

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 4B : A TO RM12; ~~30.14~~ 32.78 ACRES; 31ST & KASOLD DR (MKM)

Z-8-14-09: Consider a request to rezone approximately ~~30.14~~ 32.78 acres from A (Agricultural) to RM12 (Multi-Dwelling Residential) for Wesleyan Church Development, located southeast of 31st and Kasold Drive. Submitted by Dean Grob, for Chester B. Spray Trust, property owner of record and Wesleyan Church, Contract Purchaser.

1. **STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for 32.78 acres from County A (Agricultural) District to RM12 (Multi-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 subject to the following condition:

1. The maximum allowed residential density shall not exceed 6 Dwelling Units per acre.

APPLICANT'S REASON FOR REQUEST

"The rezoning is being requested to allow the Lawrence Wesleyan Church to construct a 'Religious Assembly Campus or Community Institution' church facility and allow for residential development on the adjacent property."

KEY POINTS

- The property lies outside the city limits, in Service Area 1 of the Urban Growth Area. An annexation request was submitted concurrently with this rezoning request and is also being considered at the October Planning Commission meeting.
- The actual amount of acreage being rezoned is greater than shown on the application due to the inclusion of the road right-of-way with the annexation request.
- The southern portion of this property is encumbered with floodplain and floodway.
- The property consists of less than 15% of environmentally sensitive areas and may therefore be developed as a Planned Development or a Cluster Housing Project per Section 20-1101(d)(2)(iii)(b) of the Development Code.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area contains both floodplain and floodway. The southern portion of the subject property is encumbered with floodplain and floodway. Agriculture and residential are the principal land uses in the area.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from A (Agricultural) District to RM12 (Multi-Dwelling Residential) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated items also being considered at the October Planning Commission meeting:

- Annexation request [A-8-3-09]

- Rezoning Request [Z-8-15-09] from County A (Agriculture) and V-C (Valley Channel) to the OS (Open Space) District
- Rezoning Request [Z-8-16-09] for to OS-FP (Open Space Floodplain Overlay District)

Other action required:

- City Commission approval of annexation and publication of ordinance.
- City Commission approval of the rezoning requests and publication of ordinances.
- Submittal of preliminary plat for approval by Planning Commission and acceptance of dedication of easements and rights-of-way by the City Commission.
- Final plat submittal for administrative review/approval and recordation at the Douglas County Register of Deeds.
- Submittal and administrative approval of site plan for the church and multi-dwelling residential developments—unless the proposed residential development contains duplexes which do not share common space (Per Section 20-1305(c)(1) of the Development Code).
- Submittal and administrative review of Floodplain Development Permit for development proposed on property which is encumbered by the floodplain.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None.

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) and Floodplain Overlay Districts; undeveloped land in the unincorporated portion of the County used for agricultural purposes.

Surrounding Zoning and Land Use: To the east:
RMO (Multi-Dwelling Residential-Office) District with a portion located within the Floodplain Overlay District; extended care facility-general;
UR (Urban Reserve) District; church;
CO (Commercial Office); single-dwelling residence;
RS10 (Single-Dwelling Residential) District with a portion located within the Floodplain Overlay District; undeveloped;
A (County-Agricultural) District with portions of the property encumbered with floodplain; agricultural uses;

To the north: RM12 (Multi-Dwelling Residential) District; Duplex and Multi-Dwelling Residences

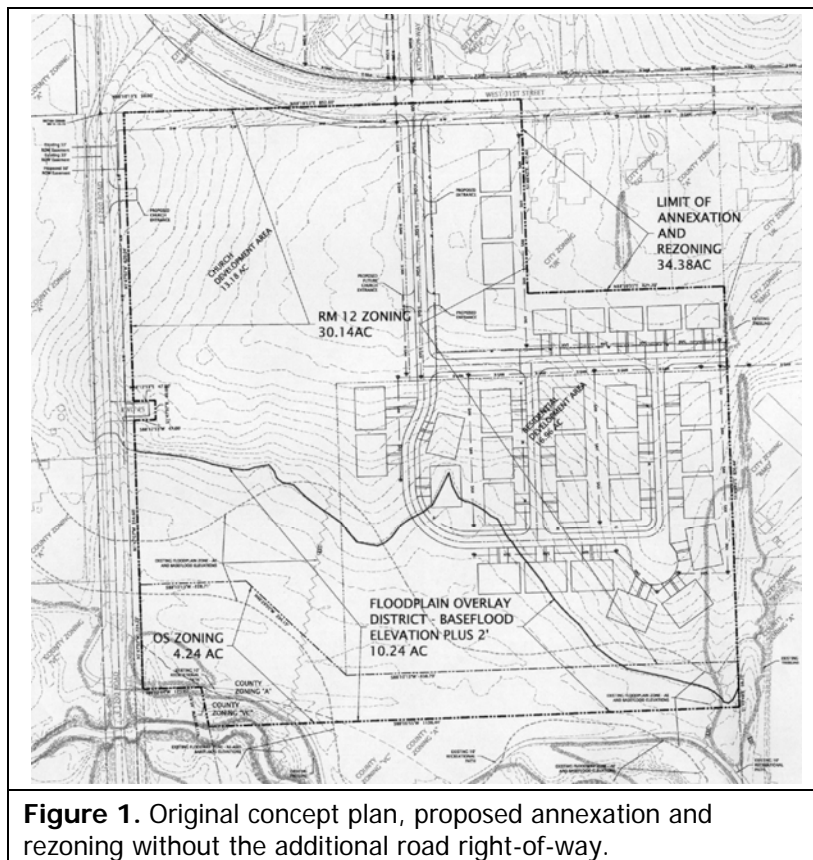
To the west: A (County-Agricultural), and V-C (County-Valley Channel), Districts with portions of the property encumbered with floodplain; electrical sub-station, a minor utility, and agricultural uses

To the south: A (County-Agricultural) District and V-C (County- Valley Channel) District; property is encumbered with floodplain; woodland, agricultural uses and a multi-use path.

Project Summary

Development is proposed in two phases. One phase will be the construction of a church on approximately 18.44 acres in the northwest corner of the property. The other phase will be the development of a multi-dwelling residential development on the northeastern 14.34 acres. The southern 4.36 acres are being rezoned to Open Space and are proposed to remain open as open space or playing fields. The majority of the regulatory floodway located on the property is within the OS District. The concept plan shows the areas being proposed for these uses.

The amount being requested for the rezoning to the RM12 District is slightly more than was included in the original application as the original annexation and rezoning requests did not include the complete road right-of-way. The original concept plan, without the additional road right-of-way, is shown in Figure 1.



Floodplain is an environmentally sensitive land which is protected with the Protection Standards in Section 20-1101 of the Development Code. The applicant indicated that 3.92 acres within the proposed RM District are within the floodplain. The area of the RM zoned property that is within the site boundary (not adjacent road right-of-way) is 29.65 acres. The percentage of floodplain within the RM zoning is 13.2% (3.92 acres of floodplain area / 29.65 acres in the RM District = 13.2%) As the amount of property to be residentially

developed contains less than 15% of environmentally sensitive lands, the development may proceed as a cluster housing project or planned development. If the property owner decides to pursue the planned development option, a zoning request to the PD overlay district will be necessary.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The request conforms to the Comprehensive Plan in every aspect, from general growth, annexation, and proposed land use."

The Lawrence Future Land Use Map in *Horizon 2020* (page 3-4) shows this property in Service Area 1. The area has been planned with the *Revised Southern Development Plan* which is incorporated by reference in Chapter 14 of *Horizon 2020*. (Page 14-2) Following are sections of *Horizon 2020* that relate to this development:

Revised Southern Development Plan (incorporated by reference on page 14-2, *Horizon 2020*)

Maps 3-1 and 3-2 both recommend 'low density residential' land uses for the subject property. The recommendations in the plan (page 18, *Revised Southern Development Plan*) indicate that RM12 is an appropriate zoning district with a limitation on density of 6 dwelling units per acre. Primary uses which are recommended for this area are 'single-family dwellings, duplex, attached dwellings, group home, public, and civic uses'. The proposed development of a church and duplex residences is compliant with this recommendation as long as the residential density does not exceed 6 dwelling units per acre.

Community Facilities: Policy 2.2: Utilize Locational Criteria for Churches and Other Religious Facilities: Locate churches and other high-traffic uses at the periphery of neighborhoods to facilitate compatible uses and provide direct access to arterial, collector, or access/frontage streets. (Page 10-17, *Horizon 2020*) The church is proposed at the intersection of W 31st Street and E 1200 Road (Kasold Drive, extended). W 31st Street is designated as a 'principal arterial' and E 1200 Road is designated as a 'minor arterial' on the Major Thoroughfares Map. The proposed church location is compliant with this recommendation.

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities and land use recommendations in the *Revised Southern Development Plan*.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The subject property is surrounded on the north and east by residential zoning with small portions of UR (Urban Reserve) Zoning within the City limits. Development in these districts consists of residential uses and an extended care facility.

Property to the west and south is located outside the City limits and is zoned for agricultural uses. An electric substation is located west of the subject property and a multi-use recreational path borders the south and west sides of the property. The K10 bypass is located approximately 500 feet south of the southern property line. Woodlands and agricultural land uses dominate the area to the south and west.

Staff Finding -- Property to the west and south, located outside of the City limits, is zoned and used primarily for agricultural uses. Property to the east and north, located within the City limits, is zoned and used primarily for residential uses.

CHARACTER OF THE AREA

The subject property is located south of the curve where W 31st Street joins with Kasold Drive, both principal arterials. E 1200 Road, a minor arterial is located along the west property line and the K-10 Bypass, a State Highway, is located within 550 feet of the southern property line. The subject property is adjacent to the city limits on the north and east sides. Regulatory floodplain and floodway are both located on the southern portion of the property and extend throughout the area.

Staff Finding -- The area is adjacent to the city limits and is in close proximity to a transportation network consisting of arterials and a state highway. Floodplain, containing both regulatory floodway and regulatory floodway fringe is located in the southern portion of the area.

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

The *Revised Southern Development Plan* is incorporated by reference in Chapter 14 of *Horizon 2020*. This plan recommends low-density residential development for the subject property. The plan recommends the zoning district RM12, with density limited to 6 dwelling units per acre as a suitable zoning for this property which would allow a mix of housing types in the area. The actual density of the development will be determined at the platting or site planning stage; however, the zoning request is compliant with the recommendations of the area plan. The rezoning to RM12 should be conditioned with a maximum density of 6 dwelling units per acre to maintain compliance with the *Revised Southern Development Plan*.

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

Applicant's Response:

"The property is County Zoned 'A' and is bound by the north by a major arterial and the west by a major collector or minor arterial so the property is more suitable to residential development than farmland. 'A' zoning greatly restricts the property from being developed."

A request has been submitted for the annexation of the property into the City of Lawrence in preparation for development of this property.

When annexed, the A zoning district is no longer appropriate. The Development Code requires that an appropriate City Zoning District be established for all newly annexed lands. In the absence of a development proposal, newly annexed lands may be rezoned to the UR (Urban Reserve) District. Agricultural uses which existed prior to annexation are permitted within the UR District. Rezoning to City Zoning Districts is required with annexation and the applicant is requesting a rezoning to the RM12 District. The *Revised Southern Development Plan* recommends this as an appropriate zoning district.

Staff Finding -- The property is suited for Agricultural uses; however, when it is annexed into the City of Lawrence a more urban land use is more appropriate. As a development concept has been proposed, the rezoning to RM12 is more appropriate following annexation than rezoning to the UR District.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Applicant's Response:

"The property has generally always been farmland or vacant floodplain."

Staff Finding – The property has never been developed.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"Complying with the Comprehensive Plan Horizon 2020 and the Revised Southern Development Plan, the proposed rezoning will not detrimentally affect the nearby properties."

The church is proposed in the northwest corner of the property and will take direct access to E 1200 Road. The residential development will have an access from W 31st Street and will require a second access point if more than 35 dwelling units are proposed. The development is proposing direct access onto the adjacent arterials and should not result in additional traffic for nearby properties. The proposed uses are compatible with the existing uses in the area. A Traffic Impact Study will be required at the platting stage. to determine if the existing street network is adequate to accommodate the additional traffic generated by this development. Improvements may be necessary to the existing street network, based on the results of the Traffic Impact Study and these will be addressed when the plat has been submitted.

Staff Finding – No negative impacts are anticipated with this development. The church will take direct access to E 1200 Road and a Traffic Impact Study shall be provided when the property is platted. The study will identify any traffic issues related to the development and any necessary improvements will be undertaken at that time.

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 property is suitable for religious 'Campus or Community Institution' and residential development. If the rezoning is denied, then the land would most likely remain vacant for a long time in the future."

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 request would prohibit the development of the property. As the development being proposed is compliant with the Comprehensive Plan and should have no negative impact on surrounding properties; there would be no benefit to the public by denying the rezoning request. Denial of the rezoning request would prohibit the property owner from developing the property with a church and multi-dwelling residences as recommended by the comprehensive plan.

Staff Finding – Denial of the rezoning request would have no positive impact on the public health, safety and welfare while it would prohibit the property owner from developing it in compliance with the recommendations of the Comprehensive Plan.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends the approval of the rezoning request to the RM12 District with a condition that the maximum density would be limited to 6 dwelling units per acre. This rezoning request, as conditioned, is compliant with the recommendations of *Horizon 2020*.