

PC Staff Report
01/25/2016

ITEM NO.2A: Z-15-00609 RS7 to RM15-PD; 4.038 acres; 5325 W 6th Street (BJP)

Z-15-00609: Consider a request to rezone approximately 4.038 acres from RS7 (Single-Dwelling Residential) District to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 5325 W 6th St. Submitted by Landplan Engineering PA on behalf of Village Cooperative of Lawrence (contract purchaser). Kansas/Nebraska Association of Seventh Day Adventist Inc. is the property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 4.038 acres, from RS7 (Single-Dwelling Residential) District to RM15-PD (Multi-Dwelling Residential with Planned Development Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the approval of the associated Preliminary Development Plan (PDP-15-00610).

Reason for Request: *"This rezoning request facilitates the development of a 52-unit senior housing cooperative on the subject property."*

KEY POINTS

- The Development Code requires that rezoning requests to the PD Overlay be accompanied by a Preliminary Development Plan. A Preliminary Development Plan (PDP-15-00610) was submitted with this rezoning request.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- PDP-15-00610: Preliminary Development Plan for Village Cooperative of Lawrence. This item is also being considered by the Planning Commission at their January meeting.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and administrative approval of Final Development Plan.
- Recording of Final Development Plan with Register of Deeds Office.
- Application and release of building permits prior to development.

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

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment was received for this item prior to the printing of this staff report.

Project Summary:

The project includes the rezoning of approximately 4.038 acres located southwest corner of the intersection of W 6th Street and Queens Road, from RS7 District to the RM 15 District to accommodate the development of an Assisted Living Facility. The Planned Development Overlay being requested with this rezoning request provides the means to regulate the design of the project to insure the project's compatibility with the surrounding area.

As part of the proposed 52-unit Assisted Living Facility, Branchwood Drive would be extended to W 6th Street.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *"This request conforms to several recommendations in Chapter 5, Residential Land Use, of Horizon 2020. Page 5-2 of this chapter lists elements supporting strong neighborhoods such as mixed housing types and connectivity. This request will add a new senior living land use to the Fox Chase neighborhood and it will also add pedestrian sidewalks and a new vehicular street connection to 6th Street. The request conforms to several parts of Policy 3.3, Encourage Compatible Infill Development, by adding to the variety of housing types within the neighborhood, conforming to the general architectural style of the area, and maintaining the physical form and pattern of the existing neighborhood. The request also conforms to numerous goals and policies for Medium-and Higher-Density Residential Land Use. This project will provide ample open space, not only along the 6th Street corridor but also in its rear yard to the south where it abuts single-family development. The project accounts for transportation considerations such as access and traffic impacts by proposing to extend Branchwood Drive to 6th Street and by placing its driveway close to that intersection so as to minimize impact to the nearby neighborhood. Lastly, the project will use appropriate transition methods such as site orientation, building relationships, and screening and landscaping to effectively serve as a buffer between 6th Street to the north and the Fox Chase subdivisions to the south."*

Chapter Five of *Horizon 2020* provides strategies and goals for residential land use. One strategy listed on page 5-1 states, "The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods." While this project does not meet the definition of 'infill' in that it is not completely surrounded by developed properties, it is in close proximity to existing residential neighborhoods. The Preliminary Development Plan allows an evaluation of the layout of the site and the architectural qualities and style of the development to insure the development protects and enhances the character and appearance.

Another strategy listed on page 5-1 states, "A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments." There is multi-dwelling housing to the west of the subject property, and single-dwelling development to the south. This development would add to the mixture of housing types in the area by providing a residential option for seniors.

Per *Horizon 2020*, another consideration for a medium density residential land use is the compatibility with existing land uses (Page 5-23). As indicated above, there is an existing multi-dwelling development to the west of the subject property. The area to the north is zoned RM24 District and future multi-dwelling development is planned for the area.

Staff Finding – The proposed request is compatible with the surrounding existing land uses and is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use: RS7 (Single-Dwelling Residential); undeveloped.

Surrounding Zoning and Land Use: North: UR (Urban Reserve); undeveloped.

RM24 (Multi-Dwelling Residential), undeveloped.

East: UR (Urban Reserve); *Detached Dwelling*.
Southeast: PRD (Planned Residential Development); *Detached Dwellings*.
South: RS7 (Single-Dwelling Residential); *Detached Dwellings*.
West: PRD (Planned Residential Development); *Multi-Dwelling Structure*.

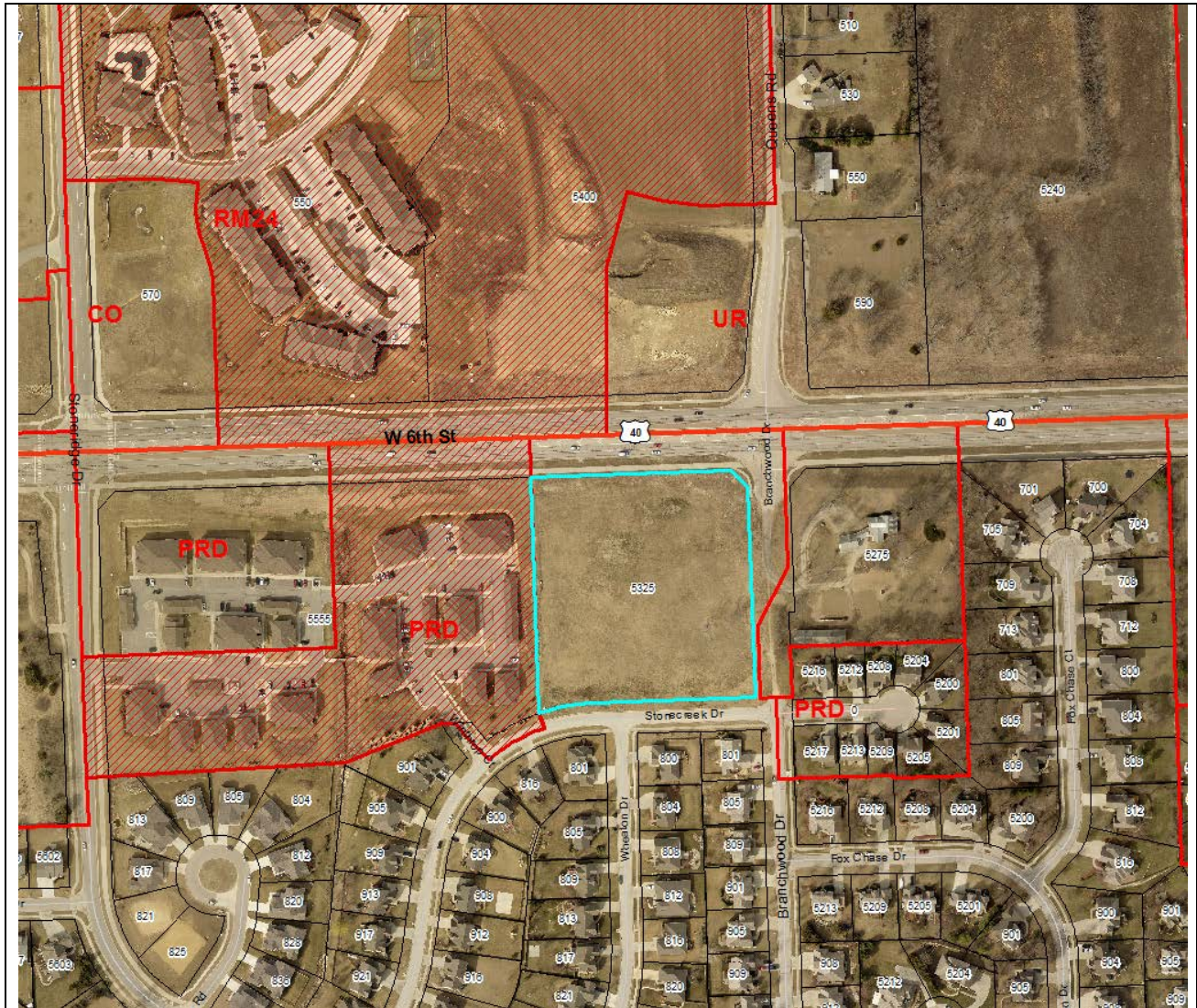


Figure 1: Surrounding zoning of the subject property.

Staff Finding – As proposed, the subject property will be uniformly zoned similar to development property located to the west.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *"The subject property lies at the southwest corner of the intersection of W. 6th Street and Queens Road. It is bounded to the north by W 6th Street, across which is vacant property zoned RM24 and planned for future apartment development. The property to the west is known as the Alvadora apartment complex, is zoned PRD and features a development density of 12 units per acre. The subject property is bounded to the south by Stonecreek Drive, across which*

rest single-family homes in the Fox Chase subdivisions. To the east, across an undeveloped stretch of Branchwood Drive right-of-way, lie single-family homes on Branchwood Court and a circa 1920 single-family house on a 2.3 acre lot zoned Urban Reserve (UR)."

Developed properties in the area consist of low and medium/high density residential development. Access to the major transportation network will be improved with the proposed development with the extension of Branchwood Drive to W 6th Street.

Staff Finding – The neighborhood is mostly developed, but contains some undeveloped parcels. The area contains primarily low density residential uses to the south, and medium/high densities to the west and north. With the extension of Branchwood Drive, there will be a good access to the major transportation network.

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

Staff Finding – No area or neighborhood plans have been adopted for this area. Horizon 2020 is the guiding plan 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 subject property is not highly suitable for single-family development under its current RS7 zoning designation. The property is bounded by an arterial street to the north, a medium-density apartment complex to the west and dedicated right-of-way for a collector street to the east. Furthermore the property features considerable elevation change (38 feet) across an area barely over 4 acres in size. These existing conditions make the subdivision of this property into appropriately-sized and marketable single-family residential lots a nearly impossible task."*

The property is currently zoned RS7 which permits low density residential development with a minimum lot area of 7,000 sq. ft. Other uses which are permitted in the RS7 District include *Religious Assembly, Neighborhood Institution; Cemeteries; Extended Care Facility, Limited; Passive Recreation; Nature Preserve; Private Recreation; and Crop Agriculture. Assisted Living* is permitted with approval of a Special Use Permit. Below, Table 1 lists the uses which are permitted in the RS7 and RM15 Districts.

Uses permitted in the RM15 District are similar to those in the RS7 District with the addition of *Duplex and Multi-Dwelling Structures, Congregate Living, Extended Care Facility, General; and Religious Assembly, Campus Institution.* (Table 1) The property is also well suited for the uses which would be permitted with the RM15 Zoning. The Preliminary Development Plan proposes the permitted use on this property to an *Assisted Living* use. The property is well suited for the use and the use should be compatible with the adjacent properties with the provisions of the Preliminary Development Plan.

RS7	RM15	RS7	RM15
Detached Dwelling	Detached Dwelling (SUP)	Lodges (SUP)	Lodges (SUP)
Mfg Home	Mfg Home (SUP)	Public Safety (SUP)	Public Safety (SUP)
—	Duplex	Utilities (SUP)	Utilities (SUP)
—	Multi-Dwelling Structures	—	Extended Care Facility, General
—	Mobile Home (SUP)	Extended Care Facility, Limited	Extended Care Facility, Limited
—	Mobile Home Park (SUP)	Active Recreation (SUP)	Active Recreation (SUP)
Assisted Living (SUP)	Assisted Living	Passive Recreation	Passive Recreation
Group Home, Limited	Group Home, Limited	Nature Preserve	Nature Preserve
Group Home, General (SUP)	Group Home, General (SUP)	Private Recreation	Private Recreation
—	Congregate Living	Religious Assembly, Neighborhood Inst.	Religious Assembly, Neighborhood Inst.
Adult Day Care Home (SUP)	Adult Day Care Home	—	Religious Assembly, Campus Inst.
Cemeteries	Cemeteries	Bed & Breakfast (SUP)	Bed & Breakfast (SUP)
College/University (SUP)	College/University (SUP)	Telecommunication Tower (SUP)	Telecommunication Tower (SUP)
School (SUP)	School (SUP)	Crop Agriculture	Crop Agriculture
Cultural Center/Library (SUP)	Cultural Center/Library (SUP)	Telecommunication Tower (SUP)	Telecommunication Tower (SUP)
Day Care Center (SUP)	Day Care Center (SUP)		
Day Care Home (Class B) (SUP)	Day Care Home (Class B) (SUP)		

Table 1: Comparison of uses permitted in the RS7 and RM15 Districts. Uses permitted only in the RM15 District are shown in **bold**.

Staff Finding – Due to the topography on site, the property is less suited for the uses allowed in the current RS7 zoning. The site is well suited for the use associated with the proposed RM15-PD zoning.

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

Applicant's Response: *"The subject property has remained vacant since it was annexed into the City limits."*

Staff Finding – City of Lawrence aerial photos indicate that the property has been undeveloped since at least 1995.

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. Rather, approval of this rezoning will provide tangible benefits to the neighborhood by*

completing development on the northern edge of the Fox Chase neighborhood and extending Branchwood Drive to W. 6th Street.”

The permitted use associated with the Preliminary Development Plan is an *Assisted Living* use.

Staff Finding – The permitted use and building type provided with the Preliminary Development Plan are adequate to insure the development will be compatible with the area and should have no negative impact on surrounding 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 will facilitate appropriate residential infill of this neighborhood and significant public improvements to the local street and sidewalk networks. Denial of this request and the accompanying Preliminary Development Plan application will perpetuate the vacancy of this property and compel future applicants to pursue a different type of residential land use for this location.”*

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 leave the area open for development of the uses permitted within the RS7 District. This would allow the *Assisted Living* Development to occur with the approval of a Special Use Permit (SUP). The SUP approval often creates financing difficulties for specialized building projects.

The approval of the RM15 rezoning request with a Planned Development Overlay allows the applicant the design flexibility necessary for the project while insuring that the development is compatible with surrounding properties.

Staff Finding – Given the controls on the use and design that are afforded through the use of the Planned Development Overlay, there would be no gain to the public by the denial of the rezoning request.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the request to rezone approximately 4.038 acres from RS7 District to RM15-PD District as it is an appropriate zoning district for the property subject to the approval of the associated Preliminary Development Plan (PDP-15-00610).