

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

PC Staff Report  
8/20/2012

**ITEM NO. 3: PRD & CO TO RM24; 11.93 ACRES; 525 CONGRESSIONAL DRIVE (Multi-Dwelling Residential) District (SLD)**

**Z-12-00029:** Consider a request to rezone approximately 11.93 acres from PRD (Planned Residential Development) [PD-Village Meadows] and CO (Office Commercial) to RM24 (Multi-Dwelling Residential), located at the northwest corner of W. 6<sup>th</sup> Street and Congressional Drive and currently addressed as 525 Congressional Drive. Submitted by Paul Werner Architects, for M & I Regional Properties LLC, property owner of record. **SLD**

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 11.93 acres, from PD [Village Meadows]-Planned Residential Development District and CO (Commercial Office) 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:** *The reason for this rezoning request is to provide a high-density residential development between existing and proposed commercial to the east and south, and the proposed RM15 zoning to the north.*

**KEY POINTS**

- If approved, proposed zoning district boundary will be consistent with Minor Subdivision [MS-12-00014].
- Portion originally zoned PRD-2 [Z-8-30B-01] intended for multi-dwelling development restricted to maximum density of 15 dwelling units per acre.
- Complies with *Horizon 2020* policies for locating higher density residential development as a transition use from more intensive land uses, or located at the intersection of major streets

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- A-4-5-01 Annexation.
- Z-8-30B-01; A to PRD [20 acres] approved by the City Commission on 10/23/01.
- Wakarusa Place Addition original Plat.
- Preliminary Development Plan for 6Wak Apartments approved by City Commission on 3/9/04.
- Z-8-32-01; A to O-1; 5.9 Ordinance No. 7473 approved by the City Commission on May 14, 2002. This portion became CO upon adoption of the Development Code in 2006.
- UPR-09-03-04; mixed residential including independent living units and extended care facility–expired.
- PF-4-6-07; Village Meadows a replat of Wakarusa Place Addition.
- Z-7-20-11; Original Request PRD to CC200 (12.9 acres) and RM15 (5 acres) -- [Lowes]. Replaced by revised request for 6 acres PRD to RM15; recommended for approval by the Planning Commission on 7/23/12 and approved by the City Commission on 8/7/12.
- MS-12-00014; Minor Subdivision created two lots.
- Z-12-00028; 1.05 acres; CO to CN2 [portion of original 20 acres] – withdrawn by applicant.

**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**

- Area Map
- Northwest Plan land use map overlay

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- No comments received to date.

**Project Summary:**

This proposed request is for rezoning of 11.93 acres from a Planned Residential District and Commercial Office District to a conventional multi-dwelling district to accommodate high-density residential development.

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *Horizon 2020 states, "high-density residential development, reflecting an overall density of 16 to 21 dwelling units per acre is recommended at selected locations near high-intensity activity areas or near existing high-density residential development. Pg-5.5" the subject property fits Horizon 2020's description for the appropriate location of RM24 zoning by being adjacent to and near many existing activity areas and high density residential developments. In addition, the area is served by major roadways making the site easy to access.*

*Horizon 2020* and various area plans provide land use recommendations for this area. *Horizon 2020* supports infill development over new annexation. Approval of the request would facilitate development of this property. The plan recommends high-density development in areas that maximize the use of existing infrastructure (Residential Policy 1.4, Page 5-24).

The Plan recognizes the need to provide appropriate land use transition (Residential Policy 1.3, Page 5-23). Intensive uses are anticipated along arterial streets and at intersections that include intensive non-residential uses, such as W. 6<sup>th</sup> Street and Congressional Drive. *Horizon 2020* defines high density to 16-21 dwelling units per acre. The existing zoning code designations accommodate a higher density than what is defined in the Comprehensive Plan. Within the Development Code both the RM24 and the RM32, zoning districts are identified in section 20-201 as corresponding with the Comprehensive Plan for high-density development.

Development impacts can be offset with larger areas dedicated to greenspace throughout a particular development. This type of development concentrates the activity in one area leaving open another area. Since the Northwest Plan's adoption in 1997, additional areas have been donated/acquired for open space throughout the area in excess of the original allotment. This publically dedicated open space helps to offset the higher density in the area. The areas north of Overland Drive tend to be lower than the recommend density while areas closer to W. 6<sup>th</sup> Street tend to be higher than the recommended density.

**Staff Finding** – The proposed request is consistent with the principles of land use transition along arterial streets and intensive non-residential development and lower intensity areas.

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

Current Zoning and Land Use: PD-[Village Meadows] Planned Residential Development and CO (Commercial – Office) District; undeveloped land. Maximum Density allowed for this PRD is 15 dwelling units per acre.

Surrounding Zoning and Land Use: North of Overland Drive: PRD-[Parkwest] Planned Residential Development; Camson Villas east of Eisenhower, Park West Gardens, west of Eisenhower Drive, existing multi-dwelling developments. OS (Open Space) District to the north; future undeveloped park.

Pending RM15 (Multi-Dwelling Residential) District to the immediate north along the south side of Overland Drive.

South side of W. 6<sup>th</sup> Street: RMO (Multi-Dwelling Residential-Office) District to the south. Existing apartments for residents 55 years and older and vacant lot.

East side of Congressional Drive: OS (Open Space) District and PD-[6Wak] Planned Commercial Development to the east. Wal-Mart, detention pond and vacant commercial pad sites.

To the west: UR (Urban Reserve); undeveloped land.

**Staff Finding –** This request is surrounded by a variety of land uses and development intensity uses include multi-dwelling and commercial uses.

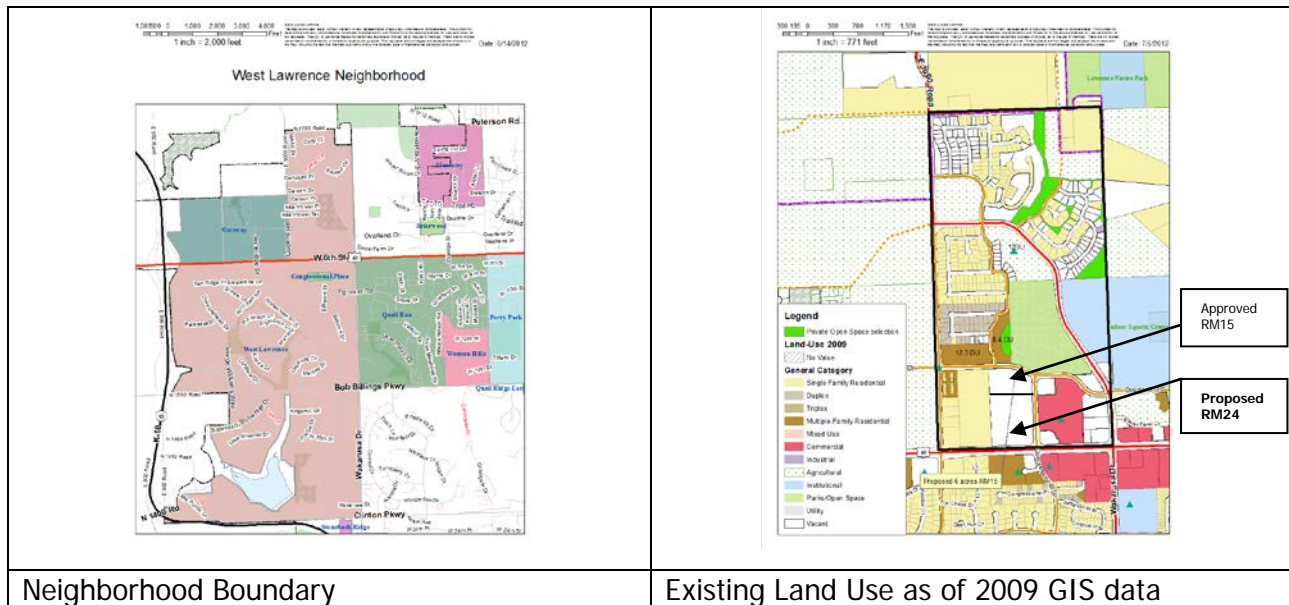
### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The character of the neighborhood consists of medium to high density residential to the north and west with a portion of UR zoning directly west of the subject property. The area is further defined by commercial zoning to the south and east with Open Space zoning to the northeast. This is a thriving residential and commercial area of Lawrence served by the surrounding collector and arterial streets.*

The property is located within the West Lawrence Neighborhood. This neighborhood, by far, is the largest in the City with more than 1,800 acres. The neighborhood includes area north and south of W. 6<sup>th</sup> Street. The property is within a half mile of the Lawrence Free State High School Campus. The property is also within a quarter mile of commercial uses.

Residential uses dominate the neighborhood north of Overland Drive. Commercial uses are contained to the east of Congressional Drive. Major portions of the street network have been constructed in this area with collector and arterial street designations established.

The area is developing in a form consistent with the planned land uses described in the *Northwest Plan*. Density is concentrated along W. 6<sup>th</sup> Street with much lower intensity development farther north. The area is developing with more dedicated open space that originally designated in the Plan.



**Staff Finding** – Residential uses dominate the character of the neighborhood. Higher-density residential uses are located along W. 6<sup>th</sup> Street and transition to lower density to the north and toward the Wakarusa and W. 6<sup>th</sup> Street intersection.

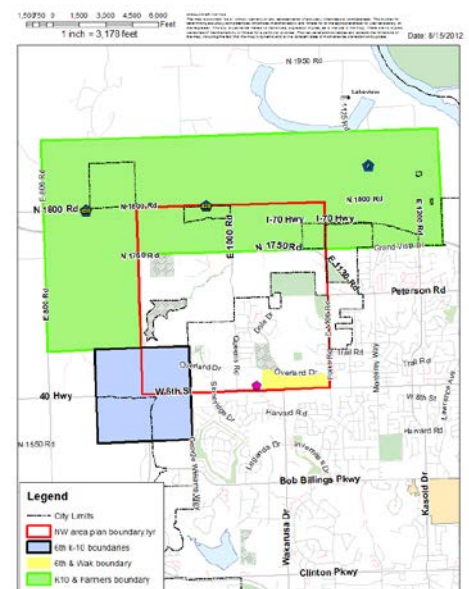
#### 4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is not currently located in an adopted area or sector plan. The *Northwest Plan*, adopted in 1997 but considered outdated in the Comprehensive Plan, provides limited guidance for the area. Other area and nodal plans that affect the 6<sup>th</sup> St. corridor have been adopted and amended into *Horizon 2020* that provide more current land use recommendations and policy guidance than the *Northwest Plan*; namely, the *6<sup>th</sup> and Wakarusa Nodal Plan* and the *West of K-10 Plan*.

A key policy of the *Northwest Plan* was the implementation of land uses that transition intensity from the north (lowest) to the south (highest). Highest intensity uses were to be located along arterial streets.

The *Northwest Plan* identified two distinct areas. Land north of Peterson Road extended (sections 20 and 21 is intended for very low residential development) with a rural character. Portions of this area have been incorporated into and updated with the adoption of the *K-10 and Farmers Turnpike Area Plan*.

The *6<sup>th</sup> & Wakarusa Nodal Plan* extends into the *Northwest Plan* boundary and terminates at the east property line of the proposed RM24 request. This property is outside of the boundary of that nodal plan. This node represents a high intensity non-residential area adjacent to the proposed RM24 request.



The proposed RM24 zoning district is located on the north side of W. 6<sup>th</sup> Street in the area anticipated for higher intensity development. The proposed request is consistent with the adopted plans for this area to provide land use transition north to south. Overall, the southeast portion of the Northwest area had developed largely in conformance with the planned land use pattern described in the 1997 plan.

**Staff Finding** – The proposed request is consistent with the planned development in the area. The proposed RM24 request will provide a transition of development along W. 6<sup>th</sup> Street and lower intensity development to the north as well as provide transition between the commercial development to the east and lower density development to the west.

## **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 currently zoned CO and PRD, which is allowed under the former Development Code. While the property is suitable for this zoning designation, it is also suitable for RM24 zoning. The previously approved Village Meadows UPR for a retirement facility included 310 dwelling units which would have given the site a density of 17 units per acre RM24 increases the density of the area however this is appropriate considering the location near commercial and other high density residential areas.*

The proposed request would remove the remaining 11 acres from the existing 17.8-acre PRD. The approved density for the Village Meadows project excluded the assisted living and Alzheimer's units from the total calculation. The RM24 district allows attached, clustered, and multi-dwelling residential uses and permits detached housing as a Special Use in this district.

The recent approval of 6 acres along the south side of Overland Drive essentially cancelled the Planned Residential Development for this site and left a remaining acreage that no longer was consistent with plans for the property. Approval of the request resolves the outstanding portion of the Planned Residential Development and establishes a conventional residential zoning district. Additionally, the approval would abandon the existing commercial-office uses currently allowed in the CO portion of the original 21-acre site.

Approval of this request trades the existing commercial/office for higher density residential development entitlements. The occurring development pattern for the "Northwest Area" conforms to the overall recommendations for area. The current PRD zoning is no longer suitable for this property since it was based on a previous plan that will not be developed. Additionally, the trade of residential density for commercial and office uses is suitable along the arterial and collector streets that border the south and east property lines.

**Staff Finding** – The location and proximity to an arterial street and other high intensity uses makes this request suitable for high-density residential development.

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

Applicant's Response: *The subject property has never been developed and has continued to remain vacant since it was zoned PRD and CO.*

The property is currently undeveloped. The PRD zoning was approved October 23, 2001. The zoning was contingent upon approval of a development plan that became known as Village



Meadows. The associated Use Permitted upon Review [UPR-9-3-04] was approved in 2005 but expired. The CO zoning was conveyed in 2006 with the adoption of the Development Code. The original office zoning, O-1, was established in May 2002 as part of the 6th Street and Wakarusa land use applications (Wal-Mart).

**Staff Finding** – The property is currently vacant. The southern portion of the property along W. 6<sup>th</sup> Street has been zoned for office use since 2002 and commercial/office use since 2006.

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

Applicant's Response: *No detrimental effects will occur to nearby properties by rezoning this property to RM24 from PRD and CO.*

Approval of the rezoning modifies the development standards applicable to development of the site. The property immediately to the north has recently been rezoned for multi-dwelling development – RM15. The entire acreage between Overland Drive and W. 6<sup>th</sup> Street is being replatted from a single lot to two lots so that the zoning boundaries conform to platted lot lines.

Development to the east includes Wal-Mart and commercial pad sites. Congressional Drive, a collector street and W. 6th Street, an arterial street, bound the property on the east and south. No development plans have been submitted for the property to the west. The area is easily accessible by an existing street network capable of supporting intensive land uses.

Adequate area is included in the proposed zoning to accommodate the necessary setbacks, screening, and landscaping required of a multi-dwelling development.

For all of these reasons, staff concludes no detrimental effects are anticipated to result from approval of the proposed zoning on nearby properties.

**Staff Finding** – No detrimental effects are anticipated to result from approval of the proposed zoning.

**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 gain to the public if this application were approved would not be considerably different from the current zoning designation. Denial of the application will continue to impede the development of this site for a highly suitable use.*

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 infill development in this area. The property abuts an existing collector street. Commercial destinations and public spaces are located east and northeast of the property. There is no anticipated "cut-through" traffic that would be generated by this development that would affect the lower density areas to the north.

**Staff Finding** – There is no negative impact anticipated to result from approval of the proposed RM24 zoning.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

The significant change represented by this request is the change from a Planned Residential Development and Commercial Office zoning that trades the allowable commercial/office intensity for an increased density. The character and proximity of this property to a significant commercial center to the east and south make this property suitable for high-density multi-family development.

Approval of the request will facilitate infill development along this segment of W. 6<sup>th</sup> Street. Access restrictions exist along W. 6<sup>th</sup> Street and a portion of Congressional Drive that will accommodate appropriate ingress and egress for this property as part of a more detailed development proposal.

## **CONCLUSION**

The proposed RM24 District is compatible with the developing land use pattern along the north side of W. 6<sup>th</sup> Street. Staff recommends approval of the rezoning of 11.93 acres to the RM24 District.