

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

PC Staff Report  
02/24/2014

**ITEM NO. 3A RM32 TO MU-PD; 2.391 ACRES; 1101 INDIANA ST (SLD)**

**Z-13-00516:** Consider a request to rezone approximately 2.391 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed Use with PD Overlay) District, located at 1101 Indiana St. Submitted by Hartshorne Plunkard Architects, for Berkeley Flats Apartments LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 2.391 acres from RM32 (Multi-Dwelling Residential) District to MU-PD (Mixed Use with PD Overlay) 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 Project site rezoning request from RM32 to a Mixed-Use Planned Development District (MU-PD) is consistent with The Oread Neighborhood Plan's future Land Use and Overlay District two (2). (See attached exhibit H attached)*

**KEY POINTS**

- Property is developed with existing multi-dwelling use.
- Property is located within Oread Neighborhood.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- PDP-13-00518; Preliminary Development Plan for mixed-use 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

**ATTACHMENTS**

- A. Applicant's Response
- B. Attachment H of the application packet
- C. Bonus Calculations
- D. Oread Neighborhood Plan Land Use Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- Communication with resident at 1115 Indiana Street regarding proposed development.
- Zacharias Davis requesting information on proposed development.

**Project Summary:**

Proposed request is for rezoning 2.391 acres from RM32 to MU (Mixed Use) District with a Planned Development overlay to accommodate a multi-story residential use with ground floor retail uses as a mixed-use development within the Oread Neighborhood. Related to this request is a Preliminary

Development Plan. Requests for a district with PD overlay must be submitted concurrently with a development plan for the property.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *See attached applicant response.*

Key features of the plan address *"infill development and redevelopment which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with established land use pattern in surrounding areas."* This application represents an opportunity to redevelop an existing high-density residential development with a mixed-use project within an established neighborhood.

Additionally, *Horizon 2020* encourages a *"mix of residential densities that provide a sense of community and to complement and preserve natural features in the area."* This request facilitates a redevelopment of existing high-density residential use with a mixed use, including high-density residential uses within a compact area of the community. A key component of this project is the residential use.

Additional residential development strategies are included in Chapter 5 of *Horizon 2020*. These strategies focus on infill development, provision of a mix of uses, types and styles and the provision of appropriate transition zones between low-density residential land uses and more intensive residential development. High-density residential uses reflect an overall density of 16-21 dwelling units per acre and are recommended at locations near high intensity activity areas or near existing high-density residential developments. This property is located within an existing part of the Oread Neighborhood that is zoned for high-density residential uses and, as noted by the applicant in their response, the property is also located adjacent to the University of Kansas football stadium and parking lot along Mississippi Street.

*Horizon 2020* supports the development of area and neighborhood plans. This property is located within the *Oread Neighborhood Plan*, which is discussed later in this report but recommends this area as appropriate for mixed-use development.

**Staff Finding** – Regardless of the specific project associated with this request, the proposed MU-PD district request is consistent with land use recommendations for this area. Approval of the request will facilitate redevelopment of this property.

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

Current Zoning and Land Use: RM32 (Multi-Dwelling Residential) District; existing apartment complex with multiple buildings and surface parking.

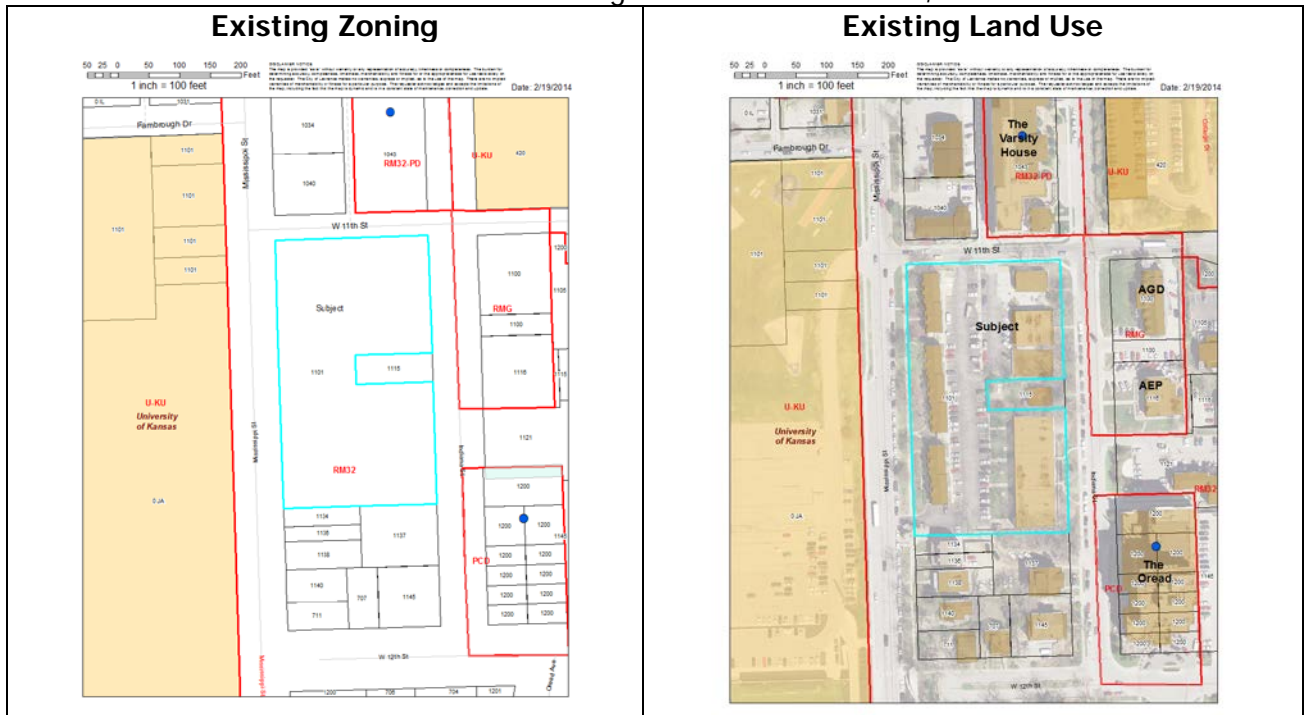
Surrounding Zoning and Land Use: To the North:  
RM32-PD [Varsity House] (Multi-Dwelling Residential and Planned Development Overlay) District; existing multi-dwelling. Also to the North RM32 (Multi-Dwelling Residential) District; existing 9-unit apartment building (SP-3-11-91).

To the West:

U-KU (University of Kansas) main campus including practice fields, stadium, and surface parking lot.

To the South:  
RM32 (Multi-Dwelling Residential) District; existing mixed residential uses.

To the East:  
RMG (Multi-Dwelling Greek Housing Residential) District; existing residential uses. RM32 (Multi-Dwelling Residential) District; existing mixed residential uses and PD – [The Oread PCD] Planned Commercial District; existing mixed-use commercial, hotel and residential use.



**Staff Finding** – This property is surrounded by a variety of uses. Residential uses are located to the north, south and east. University facilities are located to the west.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The Oread neighborhood is a diverse, eclectic community where people live, work, study, and celebrate life. The neighborhood has tremendous housing variety and small pockets of neighborhood scale commercial areas. The neighborhood's character has been significantly influenced by its close proximity to both Kansas University and downtown. The extreme topography in the immediate area of the project site adds to both its beauty and uniqueness, and serves as a canvas from which to create an equally unique and aesthetically pleasing infill redevelopment mixed-use project.*

The Oread Neighborhood is generally located along the north and east sides of the main University of Kansas Campus. This neighborhood includes a portion of downtown as well as a variety of other non-residential areas. The neighborhood also includes a number of historically listed properties and districts.

The residential density pattern is mapped in the Oread Neighborhood Plan (page 2-4). The subject property is located within one of the high-density residential clusters of the neighborhood.

**Staff Finding** – The Oread Neighborhood includes a variety of uses located between Downtown to the east and the University to the west.

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

The *Oread Neighborhood Plan* was adopted by the City Commission in September 2010. The subject property is located within the boundary of the Plan. The plan recommends:

- Create overlay districts that establish standards to regulation bulk and mass of structures maintain open space in individually platted lots and regulate parking. (3.1.1.2 C.1.)
- Create an overlay district(s) that provide greater latitude to certain areas (generally most closely adjacent to KU) to develop more densely by allowing increase building heights, etc. (3.1.1.2 C.2.)

The plan establishes areas for mixed use that include the area south of 11<sup>th</sup> Street between Mississippi Street and Indiana Street. The proposed request is located within this area. Additionally, the plan recommends multiple overlay districts (refer to map 4-7 of the Oread Plan). This property is located within what is identified as Overlay District No. 2 (High Density). The plan states: *"This area is identified as high-density and mixed use on the future land use map."*

**Staff Finding** – The proposed Mixed Use Planned Development Overlay District is consistent with the recommended land use plan and policies included in the *Oread Neighborhood Plan*.

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

Applicant's Response: *The project's current zoning of RM32 fails to recognize the site's strategic proximity to Kansa University, its connectivity to both 11<sup>th</sup> and Mississippi Streets (collector streets), the surrounding unused existing utility infrastructure capacity, and its ready access to nearby mass transit. The result is an underutilization of a highly visible and strategic site directly across the street from Memorial Stadium, the single biggest tourist attraction on the KU campus. The Oread Neighborhood Plan recognizes this unrealized potential and rectifies the problem with a long-term land use vision of high-density mixed-use redevelopment.*

The current zoning accommodates high-density residential uses but does not allow commercial uses included in a mixed-use development. The proposed zoning is inconsistent with the land use recommendations included in the *Oread Neighborhood Plan* for mixed-use development and the planned redevelopment of this property as a mixed-use development.

Approval of the request will facilitate redevelopment and reinvestment in this property and provide non-residential uses at the street level within the proposed project. The change in the base district from RM32 to MU facilitates the redevelopment of the land use. The addition of the Planned Development Overlay district accommodates requirements related to site-specific details such as height, massing, architectural features and the mix of use within the development.

**Staff Finding** – The proposed zoning is better suited for a mixed-use redevelopment of this property than the existing RM32 district.

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

This property has been zoned RM32 since the adoption of the *Land Development Code* in 2006. Prior to 2006 the property was zoned RD (Residential Dormitory). This property is developed with an existing multi-dwelling use including several buildings and surface parking lot. The 1985 site plan indicates that some units existed in 1962 and 1964 with 96 units. The traffic study indicates the development includes 102 dwelling units. The current calculated density is 42.6 dwelling units per acre.

**Staff Finding** – This property is developed with a high-density multi-dwelling use. The property has been zoned for high-density residential uses since 1966.

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

Applicant's Response: *The requested rezoning of the project site was thoughtfully and comprehensively envisioned by the neighborhood years ago and documented by the Oread Neighborhood Plan. Here @ Kansas is the realization of that vision. The infill redevelopment of an underutilized site as strategically important as this only enhances the nearby properties.*

Nearby properties includes the University of Kansas to the west, existing multi-dwelling uses on the north side of W. 11<sup>th</sup> Street and the east side of Indiana Street as well as adjacent to the south property line. This property surrounds on three sides a single detached residential home on the west side of Indiana Street (1115 Indiana Street). This property will significantly be impacted by the proposed development through the size and bulk of the project as well as a change to the existing off-street parking arrangement for this residence.

The property at 1115 Indiana Street will retain the RM32 zoning and continue as an existing detached dwelling unit if this request is approved. Redevelopment of 1115 Indiana Street could include a future multi-dwelling residence, boarding house or similar use. If incorporated into the existing project it would most likely be added as open space within the project if acquired in the future.

The existing off-street parking for 1115 Indiana Street is accommodated within the existing Berkley Flats apartment complex through an undocumented access arrangement between the property owners. If the proposed rezoning is approved and the property is redeveloped, access to 1115 Indiana Street will only be accommodated from Indiana Street resulting in the need for on-street parking for the residence or the accommodate of parking for the residence in some other location within the immediate area.

The change in zoning alone does not detrimentally affect nearby property owners. The redevelopment of the site and the addition of residential and non-residential uses in the area may be perceived by some residents and property owners in the area as either a benefit or a detriment. Approval of the request should anticipate redevelopment of the site and an increase in the intensity of use and associated traffic for the immediate area. Appropriate application of development standards to the associated preliminary and final development plans will mitigate impacts.

**Staff Finding** – Approval of the rezoning will accommodate redevelopment of the existing multi-dwelling use and provide an opportunity for non-residential uses within the development. The overall scope of the development of the specific project will impact the property at 1115 Indiana Street.

**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: *Here @ Kansas contributes to the health, safety and welfare of the community on many levels. The infill redevelopment of the subject site will support the continued strength and vitality of the primary economic engine of the community Kansas University. It will accomplish this by eliminating an underutilized and outdated use on a large strategic site immediately adjacent to the KU campus.*

*The project will set a new standard for convenient high quality student housing in the neighborhood. This is consistent with helping attract the best and brightest student to Kansas University and having them enjoy their experience in Lawrence enough to stay following graduation. In addition, the Project's close proximity to campus allows its future residents to walk or ride their bikes to both campus and downtown eliminating the need to utilize their cars. This reduces vehicular congestion on campus as well as the neighborhood. It also provides a safer alternative for a neighborhood known for its affinity for celebration. Dramatically reducing the need to drive is also consistent with a community concerned about the environment. Finally, the densification of desirable residential options in close proximity to campus will enhance the sense of community which is a critical component to any vibrant collage campus experience.*

*This project contributes to the welfare of the community by providing over a 400% incremental increase in the site's contribution to the City's tax base.*

*Denial of the application is a vote for the status quo. Sustainable relevance and vibrancy require a steadfast commitment to continuous improvement. Here @ Kansas aspires to be a long term contributor to that objective.*

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 this request facilitates redevelopment of an existing urban infill site. The inclusion of the PD overlay accommodates a more rigorous review and the ability to condition specific elements to ensure compatibility with surrounding land uses. Additionally, approval of the MU district facilitates the implementation of the Oread Neighborhood land use plan.

**Staff Finding** – Staff concurs with the applicant that approval of the request facilitates redevelopment of the property and is beneficial to the community.

**9. PROFESSIONAL STAFF RECOMMENDATION**

In addition to the Findings of Fact required per 20-1303 regarding Zoning Map Amendments, specific location criteria must be considered when considering a request for the MU district.

Section 20-1108 states *"...To be eligible for rezoning to the Mixed Use District a site proposed for Mixed-Use Development shall be:"*

1. *Within one-quarter mile of a Designated Transit Route at the time the rezoning is initiated; and*
2. *Near or adjacent to the intersection of Arterial streets as per the adopted Major Thoroughfares Map; or*
3. *Within one-quarter of a mile of university campuses; or*
4. *Within one-quarter of a mile of downtown, the boundaries of which are described in Chapter 6 of Horizon 2020; or*
5. *Immediately adjacent to public parks or open space; or*
6. *An existing nonresidential development proposed for redevelopment."*

Staff reviewed these location criteria and determined the proposed request meets the criteria listed above. Criteria number 6 is not applicable to this request. This property is developed as an existing multi-dwelling residential use.

This application if approved will both implement the *Oread Neighborhood Plan* by rezoning an area for mixed use development per the plan and by facilitating redevelopment of an existing single use (high-density residential) property.

#### **CONCLUSION**

Staff recommends approval of the proposed zoning.