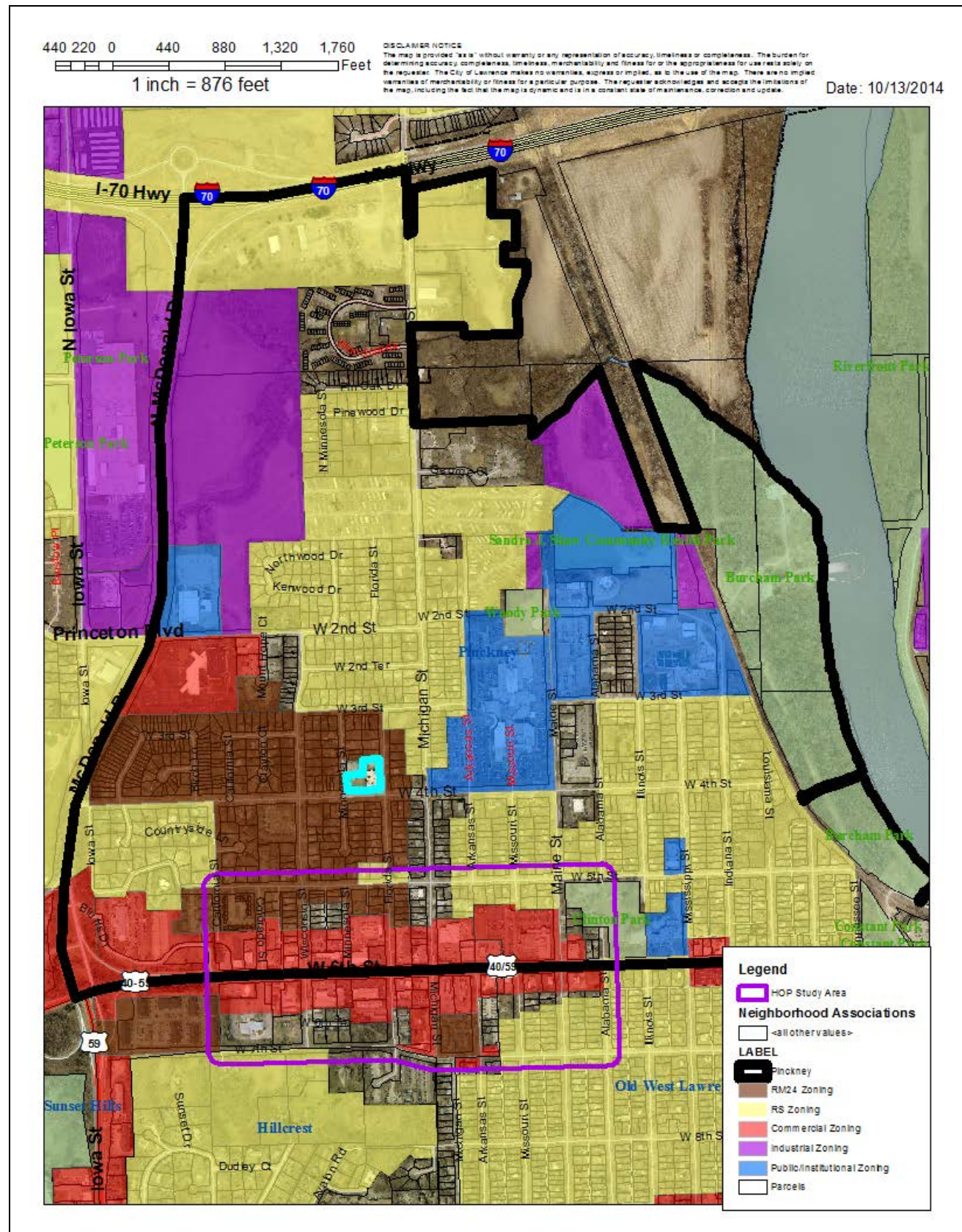
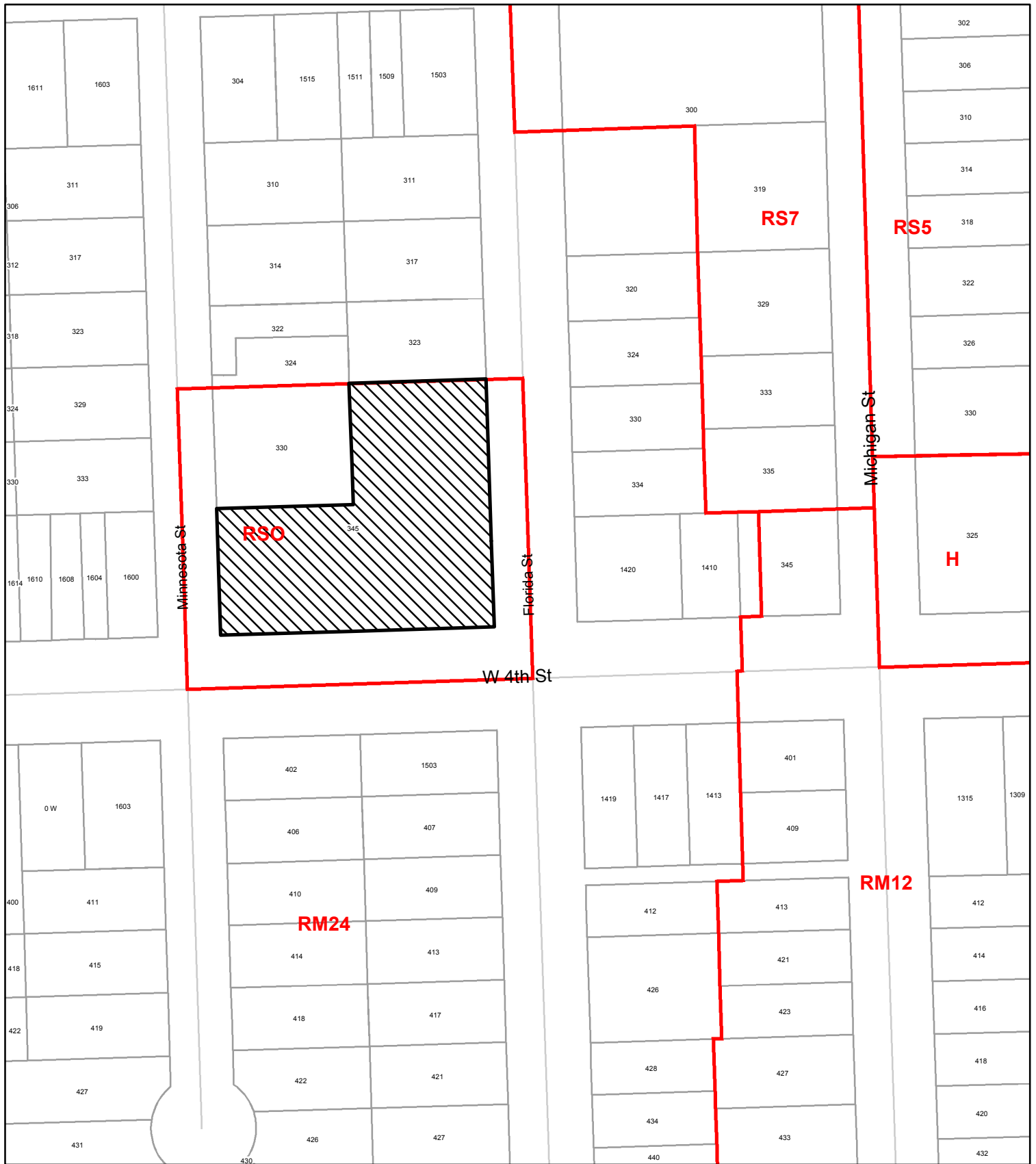


Figure 2: Area Plans

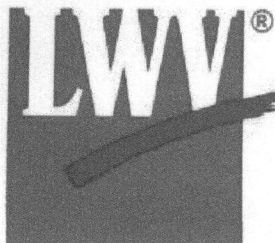


**Z-14-00369: Rezone 1.1 acres from RSO District to RM24 District
Located at 345 Florida Street**

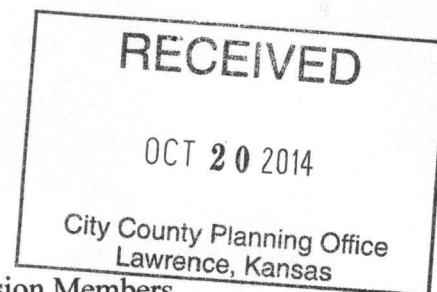
Lawrence-Douglas County Planning Office
October 2014

 Subject Property





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY



October 19, 2014

Mr. Bruce Liese, Chairman, and Planning Commission Members
Lawrence-Douglas County Metropolitan Planning Commission

RE. ITEM NO. 1: Z-14-00369 RSO (SINGLE-DWELLING RESIDENTIAL OFFICE) DISTRICT TO
RM24 (MULTI-DWELLING RESIDENTIAL) DISTRICT; 46,395 SF (SLD)

Dear Chairman Liese and Planning Commissioners:

After research and discussion, the Land Use Committee agreed that this rezoning request is much more serious and problematic than it would initially seem to be. We request that you not rezone this 1.1-acre lot to RM24 at this time. Our reasons are as follows:

1. Although the current zoning reflects the surrounding zoning district, the RM24 zoning is inappropriate for the existing residential land use on the north side of West 4th Street from McDonald Drive almost to Michigan Street. This is the larger general area surrounding the subject one-acre tract.
2. The history of the RM24 zoning is that it was initially vacant land at the time it was rezoned and remained vacant for some time thereafter. This high-density zoning was actually on the land before the Ordinance 3500 was adopted in 1965, and although the land remained vacant, it was given the high-density apartment zoning in Zoning Ordinance 3500. Apparently *not until later* was it developed for low-density residential use, in spite of the high-density zoning on it.
3. The existing residential use in this area was reviewed in 1977 (source: planning staff) and at that time *was mostly single family and duplexes*, with some four-plexes, but *no* apartments. In no way did the density of the land use approach the high density of 24 units an acre existing now on this above-described area. The use has remained this way to this day, with the exception of the small area between Minnesota and Florida Streets immediately north of 4th, that appears to have a more varied housing mix giving the area slightly higher density. One acre of this block is the subject of the current RM24 rezoning request.

4. The Comprehensive Plan Future Land Use Map of Horizon 2020 shows this area as low density (yellow). Therefore, the existing overall zoning is not in conformance with the Comprehensive Plan.

5. The extensive high-density zoning apparently is the primary justification for the current rezoning request to the RM24 District. *Because this high density is so inappropriate for the actual land use of this larger portion of the neighborhood, the whole area from east of McDonald Drive, north of West Fourth Street to the Holidome and immediately east of Florida Street to the RS7 District really needs to be reviewed for its actual existing land use, and then rezoned for that.*

LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY
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We believe that this large area is important for the health of the neighborhood, not only for the continued general well-being of the City, but especially important because of its location near the Lawrence Memorial Hospital. It is vitally important to us in Lawrence to maintain the stability of our existing neighborhoods. The appropriate zoning is a vitally important factor in contributing to this stability.

Therefore, these are our requests:

- A. In order to encourage continuing high maintenance of the housing in this area, we are asking the Planning Commission, ***before any further intensive zoning changes are approved for this area***, to review the land use and downzone it to conform to the existing land uses in the above-defined area; i.e., the area east of McDonald Drive, on the north side of West 4th Street extending north to the Holidome, and extending east to the existing RS7 District east of Florida Street.
- B. Then we ask that you reconsider this RM24 rezoning request on the 1.1-acre tract and zone it to an appropriate district that is in better conformance with the existing uses around it.
- C. We also ask that you request that the platting and site-planning of this one-acre property occur at the same time as the public hearing on your consideration of rezoning for this subject 1.1-acre tract takes place, and that any rezoning given this property be appropriate for the use or uses planned for it.

We hope that you will seriously consider our requests and take action on these important public issues.

Sincerely yours,



Cille King
President



Alan Black, Chairman
Land Use Committee



PINCKNEY NEIGHBORHOOD ASSOCIATION

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October 20, 2014

Via e-mail

Lawrence/Douglas County Planning Commission
c/o Sandra Day, AICP
Planning Division
First Floor, 6 E. 6th St.
Lawrence, KS 66044

RE: Z-14-00369 – 345 Florida Street
RSO (Single-Dwelling Res. Office) District to RM24 (Multi-Dwelling Res.) District

On behalf of the Pinckney Neighborhood Association, I am providing comments for your consideration regarding the request for rezoning the property at 345 Florida, as identified above. PNA understands from information provided by the City planning staff in its report for this proposed change that all or nearly all of the properties surrounding the property at 345 Florida are currently zoned as RM24, a high-density zoning that allows for up to 24 dwelling-units per acre. However, our understanding based on review of available information, is that none of the properties immediately surrounding the property in question actually attain this level of density.

Mr. J. Dean Grob, engineer for the prospective developer for this property and the person who submitted the rezoning request, has informed PNA that the conceptual plan for development of the property includes construction of 24 one-bedroom apartments for moderate-income active adult living (e.g., age 50 and older). We also understand that there has been no specific plan for development submitted with this rezoning request, and that a change in zoning could allow for development of the property in a manner different from the conceptual plan provided by Mr. Grob.

While PNA does not specifically oppose a change in the zoning for this property that aligns more closely with the zoning for immediately neighboring properties, we do have significant concerns regarding the redevelopment of this property. Our concerns include, but are not necessarily limited to, ensuring that redevelopment of the property fits in well with the aesthetics of this specific section of our neighborhood, will not interfere with or hamper enjoyment of the surrounding homes, and contributes to a stable, peaceful and family-friendly lifestyle in the neighborhood. In contrast to a fairly new apartment complex located on the south-west corner of 4th and Wisconsin Streets, the property

subject to this rezoning request has no barriers, such as tree rows or other large-lot multi-family dwellings, to separate it from the immediately surrounding single-family homes and a few duplexes.

PNA strongly recommends that the Planning Commission consider a medium level/less dense zoning designation and place restrictions on development of the property, as appropriate, to ensure any redevelopment blends well with the immediate surrounding properties. Such restrictions may include a limitation on the number of stories, the location of parking areas, preservation of existing mature trees and other natural features, and limitation on the number of independent dwelling units in any complex constructed. PNA further requests to receive specific notice and opportunity to comment regarding any site development plan for this property.

Thank you for consideration of the comments from PNA. Please contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Pat Miller', with a long horizontal flourish extending to the right.

Pat Miller
President, Pinckney Neighborhood Association

cc: J. Dean Grob, Grob Engineering Services, LLC