

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
9/23/13

ITEM NO. 8A: IG TO RM32-PD; 1.3 ACRES; 900 DELAWARE ST (MKM)

Z-13-00286: Consider a request to rezone approximately 1.3 acres from IG (General Industrial) District to RM32-PD Overlay (Multi-Dwelling Residential with PD Overlay) District, located at 900 Delaware St. Submitted by Bartlett & West, Inc., for Provident Family, LP, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 1.3 acres from IG (General Industrial) District to RM32-PD (Multi-Dwelling Residential with Planned Development Overlay) 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 allow the land use to conform to the proposed use of a multi-story residential structure in the 8th & Pennsylvania Neighborhood Redevelopment District general area."

KEY POINTS

- The property is adjacent to the 8th and Pennsylvania Neighborhood Redevelopment Zone and is being developed in coordination with the 8th and Penn mixed use area. (Figure 1)

ATTACHMENTS

A: Proposed rezoning exhibit

ASSOCIATED CASES / OTHER ACTION REQUIRED

Associated Cases:

PDP-13-00299: Preliminary Development Plan for 9 Del Lofts, a 43 unit residential development, has been submitted for the property and is on the September Planning Commission's agenda for consideration.

Other Action Required:

- City Commission approval of rezoning request and adoption/publication of ordinance.
- City Commission approval of the Preliminary Development Plan.
- Submittal and administrative approval of a Final Development Plan.
- Submittal and administrative approval of a Final Plat.
- City Commission acceptance of dedications on the Final Plat.
- Application and release of building permit prior to development.

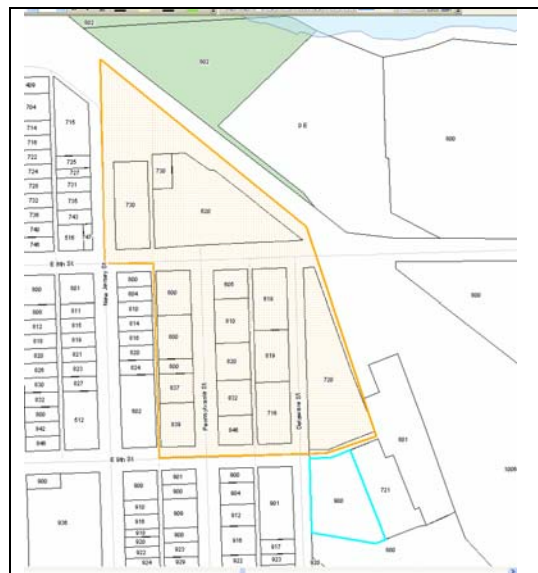


Figure 1. Location of subject property (outlined in blue) to the 8th & Penn Redevelopment Zone (highlighted in yellow).

PUBLIC COMMENT

- No public comments were received prior to the printing of this report.

Project Summary

The request proposes to rezone approximately 1.3 acres, at 900 Delaware Street from the IG District to the RM32-PD District to accommodate a multi-dwelling residential development. The property is adjacent to the 8th and Penn Neighborhood Redevelopment Zone and the development is associated with the 8th and Penn Development. The PD Overlay is being requested to allow the design flexibility necessary to develop the property in a manner similar to that permitted with the 8th and Penn Neighborhood Redevelopment Zone Guidelines.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The proposed facility and associated land use currently differs from what is noted in Horizon 2020 because that intent was focused toward industrial development in this location. This proposal fits appropriately within the suggested guidelines set for the current area uses as well as the adjacent 8th & Pennsylvania Neighborhood Redevelopment District by providing compatibility for the entire area."

This request is governed by the general policies of *Horizon 2020*.

The Lawrence Future Land Use Map (Map 3-2) of *Horizon 2020* designates the subject property for office/research, and industrial and warehouse uses. However, Chapter Six – Commercial Land Use provides the following recommendation for mixed use development (Page 6-6):

"The City of Lawrence includes areas where infill and new development opportunities exist that would appropriately be developed or redeveloped as a mixed-use district."

"Mixed-use districts shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than 20 acres in size."

The proposed development is associated with the 8th and Penn Redevelopment Zone which is a mixed use district. East Lawrence as a whole consists of a mix of uses and this area contains residential, retail and industrial uses.

The Comprehensive Plan recommends that high-density residential development occur near high-intensity activity areas or near existing high density residential developments. (Page 5-5) The property is located near the Poehler Building which has 49 dwelling units on .67 acres, a density of 73 dwelling units an acre. The subject property is also located next to industrial uses which are considered high intensity activity uses.

Staff Finding – The proposed rezoning complies with the Comprehensive Plan's locational recommendations for high-density residential development.

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

Current Zoning and Land Use: IG (General Industrial) District; undeveloped.

Surrounding Zoning and Land Use:

To the north:
IG-UC (General Industrial with Urban Conservation Overlay) District; *Warehouse* and *Office* uses.

To the west:
IG (General Industrial) District; auto-repair shop, *Light Equipment Repair*.

To the south:
IG (General Industrial) District; a publishing facility, *General Industrial use*.

To the east:
IG (General Industrial) District; Screen-printing and other industrial uses, *General Industrial uses*.
(Figure 2)

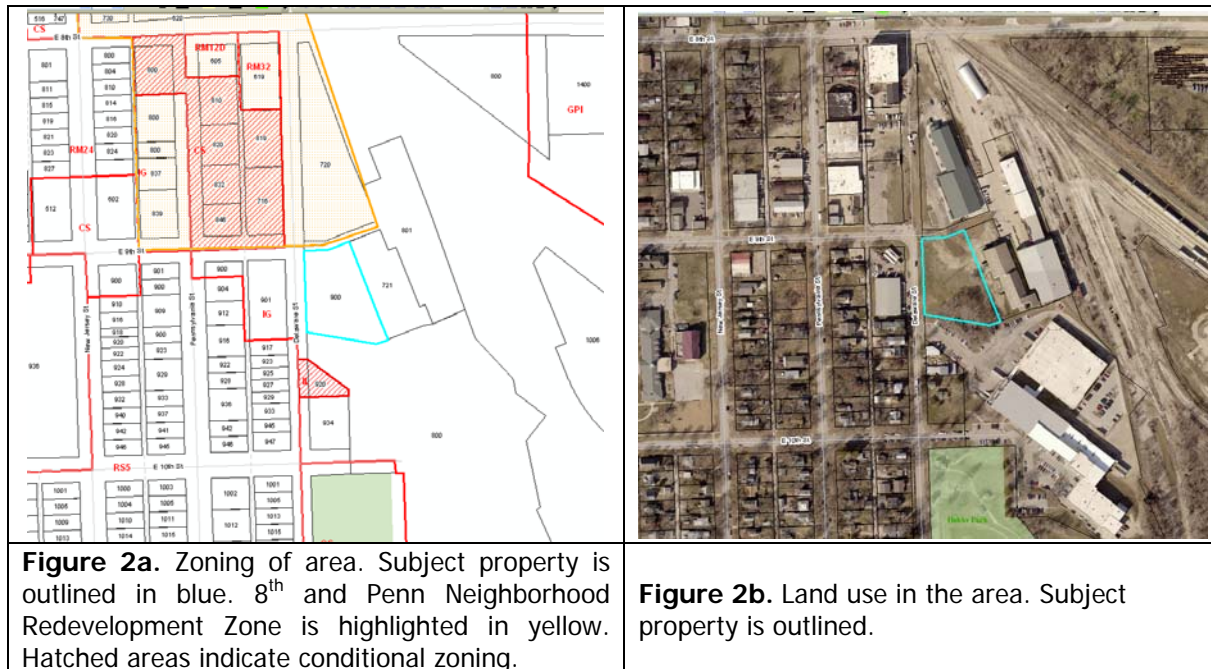


Figure 2a. Zoning of area. Subject property is outlined in blue. 8th and Penn Neighborhood Redevelopment Zone is highlighted in yellow. Hatched areas indicate conditional zoning.



Figure 2b. Land use in the area. Subject property is outlined.

Staff Finding – The surrounding properties are all zoned IG. The property to the north is also within the Urban Conservation Overlay District and is part of the 8th and Penn Neighborhood Redevelopment District. The predominate uses on surrounding properties are *General Industrial*, *Warehouse*, and *Light Equipment Repair*.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The existing neighbors surrounding this property are industrial tenants to the north, additional existing industrial tenants on the east, an existing parking lot associated with an industrial tenant to the south, and existing vacant ground to the west with other single-family residential homes further southwest."

This is a predominately industrial area with residential uses in close proximity along Delaware Street to the south and to the north in the 8th and Penn development. The 8th and Penn mixed use development is located to the north and northwest of the subject property and contains a mix of industrial, retail, office, and residential uses. Hobbs Park, a City park with a baseball stadium, is located south of 10th Street on Delaware.

Staff Finding – The surrounding area contains industrial, residential, retail, office, and recreation uses and reflects the mixed use nature of East Lawrence.

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 located within the East Lawrence Neighborhood. A land use plan was adopted for the East Lawrence Neighborhood in 1979 designating the property for industrial uses. A more recent plan, the *East Lawrence Neighborhood Revitalization Plan*, was adopted in November of 2000. The Revitalization Plan is an action plan for maintaining and improving the vitality of the neighborhood rather than a land use plan. As the Revitalization plan references the 1979 plan, it is still considered the land use plan for the area.

The *East Lawrence Neighborhood* plan contains the following residential goal:
"To revitalize and conserve East Lawrence as a stable and safe residential neighborhood, providing housing for a variety of age groups and income levels." (Page 2-2)

The future land use map in the plan designates this area for industrial uses and recommends low density residential for most of the neighborhood. The plan states that *"The primary reason for this is because one of the major conclusions of this plan is that the present single family residences in East Lawrence are providing irreplaceable housing for low income families. The neighborhood residents that participated in the development of the plan believe that higher density designation would contribute to pressures for redevelopment, which would result in the displacement of existing residents."*

The property owner is working with Tenants to Homeowners to create affordable housing with this development. The basic theme of the residential recommendations is that the residential areas should not be designated for higher densities to insure that pressure for more intense residential development which would remove the existing single family homes from the residential stock be avoided. The current rezoning request is for undeveloped land that was zoned for industrial use. While not a low-density development, the rezoning will not result in the conversion of existing single family homes to multi-family dwellings.

Staff Finding –The rezoning request is in compliance with the residential recommendations of the plan in that it will not result in development pressures which would convert existing single family homes to multi-dwelling as it proposes the residential development of an undeveloped industrial property.

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

Applicant's Response:

"The proposed rezoning is in clear compliance with any land use restrictions or guidelines that could happen inside the zoning district. The granting of this

rezoning application in no way opposes the general spirit of the Zoning Ordinance, Subdivision Regulations, or City of Lawrence Land Development Code."

The existing lot contains approximately 1 acre which is inadequate area for many industrial uses.

Staff Finding –The size of the property limits its suitability for many of the uses permitted in the IG District.

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

Applicant's response:

"It is currently zoned IG as are/were many of the other zoning classifications in the general area. As a part of the overall plan associated with the 8th & Pennsylvania Neighborhood Development District just to the north in 2011, this property has remained vacant until the present time. Rezoning the property to RM32 with a PD Overlay fits well within the surrounding intent of the overall redevelopment area."

Staff Finding – Douglas County historical aerials show that the lot was undeveloped in 1976. It is unclear what development may have occurred prior to that time, but the property has been vacant as zoned since at least 1976.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicant's response:

"As noted in the discussion about the Comprehensive Plan, the proposed use for a new multi-story residential apartment conforms appropriately with future land use goals laid out by the City of Lawrence since the redevelopment of this area has begun. We believe the approval of this rezoning request will in no way detrimentally affect nearby properties or their associated business operations, but add a renewed energy and vibrance to the entire community."

The rezoning would allow the property to be developed with multi-dwelling residences rather than industrial uses. As the surrounding properties are developed with industrial uses, it is not anticipated that the residential use will have any detrimental effect on them. Residences are located to the southwest along Delaware Street, south of the auto-repair shop. The multi-dwelling residence will not be located directly across the street from the residences, so the distance should mitigate any negative impact the height of the building would have on these properties.

One of the concerns noted in the 8th and Penn Neighborhood Redevelopment Guidelines was that a certain residential density was necessary for a mixed use center to be successful. *"Successful mixed-use development can only thrive in areas that not only allow for the mixture of land uses, but also allow development of adequate density so that 'critical mass' may be achieved."* (Page 11) The addition of this residential development will help provide the necessary density to insure the success of the 8th and Penn mixed use area.

Staff Finding – The proposed rezoning should have no detrimental effect on nearby properties and should enhance the viability and success of the 8th and Penn mixed use area.

7. 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:

"This is a unique situation and opportunity for the applicant to ensure adequate zoning and proper use of the existing property while offering a potential living benefit for City of Lawrence citizens who use and visit various 8th & Pennsylvania Neighborhood District facilities. The individual hardship being imposed on the property owner with denial of this application would be that fulfillment of any rehabilitation use to maximize the potential of the property into a new asset for surrounding residents and the City of Lawrence would be eliminated without the property zoning required to redevelop this property."

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

If the rezoning to the RM32 District were denied, the property could only be used for uses permitted within the IG District. The small lot area, approximately 1 acre, limits the industrial uses which would be able to develop on this property. As the property has been vacant since 1976, it is likely that it would not develop with a new industrial use. It is possible the property would remain undeveloped. As no negative impacts have been identified with the proposed development, denial would not benefit the community as a whole.

As noted above, denial may result in the land remaining undeveloped, which would be the hardship to the owner of the subject property.

If the rezoning request were approved, a multi-dwelling structure could be developed on this lot which would add to the 'critical mass' for the 8th and Penn mixed use area without reducing the single-family residential stock of the East Lawrence Neighborhood.

Staff Finding – Denial of the rezoning request to the RM32 District would have no positive benefit to the community as the property would likely remain undeveloped. Approval of the RM32 District rezoning would allow additional residences in close proximity to the 8th and Penn mixed use area which would contribute to the success and viability of that development without reducing the single-family residential stock of the East Lawrence Neighborhood. The community and the property owner would benefit from the approval of the rezoning.

PD OVERLAY

This rezoning includes a request to rezone to the PD Overlay District. The PD Overlay District allows certain standards to be modified by the City Commission if found to be in the best interest of the community and provides greater design flexibility. With the PD Overlay, the character of the new development can be more similar to that of the 8th and Pennsylvania Neighborhood Redevelopment Zone. The property owner had considered amending the Zone to include this property so it would be subject to the same guidelines, but determined the PD overlay would achieve the same goal.

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 in *Horizon 2020* and the East Lawrence Area Plan. Staff recommends approval of the rezoning request for the property to the RM32 District with a PD overlay to allow a residential development which will be similar in design to the 8th and Penn Neighborhood Redevelopment Zone.