

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
9/23/13

ITEM NO. 6: RS7 TO RM12; 2.119 ACRES; 2518 RIDGE CT (MKM)

Z-13-00288: Consider a request to rezone approximately 2.119 acres from RS7 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 2518 Ridge Court. The portion of the property proposed to be rezoned is located on the east half fronting on Cedarwood Avenue. Submitted by Tenants To Homeowners, Inc., for Douglas County, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.1 acres from RS7 (Single-Dwelling Residential) 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 conditions:

- 1) The lot at 2518 Ridge Court (Lot A, Block 7, Southridge Addition No. 3) will be divided through the Minor Subdivision process to create a separate lot for the property that is the subject of this rezoning request prior to the publication of the rezoning ordinance.
- 2) The RM12 Zoning is conditioned to limit the permitted uses to single-story Duplex dwellings.

APPLICANT'S REASON FOR REQUEST

"Tenants to Homeowners would like to create a seven duplex-unit affordable senior housing project. RS-7 zoning does not allow multiple dwelling units on a single lot. RM-12 zoning is required for project development. While 12 units per acre zoning is requested, conceptual plan for project is 6.6 units per acre."

KEY POINTS

- The subject property is a portion of a platted lot. A minor subdivision dividing the lot into 2 separate lots to match the rezoning will be submitted prior to publication of the rezoning ordinance.
- Duplex development is being proposed; however, RM12 zoning is being requested rather than RM12D as the structures will be placed on one lot as multi-dwelling development rather than with each duplex on an individual lot. The multi-dwelling development will require site plan approval prior to construction.



Figure 1. 1528 Ridge Court outlined. Property that is the subject of this rezoning request is highlighted in yellow. (approximate)

ATTACHMENTS

- A: Proposed rezoning exhibit
- B: Proposed site plan for residential development
- C: Communication

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

The neighborhood contains a mix of residential uses with single- and duplex- dwellings that are surrounded by multi-dwelling structures (apartments). Commercial uses along Iowa Street bounds the neighborhood to the west and open space (Naismith Valley Park) bounds the neighborhood to the east.

CONFORMANCE WITH *HORIZON 2020*

The proposed rezoning request from the RS7 (Single-Dwelling Residential) District to the RM12 (Multi-Dwelling Residential) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

There are no other cases associated with this rezoning.

Other Action Required:

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submittal and administrative approval of Minor Subdivision for division of lot into two lots.
- Recording of Minor Subdivision.
- Administrative approval of site plan for proposed development.
- Application and release of building permit prior to development.

PUBLIC COMMENT

- A neighboring property owner called to express concern with possible impacts from the stormwater drainage from the new development.
- A letter in opposition to the project was provided by Judy Williams.

Project Summary

This project is the rezoning of approximately 2 acres, the east half of the property addressed as 2518 Ridge Court, from the RS7 (Single-Dwelling Residential) District to the RM12 (Multi-Dwelling Residential) District to accommodate a Tenants to Homeowners' senior housing project. The use, multi-dwelling residences/duplex, are permitted in both the RM12D and the RM12 District. Duplexes in the RM12D District must be located on individual lots. The proposed duplexes will be located on one lot; therefore, RM12 Zoning is necessary.

A PD Overlay would be a possibility for this development. The PD Overlay is intended to: ensure development that is consistent with the Comprehensive Plan; ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services; allow design flexibility that results in greater public benefits than could be achieved using conventional zoning district regulations; preserve environmental and historic resources; and promote attractive and functional developments that are compatible with the character of the surrounding area. As discussed throughout this report, the regulations of the base district result in a development that meets these intentions. The development is consistent with the Comprehensive Plan; is an attractive and functional development that is compatible with the area; and is conveniently, efficiently and economically served by existing and planned utilities and services. There are no environmental or historic resources to preserve on the property and the greater design flexibility that is possible with a Planned Development was not needed for this project. The Planned Development would have allowed the construction of a private street rather than the

access drive to provide access to the residences throughout the development. A private street is desirable when there is the possibility of multiple owners on a private drive, as the maintenance responsibility may be unclear. In this case, Tenants to Homeowners will be the owner of the property and they will be the entity responsible for maintaining the shared drive. As noted earlier, the property will be divided from the larger lot through the Minor Subdivision process. A note could be added to the Minor Subdivision plat which requires that in the event that any of the duplexes are sold, a shared access easement must be recorded for the drive. The easement would note the standards for the drive and identify the entity that will be responsible for maintenance of the access drive. With this provision and with the condition limiting the uses, the Planned Development Overlay is not necessary for this development.

A conceptual site plan has been provided with the rezoning application. Prior to development, a site plan must be submitted and approved by the Planning Director.

The property will be divided through the Minor Subdivision into 2 lots, one for the existing office building and the other for the multi-dwelling residential development.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The project consists of infill development of residential with little infrastructure required. The density is consistent with the surrounding neighborhoods and promotes integration between multi-family and single-family units. Timing is appropriate as affordable senior housing is very much needed. Comparable zoning is adjacent to property."

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

- The Lawrence Future Land use Map (Map 3-2, page 3-4) shows this area as 'low density residential' with the subject property identified as 'community facility--public/semi-public'.
- *Horizon 2020* provides the following recommendation for low density residential development:
"While existing single-family neighborhoods are essentially built-up, several vacant parcels are scattered throughout the existing community where new low-density residential development, should occur in the future. In general, new development should be of a scale and character, including building type, the same as and compatible with existing or planned homes in the immediate area". (Page 5-4)
- The residential chapter's strategies include:
"A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments."

"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." (Page 5-1)

- Goal 3 of the Residential Chapter 'Neighborhood Conservation', Policy 3.3: 'Encourage Compatible Infill Development' encourages redevelopment and infill as a means of providing a variety of compatible housing types within neighborhoods and recommends that infill development should conform to lot size, housing type, scale and general architectural style of the area in which it is proposed. This policy also discourages concentrations of high-density multiple-family infill within neighborhoods.
- This policy provides the following principles for maintaining the physical form and pattern of existing established neighborhoods to the extent possible (Pages 5-15 and 5-16):
 1. Building orientation should reflect the predominant neighborhood pattern and existing street/roadscape.

2 units will face and take access from Cedarwood Avenue similar to other properties in the area. The units to the north and south will face inward and will have a 'rear to rear' orientation to the adjacent properties.
 2. Continuity of vehicular and pedestrian circulation patterns should be considered.

The vehicular and pedestrian circulation patterns will not be altered.
 3. Open space patterns and front, wide and rear yards characteristic of the neighborhood should be maintained.

The front and side setbacks will be similar to those in the area. The rear yards of the neighborhood are larger than being proposed with this development as the senior citizens would have less use of the large yard.
 4. Building height should be compatible with the average height of homes in the neighborhood, especially adjacent residences.

The adjacent residences are primarily single-story residences. The proposed duplexes will also be single-story.

The renderings in Figure 2 illustrate the building type and development pattern being proposed with this development. The type of development being proposed will be compatible with the surrounding neighborhood and will protect and enhance the character of the existing neighborhood. A condition should be applied to the rezoning which limits the permitted uses to 'single-story duplex dwellings'.



Figure 2a View of the proposed development looking northeast from the United Way Building parking lot.



Figure 2b View of the proposed development looking to the west from Cedarwood Avenue.

- Affordable housing usually requires smaller lot sizes in order to keep development costs down. The Comprehensive plan recommends that affordable housing options be provided in low density residential areas throughout the city through the adoption of residential zoning classifications with modified minimum lot sizes and setbacks. (Page 5-17)

Proposed density: 14 dwelling units are proposed with nine being 2-bedroom and five being 1-bedroom. The development would have a density of 6.6 dwelling units per acre. The density proposed is slightly higher than the Comprehensive Plan designation for low density as the plan classifies low density development as 6 dwelling units or less per acre.

This development proposes one lot with several units rather than reduced lot sizes or setbacks but the end result is the same. Developing on smaller lot sizes would also result in greater density as density is a factor of lot area. Rather than dividing the property into numerous lots which would then require the extension of a street to serve the various lots, the applicant is maximizing the usable space by using a shared drive to access the various residences. This is an acceptable treatment for multi-dwelling structures, but would not be possible if the property were divided into small lots.

The development will be located to the rear of most of the other properties within the block. The Comprehensive Plan recommends rear to rear building orientation between uses of different intensities. (Page 5-21) While the density being proposed is slightly higher, the rear to rear orientation should mitigate any negative impact.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to residential development in that a slightly higher density than that permitted in the low-density zoning districts is being used to facilitate affordable housing. The proposed design of the development complies with the principles set out in Policy 3.3 for Neighborhood Conservation.

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

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

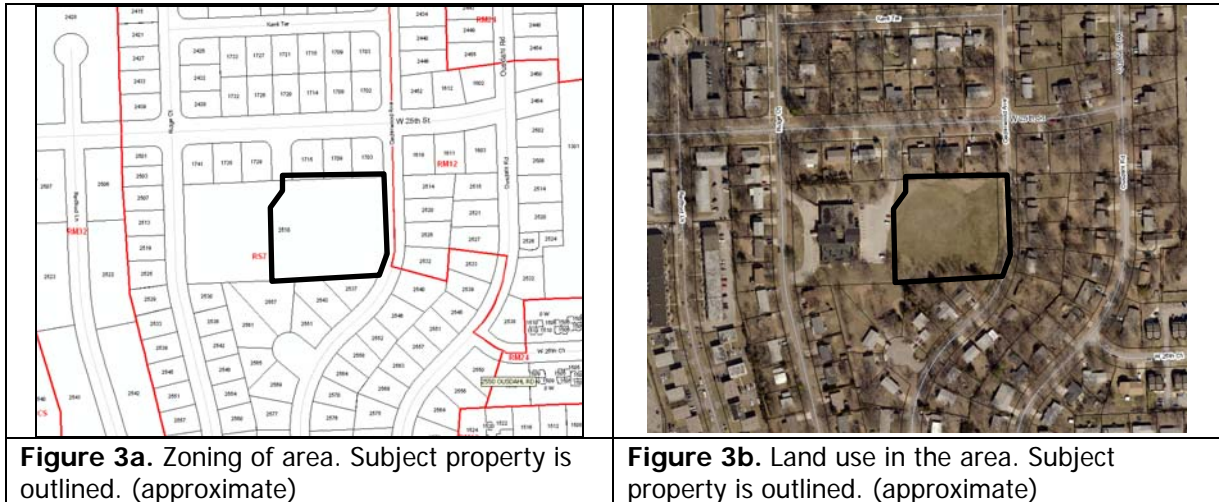
Surrounding Zoning and Land Use: To the north and south:
RS7 (Single-Dwelling Residential) District; *Single-Dwelling Residences*.
To the west:
RS7 (Single-Dwelling Residential) District; *Office* uses on remainder of lot at 2518 Ridge Court. Further to the west, *Single-Dwelling Residences*.
To the east:
RM12 (Multi-Dwelling) District; *Duplex-Dwellings*.
(Figure 3)

Staff Finding – The surrounding properties are zoned RS7 and RM12 with the predominate uses being *Single- and Duplex-Dwelling Residences and Office* uses.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The property to the north, west and south is single-family dwelling and property to the east where the entrance to the project will be located is multi-family. The building on remaining portion of the lot that rezoning is requested houses generally non-profit community help organizations, including Tenants to Homeowners."



The subject property is located within an established residential neighborhood. The area consists of a mix of single-dwelling and duplex residences with the office building on the west half of 2518 Ridge Court being an exception. An area about two blocks wide of single- and duplex- residences is bounded by multi-dwelling structures (apartments) to the west along Iowa Street, to the north along W 24th Street, and to the east along the Naismith Valley Park open space.

Staff Finding – The neighborhood contains a mix of residential types with single- and duplex dwellings being bounded by multi-dwelling structures (apts) to the west, north and east.

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 not located within an area that has an approved area or sector plan.

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

Applicant's Response:

"The proposed project for which rezoning is requested would partially reside on a single lot zoned RS7 with a single structure and multiple offices. As platted and zoned, a single residence would not be possible or realistic. For single family use, the property would have to be replatted into multiple lots with additional streets required. The property is ideally suited for residential uses provided it can be rezoned to allow multiple dwellings on a single lot."

The property is suitable for the uses to which it is restricted under the RS7 zoning. Single-dwelling residential uses would require the extension of a street from W 25th Street to form an interior block layout to allow the creation of several lots with street frontage. The RM12 District is also appropriate for this lot as several dwellings can be developed on one lot while maintaining the character of the area.

Staff Finding – The property is suited to the uses permitted within the RS7 and to the duplex use being proposed with the RM12 rezoning.

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

Applicant's response:

"Over 25 years."

Staff Finding – The Douglas County Appraiser records indicate that the building on the west half of the property was built in 1963 as a County-owned nursing home. A review of old aerial photographs show no development has occurred on the east half of the property.

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

Applicant's response:

"The rezoning will have no detrimental impact on nearby properties because there is RM12 zoning adjacent to the site on Cedarwood Ave. The proposed multi-family residential is compatible in location and scope with the existing single family and multi-family residences."

The development will utilize duplex residences, similar to those in the RM12 District on the east side of Cedarwood Avenue. The density will be very similar to that which is permitted in the RS7 District. One dwelling unit is permitted per lot in the RS7 District and lots are required to be 7,000 sq ft at a minimum. The maximum density possible in the RS7 District is $43,560 \text{ (sq ft in an acre)} / 7,000 \text{ sq ft} = 6.2$ dwelling units per acre. The proposed RM12 development will have 14 dwelling units on 2.13 acres for a density of 6.6 dwelling units per acre.

The density will be very similar to that in the RM12 District across Cedarwood Avenue. The difference will be that this development will have a common area and a common building for the use and enjoyment of the residents.

The units will have an access drive with 2 access points on to Cedarwood Avenue as well as 2 individual driveways for the units which front Cedarwood. A Traffic Impact Study will be required with the site plan for this development. This study will evaluate the impact the number of trips proposed with the development may have on adjacent streets and will recommend improvements, if necessary, to mitigate the impact. Stormwater management will be addressed with a drainage study which is required with the site plan. The City Stormwater Engineer will review the drainage study and will require stormwater management to prevent negative impacts to the surrounding properties, and possibly improve stormwater management in the area.

The density will be slightly higher than that of the surrounding properties to the north and south, but the development will be designed so that the uses have a back to back orientation. The building type will be similar to that of the surrounding properties.

The RM12 District permits uses that are not allowed in the RS7 District. The following lists the uses which are permitted in the RM12 District that are not permitted in the RS7 District:

- Duplex
- Attached Dwelling (Requires a SUP in the RS7 District)
- Multi-Dwelling Structure

- Assisted Living (Requires a SUP in the RS7 District)
- Congregate Living
- Adult Day Care Home (Requires a SUP in the RS7 District)
- Extended Care Facility
- Campus or Community Religious Institution

As this rezoning request is specific to the development of senior citizen affordable duplex housing, the use permitted should be restricted to *duplex dwellings* to insure compatibility with the surrounding area.

Staff Finding – The rezoning could have detrimental impacts to the surrounding properties if multi-dwelling structures, such as apartments, which are permitted in the RM12 District were constructed. Restricting the use to duplex use as shown on the concept plan would help insure that the development would be compatible with the existing area. Impacts from the development will be minimized through the site planning process.

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:

"There is a strong demand for affordable senior housing, especially as our community increases its efforts to market Lawrence as a retirement destination. The proposed uses are consistent with the City's long-range planning and are compatible with existing neighborhoods and provide appropriate housing adjacent to services needed by the residences."

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 as a traditional residential design with the extension of a City street to create a block layout with individual lots for residential development. This could result in a more uniform lot layout with the surrounding properties; however it would also preclude the development of affordable housing in this location.

The approval of the rezoning would result in the development of a large area of open space that the neighborhood has had the opportunity to utilize and enjoy for a number of years. Neighbors may be concerned about drainage issues resulting from the development; however, a drainage study will be required with the site plan. It is very likely that the drainage from the site will be improved with the stormwater management measures that are implemented with the development.

With property site planning and design the approval of the project should result in an affordable housing project that will have minimal impact on the surrounding area and will provide a mixed type of housing in the area and provide additional affordable housing in Lawrence.

Staff Finding – The approval of the rezoning will remove an area of open space that the neighborhood has enjoyed for many years, but will allow for the development of affordable housing for senior citizens. The benefit the community will achieve from the approval of the rezoning outweighs the benefit the surrounding properties would achieve from the denial.

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*. Staff recommends approval of the rezoning request for approximately 2 acres from RS7 (Single-Dwelling Residential) 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 with the conditions that the property be replatted prior to publication of the ordinance and that the Zoning be conditioned to permit only single story Duplex development.