

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/21/13

ITEM NO. 2A: RS10 TO RS7; 2.186 ACRES; 1146 HASKELL AVE (MKM)

Z-13-00350: Consider a request to rezone approximately 2.186 acres from RS10 (Single-Dwelling Residential) District to RS7 (Single-Dwelling Residential) District, located at 1146 Haskell Ave. Submitted by Struct/Restruct LLC for BK Rental LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.186 acres from RS10 (Single-Dwelling Residential) 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

APPLICANT'S REASON FOR REQUEST

"To divide property at 1146 Haskell into one IL property and one RS-7 property. The IL property will be Struct/Restruct shop/office and RS7 property will be future development."

KEY POINTS

- The property is unplatted. The property is being platted through the Major Subdivision process in conjunction with this rezoning.

ATTACHMENTS

A: Rezoning exhibit

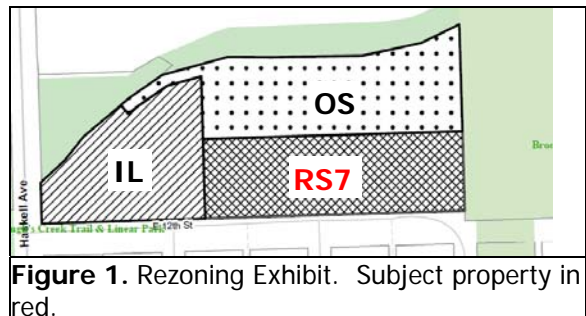


Figure 1. Rezoning Exhibit. Subject property in red.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Z-13-00351: Rezoning request for approximately 1.785 acres from RS10 to IL (Limited Industrial) District. This item is being considered by the Planning Commission at their October meeting.

Z-13-00408: Rezoning request for approximately 2.384 acres from RS10 to OS (Open Space) District. This item is being considered by the Planning Commission at their October meeting.

PP-13-00352: Preliminary Plat for Burrough's Creek Addition. This item is being considered by the Planning Commission at their October meeting.

Other Action Required:

- City Commission approval of rezoning requests and adoption/publication of ordinances.
- Submittal and administrative approval of Final Plat for Burrough's Creek Addition.
- Submittal and approval of Public Improvement Plans prior to recording of the Final Plat.
- Submittal Of Hydraulic and Hydrologic (H&H) Study prior to recording of the Final Plat
- Submittal and approval of Floodplain Development Permit prior to recording of the Final Plat

- Recording of Final Plat with the Register of Deeds Office.
- Application and release of building permits and floodplain development permits prior to development.

PUBLIC COMMENT

- Michael Almon, nearby property owner, visited the Planning Office for information on the project and the Floodplain Management Regulations.
- Byron Wiley, nearby property owner, visited the Planning Office to discuss the project and the uses which would be permitted under the IL Zoning.

Project Summary

This project includes the rezoning and platting of approximately 6.35 acres located in the northeast corner of the intersection of Haskell Avenue and E 12th Street. The area near the intersection of Haskell Avenue and E 12th Street has a rezoning request to the IL (Limited Industrial) District to allow the industrial use of the existing structure. The applicant is the owner/operator of Struct/Restruct, a construction/design firm which has built and remodeled several homes in East Lawrence. Struct/Restruct plans to relocate to the industrial building from its current location at 920 1/2 Delaware Street.

The project includes a residential component, with 9 lots planned along E 12th Street and the subject rezoning request to the RS7 District. The layout of these sites will be determined with the Preliminary Plat and the Building and Floodplain Development Permits.

The area to the north of the residential lots will be rezoned to the OS (Open Space) District and is planned for donation to the City for parkland.

The property will be developed in phases, with the industrial development occurring first and the residential later. The Open Space area will not be developed as part of this project.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"Fits in with other surrounding zoning and densities."

The north side of E 12th Street in this area is shown on the Future Land Use Map as the dividing line between the Community Facilities and Low Density Residential. The east portion of E 12th Street is shown as parkland/open space. The Land Use Map contains the following note:

"This map does not depict, nor will it convey zoning. Land use shown is general and only conceptual in nature. Other factors, including development constraints outlined in the text of Horizon 2020 must be consulted for making land use decisions."

While the map is a general guide, the recommendations included in *Horizon 2020* provide more specific information.

Staff's discussion of the Comprehensive Plan recommendation follows with staff's comments in red.

- The Residential chapter's strategies include:
"Infill residential development should be considered prior to annexation of new residential areas." (Page 5-1)
- The Neighborhood concept noted on Page 5-2 notes that neighborhoods should have clearly defined edges which could be man-made (such as an arterial street) or natural, such as floodplain, parks, etc.

The rezoning request for the tract to the north of the residential portion to the OS (Open Space) District and donation to the City for parkland will provide a clearly defined edge for this neighborhood.

Some of the goals and policies listed in this chapter include:

- Policy 3.3: Encourage compatible Infill Development (pages 5-15 and 5-16)
"Encourage redevelopment and infill as a means of providing a variety of compatible housing types within neighborhoods."

The proposal is infill adjacent to a developed single-dwelling neighborhood.

"Utilize development regulations to ensure compatibility of different housing types within neighborhoods."

"Infill development should conform to lot size, housing type, scale and general architectural style of the area in which it is proposed."

The rezoning requested, RS7, is the same zoning that is present across E 12th Street. The 2006 Development Code includes minimum lot area as well as maximum building cover and impervious cover on a lot. This results in similar lot characteristics.

- Policy 5.1: Preserve and Protect the Environment (page 5-19)
"Natural environmental features within residential areas should be preserved and protected. Natural vegetation and large mature trees in residential areas add greatly to the appearance of the community as a whole and should be maintained."

A landscape easement is being provided on the preliminary plat for the protection of the large mature tree that is present on the east end of the site.

Staff Finding – The Future Land Use Map recommends this area be developed with Community Facilities (Public/Semi public) but notes that the map is a general concept in nature and that other recommendations in the Comprehensive Plan should also be used when making land use decisions. The property is currently zoned RS10 for Single Dwelling Residential development.

The proposed development will be compatible infill as it will have the same zoning as the existing residential area south of E 12th Street and will be subject to the same density and dimensional requirements. The open space area to the north will provide a clearly identifiable edge to the neighborhood.

The proposed development is in compliance with the land use recommendations for infill residential development.

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

Current Zoning and Land Use: RS10 (Single-Dwelling Residential) District; undeveloped.

Surrounding Zoning and Land Use: To the north:
RS10 (Single-Dwelling Residential) District, part of the development project; undeveloped. Proposed rezoning to the OS (Open Space) District and donation to the City for parkland.

Property to the north, outside of the development project is zoned GPI (General Public and Institutional Use) and contains the City's Fuel Station and Solid Waste and Street Division's yards and offices.

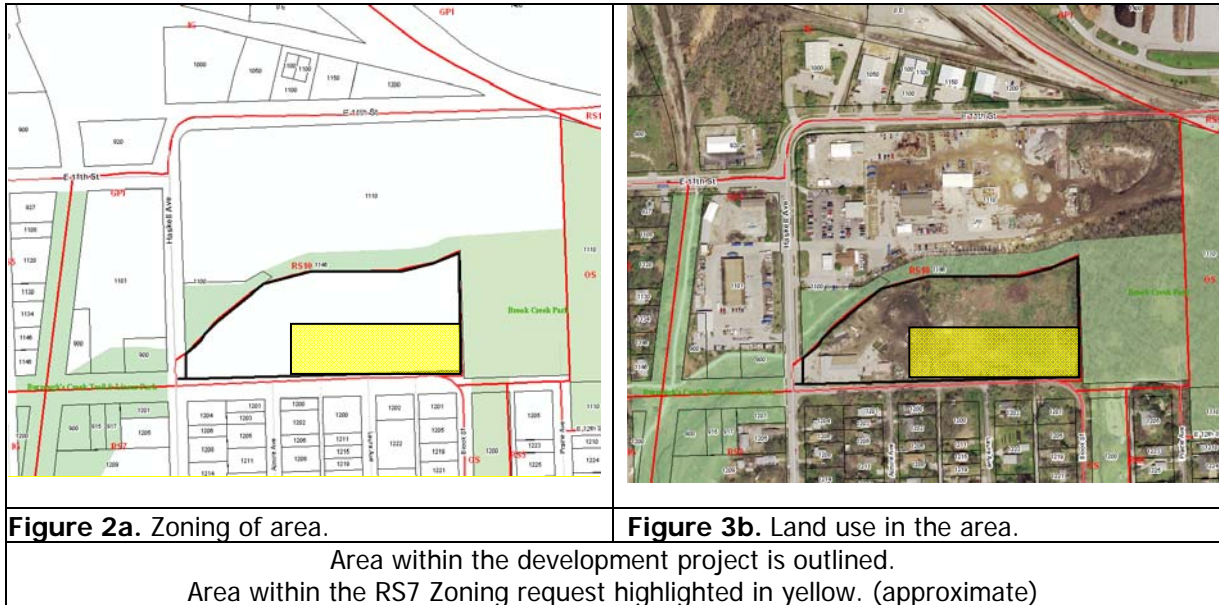
To the west:
RS10 (Single-Dwelling Residential)) District and FP (Floodplain Management) Overlay District, part of the development project; currently developed with a vacant industrial building. Proposed rezoning to the IL (Limited Industrial) District for a *Construction/Sales Service* facility.

Property to the west, outside of the development project, is zoned GPI (General Public and Institutional Use) and contains City parkland with the Burrough Trail and the City's Maintenance Garage.

To the east:
GPI (General Public and Institutional Use) District; wooded City parkland, *Nature preserve/undeveloped*.

To the south:
RS7 (Single-Dwelling Residential) District and FP (Floodplain Management) Overlay District. *Detached Dwellings*.
(Figure 2)

Staff Finding – The subject property is within a larger development project. Surrounding properties are zoned GPI, RS10, and RS7, with Floodplain Management Overlay District. Property to the north and west are within the development project and have rezonings pending to the OS (Open Space) and IL (Limited Industrial) respectively. Predominate land uses in the area are *Nature Preserve/Undeveloped, Heavy Wholesale Storage and Distribution, Light- and Heavy-Equipment Repair and Single- Dwelling Residences*.



3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"Mixed use of industrial and residential."

The neighborhood is developed with a mix of industrial and residential uses. Industrial uses are located primarily to the north and northwest of the subject property. Large areas of open space in the vicinity follow Burrough's Creek and the associated floodplain. Single-dwelling residences make up the remainder of the land use.

Staff Finding – The neighborhood contains a mix of residential and industrial uses with large areas of wooded open space along Burroughs Creek and the associated floodplain.

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

Staff Finding –The subject property is located within the Brook Creek Neighborhood. This area was included in the planning area for the East Lawrence Neighborhood Plan, adopted in 1979. There have been no recent plans adopted 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:

"The property is suitable for residential development because of its proximity to the other existing Brook Creek residences, the proximity to Brook Creek Park, and is along the Burroughs Trail. The property lends itself to have a nice mix of residences that are similar in size and density that are currently found in the neighborhood."

The RS10 District permits the following uses by right: Detached Dwelling; Manufactured Home, Residential-Design; Zero Lot Line Dwelling; Group Home, Limited; Cemeteries;

Extended Care Facility; Limited or Passive Recreation; Nature Preserve/Undeveloped; Private Recreation; Neighborhood Institution-Religious Assembly, and Crop Agriculture. The property is suited to the uses which are permitted in the RS10 District.

The RS7 District permits the same uses as the RS10; therefore, the property is also suited to the uses permitted within the RS7 District. The RS7 and RS10 Districts are differentiated only by density and dimensional requirements.

Staff Finding – As the same uses are permitted in both the RS7 and RS10 Districts, the property is suited to the uses which are permitted in both districts.

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

Staff Finding – There is no record of development on this property.

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

Applicant's response:

"Will not detrimentally affect nearby properties. If anything, the future residential development will enhance the nearby properties."

The north side of E 12th Street is currently fenced along the right-of-way. This fencing provided screening from the exterior storage associated with the previous use. (Figure 4) The rezoning is being requested to allow the development of residential lots with 60 ft of frontage rather than the 70 ft required in the existing zoning, RS10. The property to the south of E 12th is zoned RS7 and has a variety of lot widths and areas. The proposed development should be compatible with the existing development in the area. as it would be subject to the same use restrictions and density and dimensional standards as the property to the south. The rezoning should have no detrimental impact on the area and should improve the character of the area by providing residential uses on the north side of E 12th Street.



Figure 4. Fencing along E 12th Street property line. (Image from Google Maps)

Staff Finding – The rezoning will provide the same zoning on the north side of E 12th Street as the south side, RS7. The resultant development should be compatible with the nearby properties as it will be subject to the same density and dimensional standards. The rezoning should have no detrimental impact on the area.

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.

Denial of the rezoning would require the site to be developed with the density and dimensional requirements of the RS10 District. The lots shown on the preliminary plat have adequate area for the RS10 District, 10,000 sq ft but do not have the required lot width. The RS 10 District requires 70 ft of lot width and the RS7 required 60 ft. Nine residential lots with 10,000 sq ft of area can be developed along E 12th Street with 60 ft of lot width; seven lots could be developed with the 70 ft lot width.

The property south of E 12th Street was platted as the Fairfax Addition in 1917. This plat predated the adoption of zoning regulations (1927) and the lots were 40 ft wide. (Figure 5) Some of the lots have been combined to create larger development parcels, but many remain at the 40 ft width.

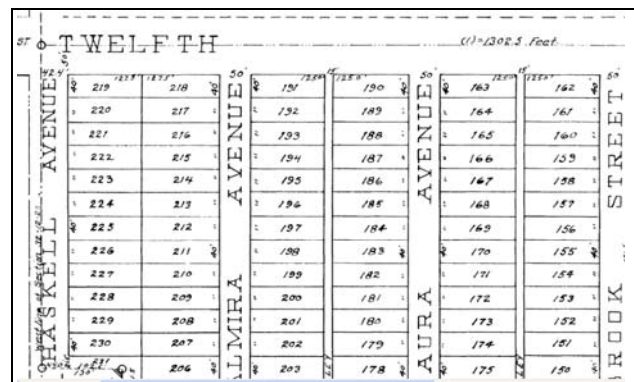


Figure 5. Plat of property south of E 12th Street.

Staff Finding – The approval of the rezoning will provide consistent zoning on the north and south sides of E 12th Street and will result in land division of similar size. There would be no public gain or benefit from the denial of the rezoning request.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations for low-density residential in *Horizon 2020*. Staff recommends approval of the rezoning request for approximately 2 acres from RS10 (Single-Dwelling Residential) 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.



Z-13-00350: Rezone 2.186 acres from RS10 District to RS7 District
Z-13-00351: Rezone 1.785 acres from RS10 District to IL District
Z-13-00408: Rezone 2.384 acres from RS10 District to OS District
Located at 1146 Haskell Avenue

Lawrence-Douglas County Planning Office
October 2013

