

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
07/22/2015

ITEM NO. 7C Z-15-00251: RM24, RM12D and RS7 to RS5; 11.15 ACRES (SLD)

Z-15-00251: Consider a request to rezone approximately 11.15 acres from RM24 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District and RS7 (Single-Dwelling Residential) District to RS5 (Single-Dwelling Residential) District, located at 6300 Bob Billings Pkwy. Submitted by Tim Herndon, for RSR Holdings LLP, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 11.15 acres from RM24 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District and RS7 (Single-Dwelling Residential) District to RS5 (Single-Dwelling Residential) 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: *Rezoning is requested to accommodate detached single-family houses in an area presently zoned for a combination of multi-family (RM24), attached townhome dwelling (RM12D) and larger-lot single-family dwelling (RS7)*

KEY POINTS

- Applicant desires to develop more of the proposed subdivision area with detached housing on smaller lots.
- The proposed request is considered concurrently with the Preliminary Plat PP-15-00246 Langston Commons

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Z-15-00244: .193 acres from CN2 to OS
- Z-15-00245: .992 acres from OS to CN2
- **Z-15-00251: 11.15 acres from RM24, RM12D, RS7 to RS5**
- PP-15-00246: Preliminary Plat for Langston Commons 17.5 acres for neighborhood commercial development and 56 lots for residential 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

1. Area Map
2. Rezoning Exhibit provided by applicant
3. Building Permit Map
- 4.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Comment from Michael Kelly, area resident, regarding pedestrian connections from the development area to Langston Hughes Elementary School – See Preliminary Plat Discussion.
- Response from USD 497 regarding pedestrian connections

Project Summary:

Proposed request is for the residential portion of undeveloped land included in the preliminary plat of Langston Commons. The currently approved development project includes a mix of detached and attached housing as well as multi-dwelling residential uses. This request would revise the uses to a single type of housing – detached dwellings on individual lots. The proposed zoning is for RS5. This district requires a minimum of 5,000 SF per lot and allows for 40' wide lots and narrower side and front yard building setbacks. Similar zoning is being developed to the north of this property in the Langston Heights subdivision. The attached rezoning exhibit highlights the three existing zoning districts proposed to be rezoned with this application (attachment 2). Staff has also provided an exhibit that highlights the location of active building permits in the immediate area.

Zoning is the framework that establishes the base uses allowed in a particular district. This application represents a change to the boundary of the RS5 District as it relates to Langston Commons Subdivision only. Development concerns that focus on pedestrian connections, lot configuration and density are addressed as part of the subdivision design.

A portion of the area included in the Preliminary Plat for Langston Commons is currently zoned RS5 and is not affected by this proposed application.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Horizon 2020 calls for "low density residential [six or fewer units per acre.] Proposed RS5 zoning will result in a gross density of approximately 4.9 units per acre. The proposed street and sidewalk configuration remains unchanged from the previously approved (2013) preliminary plat and associated rezonings.*

This property was originally discussed in Z-13-00251 to Z-13-00254 establishing the current zoning district boundaries. The intent of the mixed residential zoning districts was to provide both a range of housing types while keeping the overall density low and to provide land use transition through housing type between W. 6th Street to the north and Bob Billings Parkway to the south. The proposed request seeks to rezone the property to a district for a single use, that being detached residential dwellings on individual lots.

Horizon 2020 recommends infill development over new annexation and compatibility of densities and housing types within neighborhoods. The plan also recommends the provision of a mix of housing types and styles for new residential and infill developments. This application represents an extension of development from the Diamondhead and Langston Heights Subdivisions. Larger residential lots are located to the northeast of the proposed rezoning (RS7) and duplex lots are located to the northwest of the subject property (RM12). The balance of land area is proposed for detached residential dwelling on individual lots. Approval of the request extends a uniform development pattern to the south.

Land use transition between the proposed RS5 and the CN2 District will be required to be addressed through site planning and applicable buffer yards. The image below highlights the existing zoning districts proposed to be rezoned to RS5 and the location of the transition zone between the RS5 and the CN2 Districts.

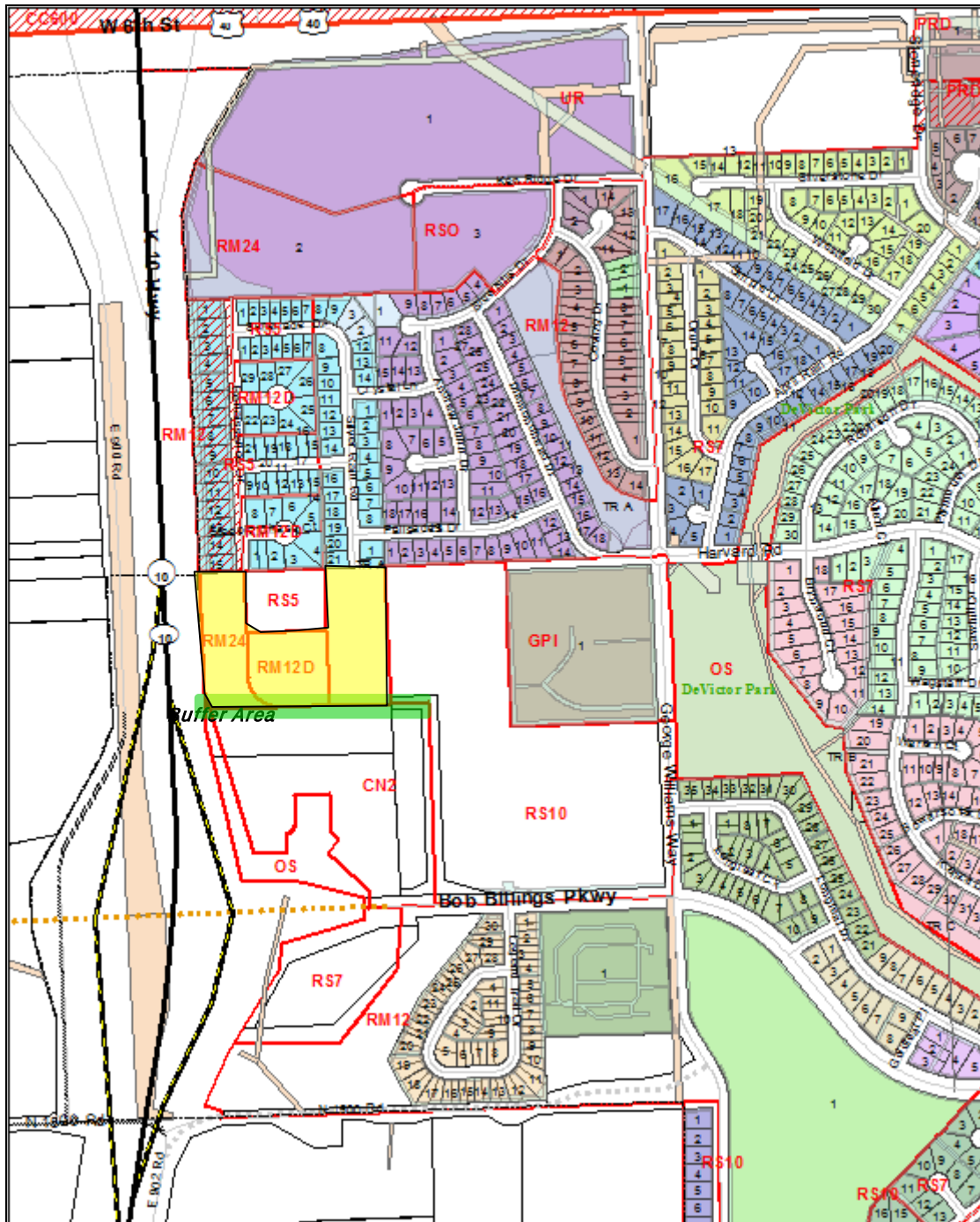


Figure 1: Transition Area

The overall residential density is 5.328 dwelling units per acre. This is a low density residential development pattern. Changing the zoning district boundary and replacing the RM12D and RM24 District with the proposed RS5 District establishes a uniform zoning district for the residential portion of the proposed subdivision.

Staff Finding – The proposed request represents a low-density residential development pattern that is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use:	RM24 (Multi-Dwelling Residential) District, RM12D (Multi-Dwelling Residential) District and RS7 (Single-Dwelling Residential) District; undeveloped land.
Surrounding Zoning and Land Use: To the east	RS10 (Single-Dwelling) Residential and GPI (General Public and Institutional) District; existing USD 497 property including Langston Hughes Elementary School and undeveloped land.
To the south	CN2 (Neighborhood Commercial) District and OS (Open Space) District; undeveloped land proposed for future commercial development and open space area to include multi-use recreation path parallel to K-10 highway.
To the west	A (County Agricultural) District; K-10 Highway. Portion annexed into the City Limits to accommodate construction of the interchange of K-10 Highway and Bob Billings Parkway (A-14-00155). Rezoning of the right-of-way deferred until such time that the remaining portions of the corridor are also annexed.
To the north	RM12 (Multi-Dwelling Residential) District and RS7 (Single-Dwelling Residential) District to the north (Langston Heights Subdivision). RM12D (Multi-Dwelling Residential) District proposed for RS5 per Z-15-00252); undeveloped lots located in Langston Heights Subdivision.

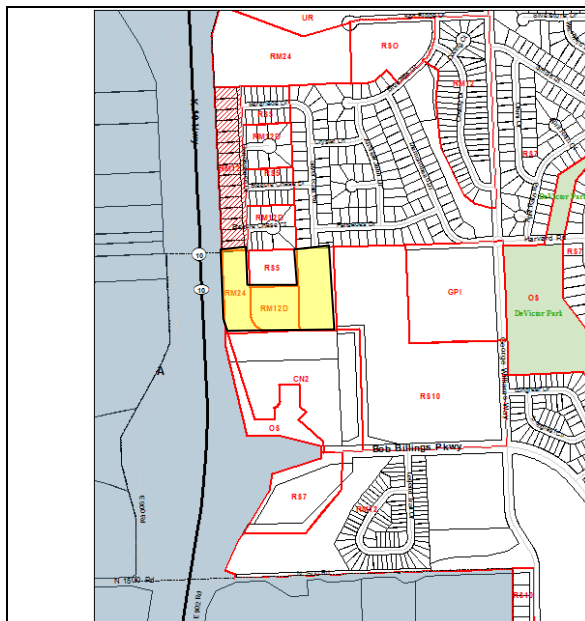


Figure 2: Existing Zoning



Figure 3: Existing Land Use

Staff Finding – As proposed, the subject property will be uniformly zoned similar to development to the north.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This developing neighborhood is comprised predominantly of detached single-family housing to the north and east, the South Lawrence Trafficway to the west and Neighborhood Commercial zoned property to the south.*

This section of the report expands on the discussion included in Z-15-00244 and Z-15-00245 regarding the character of the Neighborhood. This property represents the residential portion of the undeveloped land included in the related preliminary plat (PP-15-00246). The proposed request extends the predominance of detached single-dwelling residential land use in the surrounding area. Local streets provide separation between the residential and non-residential uses in the surrounding area.

Attached housing in this area is located in the Cove Subdivision located at Ken Ridge Drive and George Williams Way; in the Longleaf Subdivision located on the northeast corner of George Williams Way and Bob Billings Parkway; and in the Legends Trail Subdivision located on the south side of Bob Billings Parkway. Multi-dwelling structures are located on the southwest corner of Bob Billings Parkway and George Williams Way. The remaining area is zoned for and developed with detached housing on individual lots.

Within the existing City limits there are a few undeveloped parcels with the potential for multi-dwelling residential and non-residential development. The hub of the area includes the Langston Hughes Elementary School, DeVictor Park and Corpus Christi Church/School. The proposed request fills in an undeveloped area with a housing type consistent with the developing area to the north.

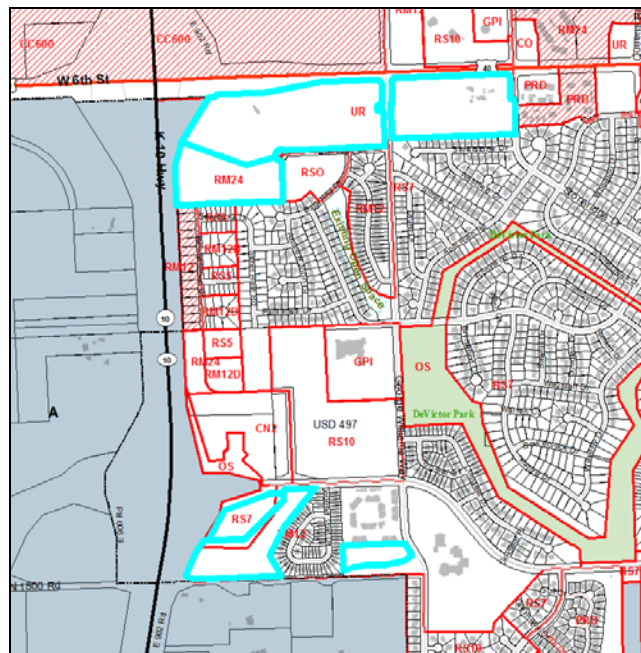


Figure 4: Existing undeveloped parcels.

Multiple building permits have been applied for within the Langston Heights Subdivision and are either under construction or pending approval.

Staff Finding – The proposed request is consistent with the developing character of the area and appears to meet a market-defined need for more individual residential lots.

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 located within the boundary of the *West of K10 Plan*. The area shown at the immediate intersection of Bob Billings Parkway and K10 is identified as a Neighborhood Commercial area. The plan addressed gateway areas and states that development “*shall enhance identified gateways*” by “*providing pleasing corridors.*” This project through the rezoning and subdivision processes establishes a framework to implement this goal by creating a connected greenspace area along the public right-of-way.

The residential portion of the plan generally recommends low-density residential development. The previous zoning plan for this property included multiple zoning districts and lot sizes to achieve an overall density consistent with the plan. The proposed request uses a single zoning district, RS5, and the subdivision plat to achieve compliance with the land use plan for this area.

Zoning and Density Lot summary for approved Langston Commons					
As approved	Total Area	Lots	Units	Density	Average Lot size
RM12	2.861 Acres	1	34	11.88	NA
RM12D	3.195 Acres	7	15	6.006	14,507 SF
RS7	4.71 Acres	15	15	4.33	10,052 SF
RS5	2.67 Acres	14	14	7.107	6,130 SF
All	13.436 Acres	37	78	5.80	NA

Zoning and Density Lot Summary for Proposed Langston Commons.					
As Proposed	Total Area	Lots	Units	Density	Average Lot size
RM12 to RS5	2.9 Acres	12	12	4.13	10,382 SF
RM12D to RS5	3.2 Acres	9	9	2.08	11,037 SF
RS7 to RS5	4.5 Acres	21	21	4.66	6,912 SF
RS5 No change	2.67 Acres	14	14	5.2	6,130 SF
All	13.27 Acres	56	56	4.22	NA

Overall the proposed plan reduces the residential density by approximately one dwelling unit per acre. While there are many lots less than 7,000 SF, the minimum lot area for the RS7 zoning to the northeast, the average lot size proposed for Langston Commons is approximately 8,175 SF. The proposed rezoning and related Preliminary Plat are consistent with the residential land use recommendations for low-density residential development described in the *West of K10 Plan*.

Staff Finding – The proposed rezoning represents a single dwelling housing type for the remainder of the undeveloped/unplatted residential area included in the Langston Commons Subdivision. The overall density proposed complies with the residential land use recommendation included in the plan.

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

Applicant's Response: *While the subject property is not necessarily unsuitable for the multi-family and single-family zoning districts presently in place, existing regulations prohibit the desired (RS5) single-family lot size/home size.*

The proposed zoning is for a land use that is a detached dwelling housing type located on individual lots. Detached dwellings are allowed in the RM12 and RM12D district but require a

Special Use Permit. This would be an onerous requirement for new development. Additionally, the RS7 District requires a minimum lot area and lot size that is larger than the density and dimensional requirements of the RS5 district. The applicant could not plat lots meeting the RS5 dimensional standards with the existing base zoning of RS7. The applicant's intent is to modify the development pattern to provide more detached housing on smaller lots than previously approved. Therefore, the existing RM12, RM12D and RS7 zoning is not suitable.

Staff Finding – The existing zoning is not suitable given the intended development pattern for this property as exhibited in the Preliminary Plat for Langston Commons (PP-15-00246).

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

Applicant's Response: *The subject undeveloped property has been zoned in its present condition for approximately two years.*

Prior to the 2013 application that rezoned this property to multi-dwelling, duplex and detached residential zoning districts, the property had been zoned UR (Urban Reserve). The Langston Commons preliminary plat and related zoning applications establish a framework for development of the property. This request is a reflection of a revision in the development concept.

Staff Finding – This property has been zoned since September 2013.

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

Applicant's Response: *approval of this request will have no effect upon nearby properties.*

The immediately surrounding area is undeveloped. This area includes school district property to the east, planned neighborhood commercial zoning to the south, and K-10 Highway to the west. The proposed zoning extends the developing residential pattern in Langston Heights further south.

Staff Finding – There are no anticipated detrimental affects for nearby property.

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 gain to the public by approval of this application is the additional sought-after single-family housing stock to the Lawrence Residential Market; the hardship imposed by denial would lie in the absence of such stock in a predominantly single-family neighborhood.*

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.

The proposed request modifies the intensity of development by reducing the overall number of total dwelling units planned for this area and restricts the use to a single housing type consistent with the developing area to the north. Utility plans to serve this area are not substantially altered by the reduced density planned.

Staff Finding – Approval of the proposed request facilitates infill residential development in an area planned for low-density residential development.

9. PROFESSIONAL STAFF RECOMMENDATION

The significant change this application represents is a modification in the development pattern from a plan to provide a mix of housing types to a plan for a uniform housing type. Duplex development continues to be an allowed use within the Langston Heights Subdivision to the north. Higher density residential uses also continue to be allowed uses for undeveloped land located in the Diamondhead Subdivision also to the north. These undeveloped areas and other existing multi-dwelling zoned areas south of Bob Billings Parkway and west of George Williams Way provide options for housing within the larger neighborhood context. The proposed request reflects a housing demand as interpreted by the developers. Numerous building permits have been applied for and/or issued for the Langston Heights Subdivision to the north. Development in this area is expected to continue in the near future.

The imminent opening of the Bob Billings Parkway intersection with K-10 highway is considered to be influential in making this area a desirable residential area.

Approval of the request means that zoning and land use are not used as a transition between the commercial and residential areas. This will place a burden on the development of the CN2 area to implement design aesthetics that provide both appropriate land use transition and buffering, as well as appropriate connectivity and integration with the surrounding neighborhood.

CONCLUSION

Staff recommends approval of the proposed rezoning to facilitate planned development in this area.

Rezoning Exhibit

RM24 to RS5

RS7 to RS5

RM12D to RS5

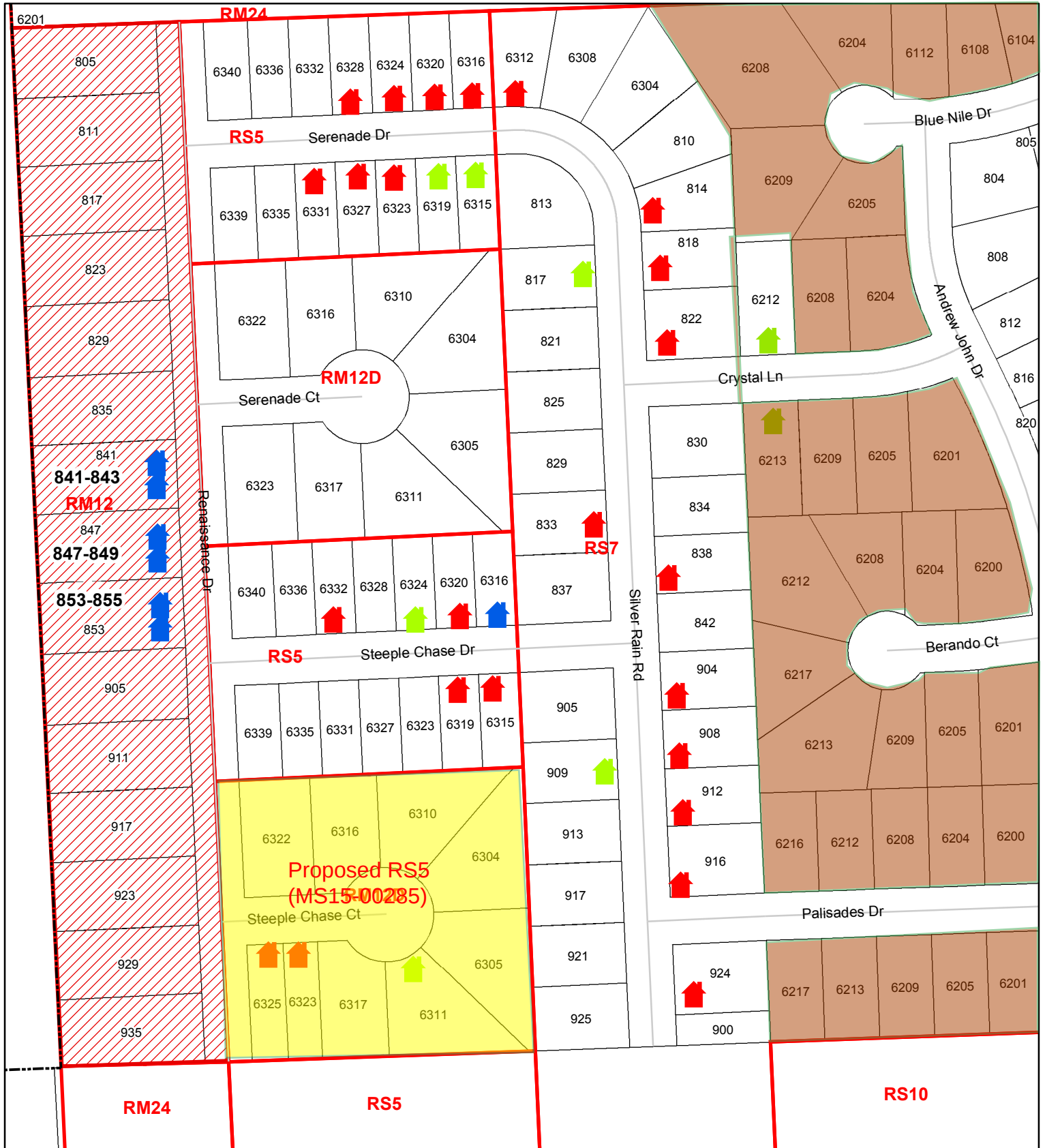
SOUTH LAWRENCE TRAFFICWAY

NORTH
NOT
TO
SCALE

BOB BILLINGS
PARKWAY



Building Permit Map



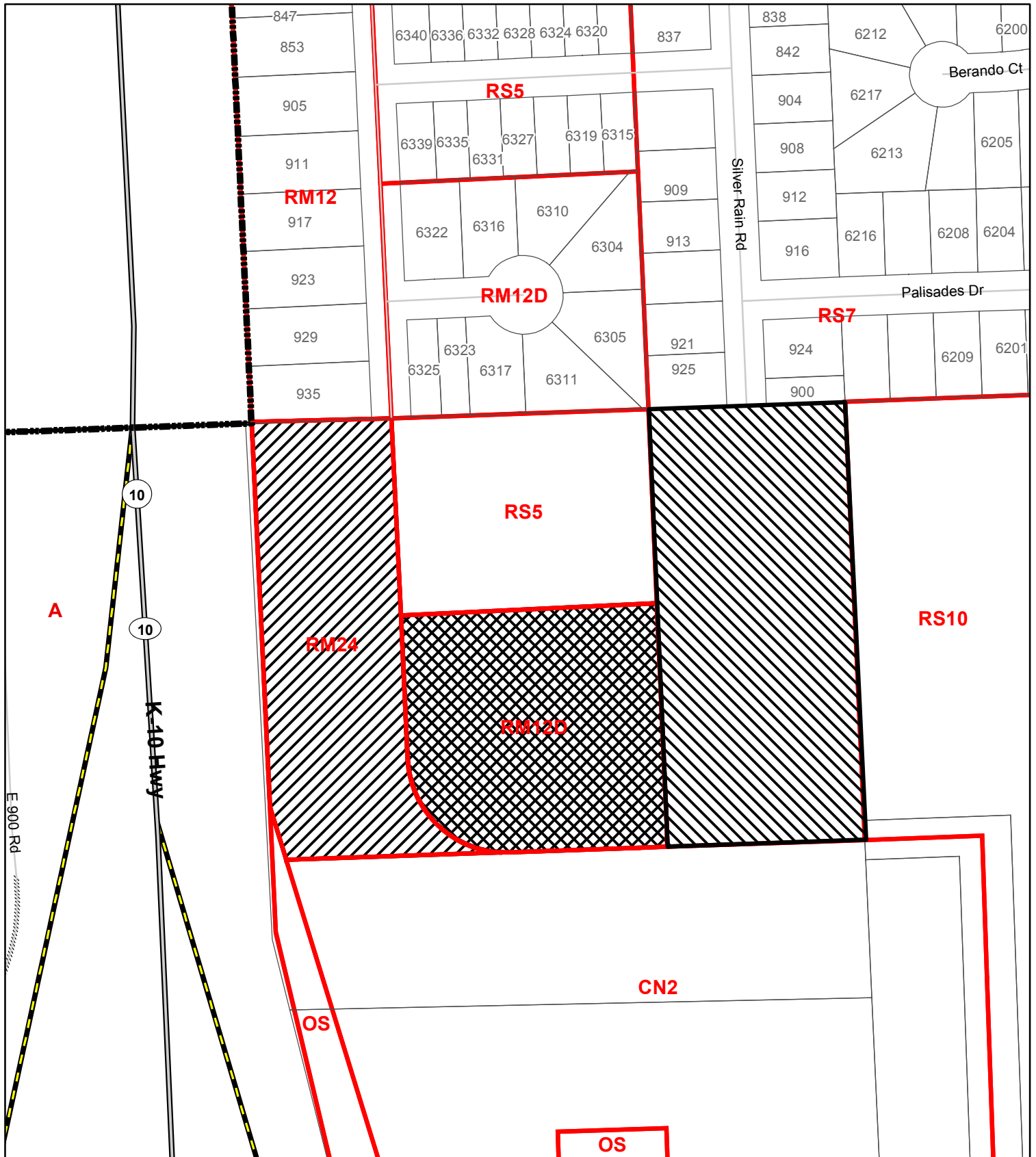
Blue indicates the permit has been approved, but has not been picked up by the contractor.



Red indicates permit has been approved, and picked up – work may be underway at this address.



Green indicates work has been completed and inspected.



Z-15-00251: Rezone Approximately 11.15 acres from RM24, RM12D and RS7 Districts to RS5 District, Located West of Langston Hughes Elementary School & South of Palisades Drive



From: [Scott McCullough](#)
To: ["Michael Kelly"](#)
Cc: [Timothy Herndon](#); [Julie Boyle](#); [Sandra Day](#); [Kyle Hayden \(KHayden@usd497.org\)](#); [Sandra Day](#)
Subject: RE: Planning Commission Consideration of Submittals for Langston Commons and Langston Heights near Langston Hughes ES
Date: Thursday, July 02, 2015 2:28:04 PM
Attachments: [Langston Hts Dev.pdf](#)

Michael,

Assistant Superintendent Kyle Hayden provided the below information and attached drawing to me on June 12, 2015 after I requested that the district consider a pedestrian connection from the west. This information will be shared with the Planning Commission.

Scott-

I appreciate you reaching out to me to talk about this development issue. I discussed the proposed new sidewalk from the Langston Heights development to the west side of Langston Hughes with Dr. Doll and our Facility Planning & Progress Committee. The group is not in favor of it for multiple reasons. I've attached a drawing that hopefully illustrates things.

The district already plans to build a new access road with sidewalk accessibility from the south end of the neighborhood during the 2016-17 school year. This sidewalk will provide for a safe connection to paths off of Renaissance Drive and Langston Way. This should sufficiently serve the new homes directly west of the school district's property. The other homes to the north are served by an existing sidewalk on Palisades.

The existing sidewalk along Palisades connects to Diamondhead Drive and the roundabout at George Williams Way. At the request of the city, the district recently constructed a new sidewalk running along the south side of Diamondhead Drive and connecting into the north side of the Langston Hughes playground. In addition, the district built an ADA accessible sidewalk into the playground area and ran it to the front door of the school. The district was originally opposed to building both of these sidewalks but did eventually agree to it at a cost of over \$15,000.

The newly proposed sidewalk that would run east/west along the north side of the district's property connecting Langston Hughes to Silver Rain Rd. This would be a long stretch of sidewalk that would run across an undeveloped large open green space. The proposed sidewalk would also be unlit and relatively close to the existing Palisades path.

Thanks for understanding the district's position.

Kyle

Please let me know of any questions.

Scott McCullough, *Director*

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<http://lawrenceks.org/pds/survey/satisfaction>."*

From: Michael Kelly [mailto:job4mike6@aol.com]
Sent: Thursday, July 02, 2015 2:21 PM
To: Scott McCullough
Cc: Timothy Herndon; Julie Boyle; Sandra Day
Subject: Planning Commission Consideration of Submittals for Langston Commons and Langston Heights near Langston Hughes ES

Good afternoon Scott,

Caveat: I am speaking only for myself and not for any group I am involved with.

After our friendly discussion of a few days ago, I had another thought on the Langston Commons Block Three lots abutting the western boundary of LHES playground..

Has USD 497 provided you or your colleagues any written explanation of their plans and preferences for the northern and western boundaries of the USD 497 property to the west of Langston Hughes ES or the future use of the land west of LHES beyond the not yet designed Renaissance Drive extension in the district's 2017 Capital Improvement Plan? I have heard similar, but only hearsay statements, from you and Bob Santee/Tim Herndon development team. Is USD 497 on public record with you or your planner on this issue related to the subject submittal beyond the verbal discussions you described?

Note that I have copied USD 497 Communications Office Director, Julie Boyle, so she may discuss with the district staff, if she thinks it would be useful to do so. I think it would improve the factual basis of the upcoming July 22, 2015 Planning Commission deliberations if the district would make its plans (even if very preliminary) known in a more formal way.

Thank you for your time on the previous phone call, for the professionalism displayed by you and your colleagues, and for your careful consideration of my concerns.

Respectfully,

Mike Kelly
1123 Brynwood CT
Lawrence KS 66049

Homes w/ students
who might utilize sidewalk

Existing Sidewalk on Pelicados connecting
to Diamond-head connected to George
Williams Way

Proposed Sidewalk

* at least a \$25,000
expenditure in an
utilit area across
green space

Kro Highway

800 ft

Planned
Access Road
& Sidewalk

Kapapa High School

This comment regards the pedestrian service challenges posed by property development west and northwest of USD 497's Langston Hughes Elementary School.

Construction on Langston Heights residential lots is underway

RM-24 zoned parcel to north of Langston Heights remains unbuilt

Langston Commons residential lots remain unbuilt

Unless pedestrian easements shown are built, school children residing in RM 24 apartments, Langston Heights, and Langston Commons will have no direct walking path to school

This violate Transportation 2040 Chapter 5, Table 5.5

"Whereas it is not necessarily critical for routes to schools to be picturesque and visually captivating, there are basic pedestrian needs for the student, including a safe and secure continuous sidewalk with safe street crossings and direct connections to neighborhoods. Cities in the region have been participating in the federal "Safe Routes to School" program which funds studies that address these issues."

Requested rezoning does not comply with Transportation 2040 plan and should not be approved absent additional pedestrian easement and sidewalk provided at Rockway Drive and Silver Rain Road intersection east to USD 497 boundary

Unbuilt pedestrian easement at Andrew John and Palisades needs to be built to provide proper elementary school level of service

No exceptions to Lawrence Complete Street Policy Section 5 paragraph (b) exist that would preclude the construction on either pedestrian easement shown.

Mike Kelly

