

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

**PC Staff Report**  
**10/24/12**

**ITEM NO. 7: IG TO RS7; .3 acres; 513 N 7<sup>th</sup> Street (DDW)**

**Z-12-00194:** Consider a request to rezone approximately .3 acres, from IG (General Industrial) District to RS7 (Single-Dwelling Residential) District, located at 513 N 7<sup>th</sup> Street. Stephen R. Spacek, property owner of record. Initiated by the Lawrence-Douglas County Planning Commission on May 25, 2011.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for approximately .3 acres, from IG (General Industrial) District to RS7 (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 RS7 to make it a conforming use.
- The property is platted.
- A portion of the property is located within the AE, 100 Year Flood Zone as of August 5, 2010.
- The properties immediately south of the subject property (525 and 527 N 7<sup>th</sup> Street) were rezoned from the IG District to the RS5 District in 2011.
- The property at 529 N 7<sup>th</sup> Street is also being proposed for rezoning from the IG District to the RS7 District (Z-12-00196).

**GOLDEN FACTORS TO CONSIDER**

**CHARACTER OF THE AREA**

- The surrounding area is developed with a mixture of residential and nonresidential land uses. The immediate area surrounding the property is developed with single-family uses to the north, south, and east. There is a residential use on a large lot west of the subject property with industrial uses located farther west.

**CONFORMANCE WITH *HORIZON 2020***

- The proposed rezoning request from IG (General Industrial) District to RS7 (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 received prior to the publishing of this staff report.

## **Project Summary**

The subject parcel has been a single-family use since approximately 1945. 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 and makes 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: -- IG (General Industrial) District; vacant/parking.

To the east: IG (General Industrial) District; single family homes and vacant land.

To the south: RS5 (Single-Dwelling Residential) District; residence.

To the west: IG (General Industrial) District; single family home on a large lot.

## **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)

*Rezoning the property to RS7 would be in conformance with the Neighborhood Conservation goal in Horizon 2020.*

Policy 3.2: Protect Existing Housing Stock:

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

**Staff Finding** -- The proposed rezoning request conforms with *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, nonresidential, and vacant land uses. Single-family residences are located south, east and west of the property on IG zoned property. Industrial businesses are located further west of the subject property, also on IG zoned property.

Much of the area is encumbered by the regulatory floodplain.

## **3. CHARACTER OF THE AREA**

The immediate character of the area is most recognizable as residential with single-family homes on individual lots. The subject property abuts other single-family homes.

**Staff Finding** – The area contains a mixture of residential and nonresidential uses, but the immediate area is primarily single-family residential uses.

## **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. A neighborhood plan was completed for North Lawrence in 1981 and an area wide drainage study was completed in January 2006.

In **Chapter 3** of the North Lawrence Neighborhood Plan, **General Goal C.** is *"To solicit and encourage the participation of North Lawrence residents and property owners in the planning, development, and maintenance of the neighborhood"*. The property owner has initiated this rezoning which will help to maintain the residential character of the neighborhood.

In the same chapter, Residential Objective B. states: "Encourage the preservation of the structurally sound older housing stock".

Other goals and objectives listed in the North Lawrence Neighborhood Plan also support this application.

**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 North 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 is also adjacent to single-family dwellings.

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

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

**Staff Finding** – The subject property is zoned IG and has been developed as a residential use since approximately 1945.

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

Approval of the proposed request will result in a reduction of allowed uses and increase the number of properties zoned RS7 within the overall neighborhood area, which restricts 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 residential lots in the future. The uses to the north, south, and east include similar existing single-family homes. The area to the west includes a large lot residential use and industrial uses farther west.

**Staff Finding** – The impact on nearby property is one of perspective given the surrounding residential uses. Approval of the proposed change 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 will act as protection against encroachment of non-residential activities in the immediate area. Regulations added as a result of this rezoning would include the review and regulations applicable to any parcels used as 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**

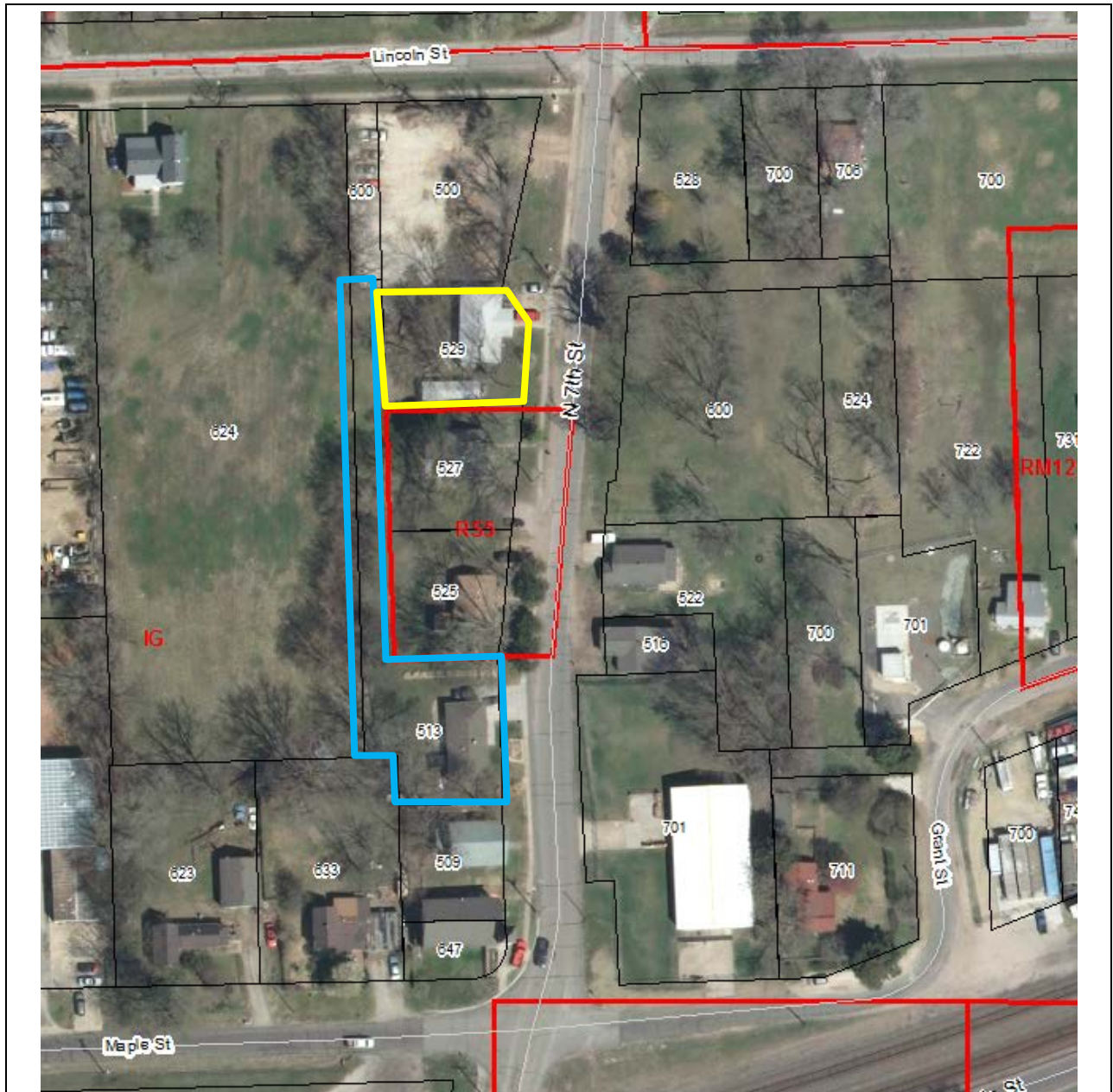
Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the rezoning were denied, the property would remain non-conforming as zoned for industrial uses. As the property has a very long history as a single family use and the immediate surrounding area is predominately single-family homes, encroachment of industrial development allowed by the current zoning would not be appropriate. The residential zoning will insure that the property will remain a single family home, which will minimize any negative impacts on the neighborhood that could occur with potential industrial uses.

**Staff Finding** – There would be no gain to the public and there would be a hardship to the landowner in the denial of the rezoning request. The rezoning request will assign an appropriate land use designation to the property for its current and intended land use as a single family home.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of the rezoning to the RS7 District as it is an appropriate zoning district for the subject property. The single-family zoning district matches the existing, and long-term, use of the property. Therefore, this is an appropriate zoning district for the property.



**Figure 1.** Base Zoning Districts in nearby area. The boundary of the property which is the subject of this rezoning request is outlined in blue. The property outlined in yellow is also proposed for rezoning (Z-12-00196).