

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
2/21/18

ITEM NO. 3 UR TO RM12-PD; 2.5 ACRES; 5275 W. 6th Street (KEW)

Z-17-0471: Consider a request to rezone approximately 2.5 acres from UR (Urban Reserve) District to RM12-PD (Multi-Dwelling Residential) with Planned Development Overlay District, located at 5275 W. 6th Street. Submitted by Grob Engineering Services LLC on behalf of Beckmeisters LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from UR (Urban Reserve) District to RM12-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.

REASON FOR REQUEST

Applicant's Response:

"The new purchasers of this property have an established business in the community offering care services for seniors needing more intensive care. They would like to develop this property with a variety of multi-family buildings for the more independent senior population and use their existing resources from the more dependent services operation to manage this development upon completion."

KEY POINTS

- The property is located at the southeast corner of W. 6th Street and Queens Road and is currently zoned UR (Urban Reserve) District.
- Rezoning requires submittal of a Concept Plan with the rezoning application. (attached)
- The maximum density for the proposed RM12-PD (Multi-Dwelling Residential) with Planned Development Overlay District is 12 dwelling units per acre.
- The property was annexed in 2001 under Ordinance 7404.
- The property has been zoned UR (Urban Reserve) District since 2006 with the adoption of the Land Development Code.
- The application will rezone the property from the Urban Reserve (District) which is a special purpose district for newly annexed land intended to prevent premature and inappropriate development in areas that may not yet be adequately served by infrastructure and into a conventional zoning district that conforms with Area Plans.
- The proposed rezoning will allow development consistent with the area and fit within the goals of the comprehensive plan and the current Land Development Code.

ASSOCIATED CASES

Summary - An original application was submitted to rezone from UR to RMO (Multi-Dwelling Residential Office) District. The Planning Commission heard the item at the November 15, 2017 meeting. The Planning Commission voted to defer the item with a recommendation to revise the application submittal to include a Planned Development Overlay district. The applicant has

resubmitted this revised application to rezone to RM12-PD and has also submitted a Preliminary Development Plan associated with the rezoning.

Ordinance 7404 – Annexation of the property in 2001.

PDP-17-00695; Preliminary Development Plan for Beckhaus Townhomes -in process

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Submission and approvals of Final Plat and a Final Development Plan.
- Submittal and approval of Public Improvement Plans for utility/infrastructure extensions.
- Application and release of building permits prior to development.

PUBLIC COMMENT

Phone Call, in person and email correspondence with Concerned Citizen regarding the rezoning. Forwarded all application materials and submitted concept plan. Items of concern include:

1. Distances to property lines and setbacks.
2. Retaining trees on the property and landscaping plan.
3. More detailed plan with legend.
4. Questions regarding HOA easement regarding fence maintenance.
5. Locations and regulations regarding garbage collection.
6. Lighting.
7. Waterline, sanitary line and easement locations.

These are all items that are addressed through the Platting and Development Plan review processes. There is opportunity for public comment during the process.

At the Planning Commission meeting on November 15, 2017, the Planning Commission recommended a revised application with a PD overlay district.

Project Summary

The project proposal is to rezone the UR (Urban Reserve) District to the RM12-PD (Multi-Family Residential) with Planned Development Overlay District to accommodate a future development that includes 6 buildings with two-unit townhomes for moderate priced independent senior living. The primary purpose of the RM12-PD (Multi-Family Residential) District is to accommodate multi-dwelling development of low and moderate-intensity and provide additional impact mitigations that are compatible with the character of the adjacent single-dwelling residential neighborhoods.

RM12 (Multi-Dwelling Residential) District is generally appropriate along Collector or Arterial Streets. West 6th Street is classified as a major arterial street.

The request complies with the Comprehensive Plan land use projections in the area. The area remains residential and the maximum density of 12 dwelling units per acre.

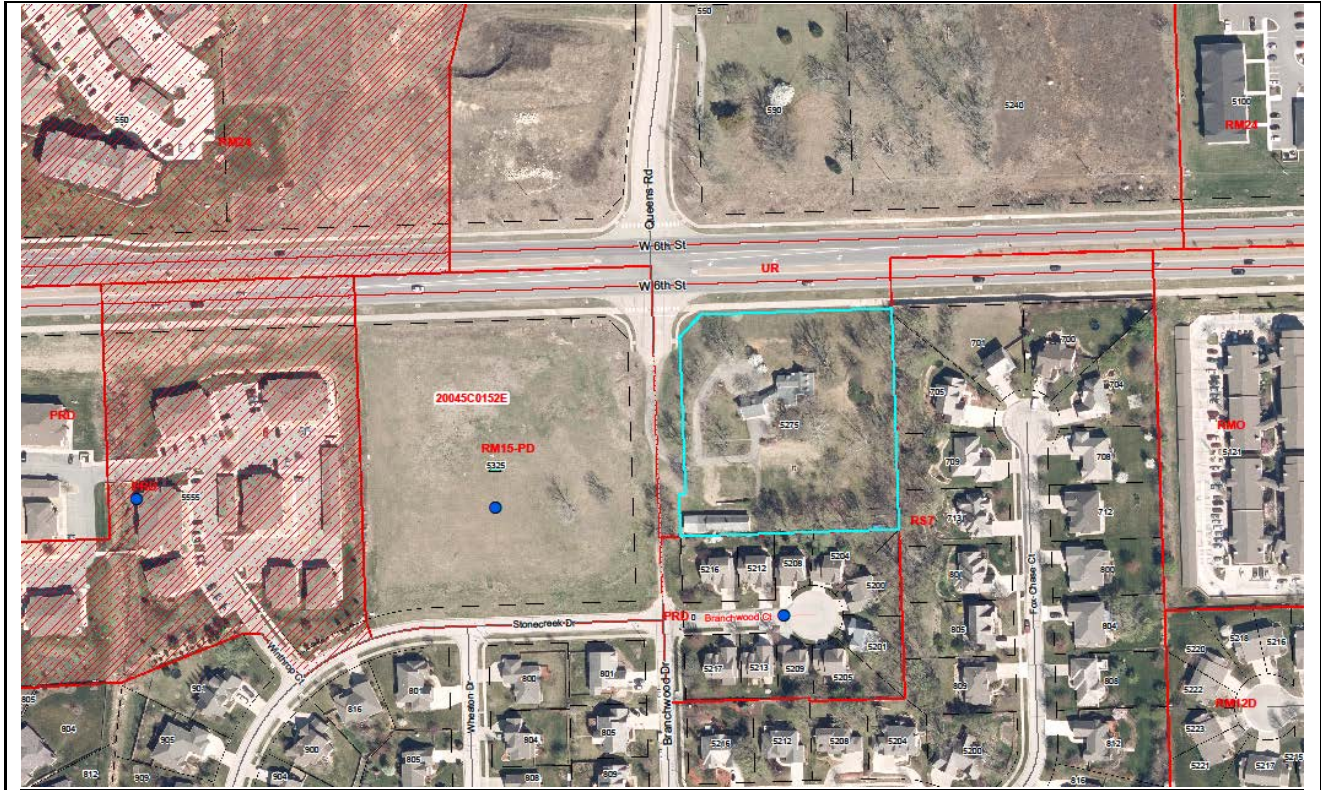


Figure 1. Zoning and land use in the area. Subject property is outlined.

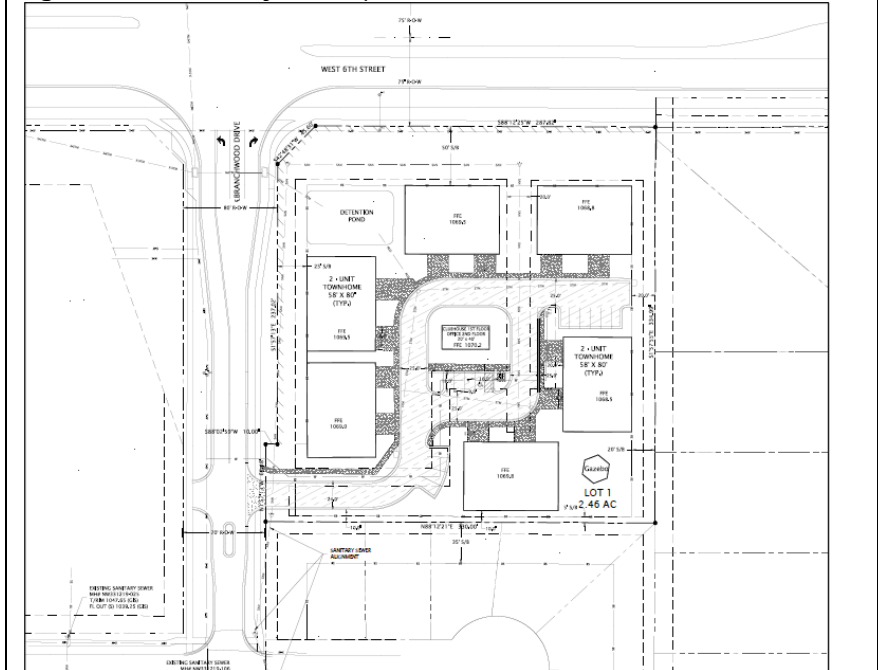
Per Code, prior to development the property must be platted and have an approved Final Development Plan. This parcel is currently un-platted and rezoning is the first step in the development process. A Preliminary Development Plan for the proposed use related to this rezoning request proposes multi-family structures. Section 20-701 outlines standards for development in Planned Developments.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:
"West 6th Street corridor West of Wakarusa Drive. The Comprehensive Plan recommends for this corridor to be developed as Medium to High Density Residential, and in fact, most of the surrounding properties have been developed in accordance with this

Figure 2. Preliminary Development Plan



recommendation.”

Staff Finding – The proposed rezoning does not change the overall character of development in the area and the request is in conformance with the residential land use recommendations in the Comprehensive Plan.

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

Current Zoning and Land Use: UR (Urban Reserve) District; *Existing Single-Dwelling Residential as annexed into the City in 2001.*

Surrounding Zoning and Land Use: To the west: RM15-PD (Multi-Dwelling Residential) with a Planned Development Overlay District; *developed with medium density apartments and units in the Village Cooperative project under construction.*

To the south: PRD (Planned Residential Development) District; *developed with Single-Dwelling detached homes.*

To the east: RS7 (Single Dwelling Residential) District; *developed with Single-Dwelling detached homes.*

To the northwest and northeast: RM24 (Multi-Dwelling Residential) District; *developed with high density apartments.*

To the north: UR (Urban Reserve) District; *Undeveloped.*

The property is currently zoned UR (Urban Reserve) District. A rezoning to the RM12-PD (Multi-Dwelling Residential) with Planned Development Overlay District is requested to zone the parcel to a compatible zoning district for the area. Adjacent zoning to the west is RM15-PD (Multi-Dwelling Residential District which is currently being developed with medium density apartments. Nearby zoning to the northwest and northeast is RM24 (Multi-Dwelling Residential) District and developed as high density apartments. North of the subject property is also zoned UR (Urban Reserve) District and the remaining surrounding zoning is RS7 (Single Dwelling Residential) District and PRD (Planned Residential Development) District and developed as single-dwelling homes. The compatibility of any specific development proposal will be evaluated through the Preliminary and Final Development Plan process.

Staff Finding – The subject property is adjacent to properties zoned for low, medium and high density residential uses. The Urban Reserve zoned properties are currently un-platted and undeveloped or developed as a Single-Dwelling use as they were when annexed into the city. The proposed rezoning is compatible with the zoning and land uses, existing and approved, in the area.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

North: Urban Reserve undeveloped

Northwest & Northeast: RM24 high density apartments, developed

East: RS7 single family detached, developed

South: PRD single family detached, developed

West: RM15-PD high density apartments, developed

This property is located at the corner of an arterial/collector street intersection. The surrounding area is currently developed as a neighborhood with a mix of Multi-Dwelling and Single-Dwelling Residences. The parcels immediately north remain undeveloped.

Staff Finding – This property is located at an undeveloped intersection designated for medium to high density residential uses. Multi-Dwelling and Single-Dwelling residences are located around the subject property. The proposed rezoning would support development that is compatible with the character of the area.

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

This property is not located within a specific neighborhood or sector plan area. *Horizon 2020* identifies parcels at the intersections of major streets as appropriate for medium density development as a transition to lower density parts of a neighborhood.

Staff Finding – The rezoning request is consistent with long term plans for the area. The RM12-PD District permits medium density housing types.

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

Applicant's response:

"Urban Reserve zoning is a special purpose base district primarily intended to provide suitable classification to land newly annexed into the City and is intended to prevent premature or inappropriate development that is not served by adequate infrastructure or community services."

Staff Finding – The property is not well suited to the uses to which it is restricted under the existing zoning regulations. The UR (Urban Reserve) District only permits crop agriculture and any lawful uses in existence immediately prior to annexation. The current property is developed with a Single-Dwelling structure. Without rezoning the property would be restricted to the Single-Dwelling Residential use or converted back to crop agriculture.

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

Applicant's Response:

"The property has not been vacant and has existed in this zoning district since the adoption of the current Land Development Code in July of 2006."

The property is developed with a Single-Dwelling structure and has been zoned UR since the adoption of the current Land Development Code. According to the Douglas County Appraiser's records, the home was built circa 1920 and several outbuildings were added in the 1980s.

Staff Finding – The area has development around the existing home. The proposed zoning is consistent with the Comprehensive Plan and the recommended development of the West 6th Street corridor west of Wakarusa Drive. The proposed rezoning is compatible with the density of the surrounding area.

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

Applicant's Response:

"There should not be any detrimental effect on surrounding single family properties already developed to the east and south because the RM12 zoning requested is considered a Transitional Zoning District in the Land Development Code to act as buffer zoning to the high density residential developments to the west and northwest of this property."

Staff Finding – The RM12-PD zoning is compatible with the nearby properties and recommendations in the Comprehensive Plan. The West 6th Street corridor west of Wakarusa Drive recommends this corridor be developed as Medium to High Density Residential. The rezoning would allow for a proposed use that would be similar to the nearby uses and should have no detrimental effect. Future development is subject to Final Plat and Development Plan approval.

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 land would be seriously underutilized and out of character with the surrounding developments if this zoning application were not approved. On the other hand, were it to be approved it would allow this property to be developed compatibly with its surroundings and provide an appropriate buffer for the single family residences to the east and south."

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.

The proposed rezoning is not creating an allowed use of the property in a manner that would be detrimental to public health, safety and welfare. The proposed rezoning allows the development of an infill parcel with a similar density to the surrounding area. The proposed development will be subject to plat and plan approvals to ensure the project is compatible with the Comprehensive Plan and recommended development pattern for the major arterial corridor.

Staff Finding - Approval of the rezoning request will allow multi-dwelling residential development similar in intensity and compatible with development in the surrounding area. The Land Development Code was adopted to encourage development in conventional zoning districts with increased landscape and bufferyard standards. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

PROFESSIONAL STAFF RECOMMENDATION

The rezoning request is compliant with the Comprehensive Plan and the Golden Factors and would permit the development that will be compatible with surrounding development. Staff recommends approval of the rezoning request.