

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

PC Staff Report  
01/25/2012

**ITEM NO. 10A RS10 TO RM12; 41.15 ACRES; 1900 W 31<sup>ST</sup> ST (SLD)**

**Z-11-28-11:** Consider a request to rezone approximately 41.15 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 1900 W. 31<sup>st</sup> Street. Submitted by Landplan Engineering, for Mid-America Manufactured Housing Communities, Inc., property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 41.15 acres from RS10 (Single-Dwelling Residential) to RM12 (Multi-Dwelling Residential), located at 1900 W. 31<sup>st</sup> Street based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

**Reason for Request:** *The developer, Aspen Heights, intends to redevelop the property into a student residential community (see the attached Concept Plan). Rezoning the subject property from RS10 to RM12 will permit the proposed residential dwelling density and bring the property into conformance with Horizon 2020 and the Revised Southern Development Plan.*

**KEY POINTS**

- Existing residential development.
- Request proposes redevelopment of property along a major arterial street.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- PP-11-12-11 preliminary plat
- SUP-11-5-11 special use permit
- Submission and approval of a final plat
- Submission and approval of public improvement plans
- Submission and approval of a floodplain development permit

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Refer to applications PP-11-12-11 and SUP-11-5-11 for discussion.
- *Downstream Sanitary Sewer Analysis* – Refer to applications PP-11-12-11 and SUP-11-5-11 for discussion.
- *Drainage Study* – Refer to applications PP-11-12-11 and SUP-11-5-11 for discussion.
- *Retail Market Study* – Not applicable to residential request.

**ATTACHMENTS**

- Area map
- Revised Southern Development Plan Land Use Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received to date.

**Project Summary:**

This proposed request is for the redevelopment of 41.15 acres from a mobile home park to a multi-dwelling development. The applicant's desire is to market the project to college age residents. Consideration of the base zoning district is a preliminary step of this redevelopment project. This application is accompanied by a preliminary plat and a special use permit application.

Each land use decision is a distinct action. Many of the issues and discussion items will be repeated in the following reports.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 designates the land use for the subject property as medium to high-density residential. This request will bring the property into conformance with Horizon 2020 by rezoning from RS10 (low-density) to RM12 (medium-density).*

This request represents the first step in establishing a base zoning district for the redevelopment of property located on the north side of 31<sup>st</sup> Street. A key feature of *Horizon 2020*, listed in Chapter 3, states support of *"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 the surrounding areas."* The proposed zoning would provide additional medium density residential uses in the immediate area.

Chapter 5 provides residential strategies and policies that address development patterns and establish location criteria. The Plan supports infill development, the provision of mixed housing types and styles and compatible densities in residential neighborhoods. This request represents a medium-density land use. Medium Density residential areas *"are intended to promote a mix of housing types within planned development areas. Medium-density areas should include a mix of single-family detached and attached homes, cluster homes, townhouses and similar housing types, designed and arranged to create compatible and attractive new residential environments, extensive concentrations of the same housing type or development pattern should be avoided."* (Page 5-5). This application is accompanied by a Special Use Permit application that includes both duplex and detached housing within a single development.

The plan recommends appropriate land use transitions between medium-density residential development and both higher and lower intensity development. The plan further recommends that medium density development be supported by adequate public facilities including sewer, water, and street access. The property is sufficiently large to accommodate appropriate buffer yards for areas that are adjacent to the commercial areas to the west and to the established low density residential neighborhood to the north. The property has access to water and sanitary sewer service and is adjacent to a major arterial street.

Specific site design issues such as buffering, pedestrian access, building scale and connectivity are further reviewed as part of the preliminary plat and special use permit applications.

**Staff Finding** – The proposed request conforms with *Horizon 2020* with regard to general land use and location criteria.

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

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; existing mobile home park known as Gaslight Village.

Surrounding Zoning and Land Use: OS (Open space), RS7 (Single-Dwelling Residential) District, RM12 (Multi-Dwelling Residential) District and FP (Floodplain Management Regulations Overlay District) to the north; developed residential homes and

a public, park Naismith Valley Park.

CS (Commercial Strip) District, PD-[Home Improvement Center PCD] District, and PD-[Home Improvement Residential] District to the west; Existing commercial uses. The open space to the west is part of the required detention area for the commercial development.

RM15 (Multi-Dwelling Residential) District to the south; existing apartment development.

A (Agricultural) District and OS (Open Space) District to the east; existing rural residence and south end of Naismith Valley Park.

**Staff Finding** – The surrounding area includes a range of residential and commercial zoning and land uses. The proposed zoning is compatible with the surrounding zoning and land use.

### **3. CHARACTER OF THE NEIGHBORHOOD**

Applicant's Response: *The subject property lies at the nexus of multiple land uses and neighborhoods. The property itself consists of a mobile home park with approximately 150 mobile homes. Development to the south across 31<sup>st</sup> Street includes an apartment complex and several commercial properties. Development to the west consists of the Home Depot, Dale Willey Automotive and other commercial properties associated with South Iowa Street corridor. To the north lies medium to low-density residential development including duplexes and single family homes. To the east lies both unincorporated Agricultural-zoned county land and Open Space-zoned land owned by the City, including the Naismith Creek Valley Park. The Indian Hills neighborhood lies to the northeast across Naismith Creek.*

The property is not located within a designated neighborhood boundary at this time. The property is adjacent to the Indian Hills Neighborhood along the east and northeast side of the property. The area to the west is part of the South Iowa Street Commercial Corridor. This property has historically been isolated from the adjacent residential uses to the north because of the lack of pedestrian and vehicular connectivity. Ridge Court and Ousdahl Road both dead end on the north side of the property. A drainage course along the north property line contributes to the disconnected street patterns in this area. The property is also bounded on the south by 31<sup>st</sup> Street, a major arterial road.



Expanding the definition of neighborhood to encompass the area bounded by Iowa Street to the west, Louisiana Street to the east, 31<sup>st</sup> Street to the south and 23<sup>rd</sup> Street on the north the property is located on the edge of a mixed use neighborhood. Intensive uses are generally located along the arterial streets and low intensity uses are located interior to the larger neighborhood boundary.

**Staff Finding** – This neighborhood is characterized by a significant amount of residential uses. Intensive commercial uses are located along the boundary and along major arterial streets. The proposed rezoning is compatible with the character of the surrounding residential and commercial neighborhoods.

**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 within the plan boundary of the *Revised Southern Development Plan* adopted in January 2008. This plan identifies the area located to the northeast of W. 31<sup>st</sup> Street and Ousdahl Road as suitable for medium density residential development. This land use could be implemented through the RS5, RS3, RM12, RM12D, RM15 and PD overlay zoning districts. The proposed rezoning for RM12 is consistent with the area plan.

**Staff Finding** – The proposed request is for RM12 zoning consistent with the land use recommendations of the *Revised Southern Development Plan*.

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

Applicant's Response: *The property is presently not well suited for its RS10 base zoning district nor will it continue to be in the future. Excluding the floodplain-encumbered County land to the east, the subject property is bounded by medium to high-density residential and commercial development. An existing interchange with the South Lawrence Trafficway lies half a mile to the south. Both Horizon 2020 and the Revised Southern Development Plan recommend that this property consists of medium-density residential land uses which would provide a variety of housing types suitable for this transitional neighborhood.*

This property is currently zoned RS10 and developed with approximately 150 dwelling units. This equates to a density of only 3.75 dwelling units per acre. The existing RS10 zoning does not allow

a mobile home park. This use predates the Development Code and is a non-conforming use. Based on the land use recommendations this property is underutilized and capable of supporting a higher density of development. Approval of the request would accommodate redevelopment for other multi-dwelling uses up to a maximum density of 12 dwelling units per acre. Mobile home parks are allowed in the RM15, RM24, and RM32 residential zoning districts with a special use permit. Approval of the request would not alter the suitability of the subject property since it would not bring the current use into compliance with the regulations.

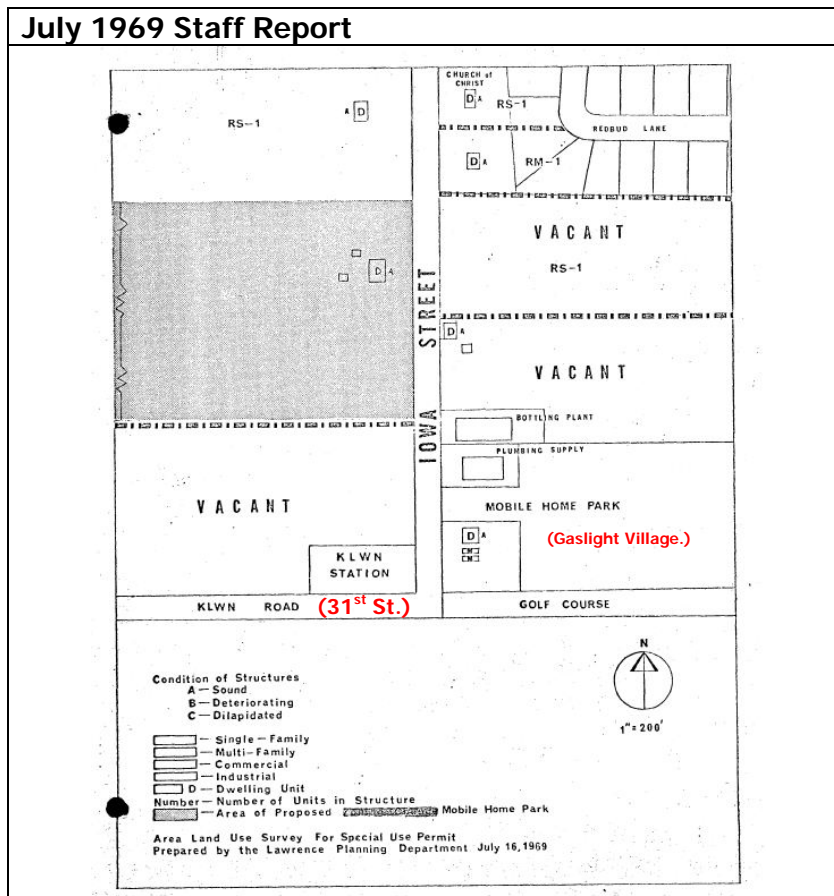
The proposed development includes duplex and detached housing as well as an office and resident amenities. The inclusion of the detached single-dwelling housing type requires special use permit approval. The proposed development requires a base zoning district that supports medium density development. The existing zoning is inconsistent with recommended land uses for the area.

**Staff Finding –** The current zoning is not consistent with the existing land use. It is also not consistent with recommended land use for development of the area. The current zoning is not suitable for this property.

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

Applicant's Response: *The subject property is not vacant but has existed as a mobile home park for more than 30 years.*

A July 1969 staff report identified this property as a mobile home park.





This property is not vacant. The property includes a drainage easement between the north end of Ousdahl Road and the northeast corner of the property and a large gas line easement that crosses the property diagonally from Ousdahl Road to the southeast corner of the property. Property improvements include pad sites for mobile homes. Most of these improvements would be demolished or abandoned as part of the redevelopment.

**Staff Finding** – The property is a developed mobile home park and has been in this location for more than 40 years. Approval of the request would facilitate the removal of the existing non-conforming use and the redevelopment of the property for a medium density residential use.

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

Applicant's Response: *Approving this rezoning will pose no detrimental effect to nearby properties. Approval will bring the property into conformance with the City's Comprehensive plan.*

The purpose of the proposed request is to modify the base zoning district from the existing low density single-dwelling residential designation to a medium density multi-dwelling residential designation. Approval of the request will facilitate redevelopment of the property.

Development concerns in the immediate area include: access and vehicular circulation to 31<sup>st</sup> Street, connection to local streets to the north, and the provision of public sanitary sewer, water, and stormwater management. The property is constrained by existing development to the north and west and bounded on the south by an arterial street. Impacts such as traffic, noise and building type are addressed as part of the subdivision and special use permit review. Screening and access control to adjacent streets provide appropriate mitigation to adjacent land uses. Existing residents will be displaced by the proposed redevelopment. A plan for removal and relocation of existing structures will be required with this project.

**Staff Finding** – Approval of the request facilitates redevelopment of the site but will result in displacement of current residents. The current land use is not consistent with the allowed uses of the existing base zoning district. Surrounding properties are generally of the same or higher intensity in use. These properties would not be impacted by the proposed redevelopment and change in zoning. The abutting lower density residential development (to the north) can be adequately addressed through various transition techniques to provide screening and limited connectivity to mitigate impacts of the redevelopment.

**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 gains to public welfare posed by this application are all those gains associated with bringing this property into conformance with the City's guide documents. Denial of the application perpetuates a non-compliant land use and prohibits the landowner or future landowners from redevelopment this property.*

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.

Approval of the request will facilitate redevelopment and reinvestment in existing property. Approval will create the opportunity to provide higher-density residential development in an area adjacent to a major arterial street and a commercial corridor. Approval of the request facilitates the implementation of land use recommendations for the area as defined in the *Revised Southern Development Plan*. The intent to provide “student housing” in an area with proximity to both the University of Kansas and Haskell University reduces the demand for services that are otherwise located in areas requiring a much greater travel distance. These features benefit the community by reinvesting in existing infrastructure and services.

Denial of the request would prohibit the ability to redevelop the property in accordance with recommended land uses for the area and require the applicant to seek an alternative site for their proposed development. The applicant has discussed with staff other locations that were far less suitable and did not comply with adopted land use goals for the community.

**Staff Finding** – Benefits to the community include the investment in property within existing utility, transportation and service districts. Denial of the request prohibits the applicant from redeveloping the property as proposed.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

The property was developed as a mobile home park in the late 1960's. At the time, this part of the community would have been in the unincorporated portion of Douglas County and the mobile home park was a type of urban fringe development. Upon annexation the property was assigned a low density residential zoning designation. Per the 1966 code this use would have been permitted subject to the approval of a Special Use Permit in the RS districts. The adoption of the Development Code in 2006 created the non-conformity. A portion of the original mobile home park was removed for the Home Depot development. The *Revised Southern Development Plan* anticipated that this property would be redeveloped with a higher intensity use as depicted in the land use map.

Approval of the request is appropriate to implement the plan and facilitate redevelopment of the site.

## **CONCLUSION**

This existing use has been considered transitional since the development of the commercial project to the west. The application is accompanied by a subdivision plat and a special use permit that will facilitate the planned redevelopment of the site. The proposed zoning is consistent with recommended land uses for the area.