

Memorandum to Commission

Subject:	W. 9 th Street Commercial Corridor
Date:	December 21, 2004
From:	Planning Staff

This memorandum is written in response to questions raised by Commissioner Schauner regarding the planning that has taken place along the W. 9th Street Commercial Corridor. The W. 9th Street commercial zoning extends from the downtown (1/2 block east of Kentucky Street) to Illinois St. (on the west). It is 200' deep to the north and, in general, 200' deep to the south of 9th Street. A map is attached that shows development along the corridor and zonings along and adjacent to W. 9th. The entire corridor is zoned C-5, (Limited Commercial) and will convert to CC200 (Community Commercial) on the new zoning map in January. Specific questions raised regarding the commercial corridor were questions regarding past plans, current land use, and any plans to extend the commercial zoning. Responses to these questions are included in this memo.

Adopted Plans

The commercial corridor along W. 9th Street has been in existence for over 30 years. The corridor straddles the boundaries of two neighborhood associations: the northern half of the corridor is in the Old West Lawrence (OWL) Neighborhood Association and the southern half is in the Oread Neighborhood Association (ONA). Neighborhood Plans were adopted for OWL and ONA in the late 1970s – early 1980. Rezoning have occurred in each neighborhood, based on the adopted neighborhood plans. These rezonings did not include downzoning of commercial properties along W. 9th Street.

The *Old West Lawrence Neighborhood Plan* was adopted in the fall of 1980. The W. 9th Street commercial corridor is shown and discussed in the plan. When the information was being gathered for this plan, the corridor was zoned C-5 (Limited Commercial) district. The existing land use was primarily retail or service-oriented businesses with associated parking lots that created the transition to residential uses to the north. The OWL Plan recommends rehabilitation of the area through reclassification of land to coincide with existing land uses. This would permit higher density residential uses to serve as a buffer abutting the commercial uses. The plan discourages additional commercial (development) along the corridor, to protect the character of the neighborhood. The future land use map in the neighborhood plan shows W. 9th St. corridor as commercial with a small buffer of low density residential land use to the north.

A section of the Old West Lawrence neighborhood was rezoned in 2001 from RM-D (Duplex Residential) District to RS-2 (Single-Family Residence) District, consistent with recommendations in the plan. This rezoning abuts the commercial area to the west but none of the C-5 commercial zoning was changed.

The Oread Neighborhood Plan was adopted in spring of 1979. The W. 9th St. commercial corridor is also shown and discussed in this plan. When research was being gathered for this neighborhood plan, the W. 9th St. corridor area was zoned C-5 (Limited Commercial). The land use was primarily commercial and office uses with associated parking facilities used as a buffer for the residential uses to the south. The ONA Plan recommends that no additional commercial uses be added beyond a three-lot depth into the neighborhood, or a distance of 150' south of W. 9th St. The neighborhood plan also discusses a potential for redevelopment of lower residential uses to a higher density residential use to serve as a buffer abutting the commercial uses. The future land use map in the Plan shows the W. 9th St. commercial corridor as commercial uses along W. 9th Street, and a buffer of medium-density residential use buffering to the south.

The Commercial Chapter (Ch.6) of *Horizon 2020* describes the W. 9th St. commercial corridor as a neighborhood commercial center with strip development patterns. The Plan also describes this corridor as a gateway to the downtown. The plan states that new development and redevelopment along this corridor should include curb cut consolidation. The plan also recommends that the Downtown Architectural Guidelines be amended to specifically address the W. 9th St. corridor. *Horizon 2020* recommends, as the neighborhood plans do, that higher density residential be used as a transition between low-density residential and commercial uses. The future land use map shows the lots along W. 9th St. being commercial and office uses, the southern half of the corridor being mostly medium-density residential uses, and the northern half of the corridor being low-density residential uses.

Current Land Use and Zoning

Today this corridor along W. 9th St. is zoned C-5, limited commercial, with the southern border changing slightly from the neighborhood plans to include or exclude a few lots. The land use has changed little since the neighborhood plans. There has been a slight increase in intensity, which includes more commercial and more medium and higher density residential. More medium and high density residential uses were called for in both neighborhood plans to act as buffers between the low-density and commercial uses.

Staff has contacted representatives of the Oread and Old West Lawrence Neighborhood Associations to find out if they knew of any plans of extending the commercial corridor to the north and/or south of its current boundaries. Both neighborhood representatives said they have heard of no plans to expand the commercial area, maybe in the future an update of the zoning to match the land use could be in order but nothing is planned.

Conclusion

The W. 9th Street corridor has been planned for many years, and the current plans do not propose any big changes. The commercial corridor has been reviewed in two neighborhood plans and *Horizon 2020*. None of the three plans recommend expansion of the commercial uses, but they do recommend rehabilitation of the corridor to include medium-density residential uses as a buffer between the commercial and low-density residential land uses. Also *Horizon 2020* recommends design guidelines be considered for the area. The neighborhood associations do not foresee expansion of the commercial area.

Commissioner Schauner said he noticed in the report that the neighbors did not envision commercial development in the immediate future. We have seen in many neighborhoods zoning done in a particular way with no immediate plans to use it at that zoning level. Sometimes neighbors get surprised when commercial opportunities arise at those levels. Since we were looking at W. 6th as an area plan, it seemed a good idea to look at this corridor and proactively preserve the residential character of the ground not currently used as commercial space. He said the line appeared jagged at some places but he wanted the Commission to look at that issue.

Commissioner Dunfield said one observation after reading the plan is a lot of talk about transitions with changes to high density or medium density residential to form transition. In the abstract, that made sense. However, the transitions are less important than preservation. He said that corridor functions very well as a residential/commercial area. On the north side of 9th street, there are quite a few single family houses zoned C-5 and he would hate to see those replaced with medium density housing or some other use because they happen to fall in that so called transition area. What we should say is we want to maintain and preserve those houses and not see them disappear. In that sense, maybe we wanted to make that boundary more jagged to recognize those existing uses.

Commissioner Hack said she would hate to see commercial to medium density to residential on 9th St just because it's the mode of thinking for planning. She recognized that works in newer areas; however, this is a unique older neighborhood. We have these neighborhood plans that don't foresee difficulties in Horizon 2020 that dictate the commercial chapter we recently approved. She said she was not sure an area plan was needed but maybe just look at the individual homes in these districts and the zoning reflects the use.

Commissioner Highberger said they should go through the area plan process and have more neighborhood feedback. Old West Lawrence and Oread are concerned with this area. He agreed with Dunfield that the transitions are fine and there is no need to change. He would support the area plan process and make the appropriate adjustments to preserve the neighborhood the way it is.

Commissioner Rundle said he appreciated Dunfield's comments. He said he heard from history or neighborhood lore that the line would have been more jagged but an outside consultant drew a straight line because it is the logical thing to do as a planner. The focus was not on the 9th street corridor but on the neighborhood itself.

Commissioner Hack said if this gave the neighbors more piece of mind of what is there and will remain there but not extended it made perfect sense. An area plan is only as good as three votes from the commission.

Commissioner Schauner asked if Planning knew of anything in the pipeline in that stretch.

Finger said she did not know of anything. She offered a second option and said rather than an area plan, under the new code, there is the ability to do an overlay district with design standards. This is more what the area begs for than a new plan. You have what a new plan will provide you; land use, zoning, transition level. What you don't have is the tool to help that redevelopment occur so that you can keep the status quo. That would be through design standards and an overlay district. This would define and maintain the gateway downtown. This would be an option to study.

Commissioner Schauner asked if that would accomplish the preservation of existing uses.

Finger said it would accomplish the preservation of existing structures. You may have a home that is single family that might have an office that goes into it or serve as a low impact business. There are many of these properties that are covered by the environs of the Old West Lawrence Historic district or individual properties. So as far as

the architectural or design standard, you already have a good portion under scrutiny by a different angle thru the preservation and historic resource commission.

Commissioner Schauner asked what if the goal was to preserve the residential character of those existing single family residences.

Finger said the design standards would help with that. The overlay district with the C-5 zoning, which will go CC220, but you have a standard that has to be met. Transitioning is an entirely different animal when you try to do it in this built neighborhood. It really has to do with your form and structure. You can't meet the standards in the code because you don't have the depth to do so.

Commissioner Schauner said he would like to see plusses of area plan versus an overlay district with design standards.

Finger said she would give the different elements of each.

Mayor Rundle asked if downzoning of properties were promoted by either of the neighborhoods would that fit better for one or the other.

Finger said it would come more through the design standards. When we were looking at Old West Lawrence Neighborhood Plan, the concern was, when looking at 23rd street and comparing that strip being so narrow, redevelopment would need at least 200 feet of depth. Those lots do not provide enough depth to provide the commercial and transition. It's either one or the other. The line came straight across as we talked to the neighbors. If you make the line more jagged and you drop down to 100ft at some points, you remove the possibility of doing something that could be compatible and maintaining the commercial use. Either you will see deteriorated properties or marginal use because it has to conform to a standard it physically can't.

The Commission directed staff to prepare a memo identifying the advantages of an overlay district with design standards for the area compared to creating an area plan for the area.

Included in the January 11, 2005 City Manager's Report:

Memorandum
City of Lawrence
Planning Department

TO: City Commission and City Manager

FROM: Planning Staff

CC: Dave Corliss
Debbie Van Saun

Date: January 6, 2005

RE: Response to Commission request for explanation of the merits and differences of area plans and overlay zones

In the planner's tool box, Area Plans and Overlay Zones are two of the most used tools to further refine, enhance, and implement the general goals and policies in a Comprehensive Plan. The usefulness of these tools, however, occurs at different ends of the implementation process. Area plans occur at the beginning of the implementation process. They are useful in the development/refinement of specific goals and policies from the adopted general goals. This refinement is based on an analysis of physical, social, and/or economic attributes of a sub-area of the Comprehensive Plan's overall planning area. Overlay zoning is a supplemental regulatory tool that is used in conjunction with existing (or base) zoning regulations. Overlay zoning is developed based on known aspects or character- defining features of an area. Its usefulness is in the creation of development standards that promote/enhance positive development of an area, or that restrict or reverse negative development/redevelopment patterns of an area.

More specifically, when further direction is needed in the form of basic data collection or character analysis of an area so that specific goals and policies can be set, an Area Plan is a useful tool. Through the area planning process, basic information is collected, collated and analyzed to formulate specific goals and policies that can be translated into implementation steps. These specific goals and policies are based on the assessment of an area's strengths and weaknesses, assets and constraints. The information gathered in the area planning process is used to develop specific implementation recommendations that could include: rezonings, creating overlay zones, incentive programs, or concentrated codes enforcement programs. When the goal or objective for an area is already known, such as preservation of an existing development pattern or promoting the architectural character of the streetscape, an Overlay zone is an appropriate tool to use. An Overlay zone builds upon already known or quantifiable facts (data) about an area's development pattern, established character or architectural or environmental strengths and assets. Outcomes from establishment of an Overlay zone could be the adoption of specific design standards or development principles to reflect the direction for development patterns of building styles to promote the established character of an area.

The following table provides more detailed distinctions about these two planning tools.

PLANNING TOOL	USE OR PURPOSE	APPLICATION OF TOOL	EXPECTATIONS OR OUTCOMES FROM USE	TYPICAL ELEMENTS OF THIS TOOL	EXAMPLES OF USE
AREA PLAN	<ul style="list-style-type: none"> -- to refine the general goals and policies into specific goals and policies for an area -- to develop detailed information about an area -- to assess an area's strengths and weaknesses, assets and constraints -- to document the direction of growth or development of an area -- to identify the established or developing character of an area 	<ul style="list-style-type: none"> -- for fringe areas of a city where an established development pattern does not exist or is just emerging -- for redevelopment or infill development in an established area or neighborhood -- for large non-residential developments that have far-reaching impacts on adjacent developed or developing neighborhood areas 	<ul style="list-style-type: none"> -- consensus plan development through neighborhood and property owner involvement -- development of a "base point" through land use inventories and survey of existing natural and built resources -- documentation of the character of an area & the assets and constraints for development in that area -- creation of specific goals from general goals 	<ul style="list-style-type: none"> -- land use inventory of natural and man-made structures -- building and public improvement conditions -- identification of weaknesses in development pattern or area's prime for redevelopment or a change in use -- projected public needs – parks, schools, traffic-control devices, sidewalks, recreation linkages -- area specific recommendations based on goals 	<ul style="list-style-type: none"> -- for an existing neighborhood experiencing development pressures or incompatible development projects -- to create a neighborhood vision for acceptable infill development -- for fringe areas of the city that do not have an established development pattern -- in areas that are underdeveloped or inappropriately developed based on zoning or adjacent land uses
OVERLAY ZONE	<ul style="list-style-type: none"> -- to protect the established or developing character of an area -- to establish standards for development [new, infill or redevelopment] -- to redirect negative growth patterns or development (to create strengths out of weaknesses) -- to provide 	<ul style="list-style-type: none"> -- to create the same level of protection in older neighborhoods that covenants and restrictions provide in newly developing suburban areas -- to supplement existing codes and regulations -- to implement recommendations from a land use or transportation plan that are specific to a 	<ul style="list-style-type: none"> -- adopted standards for development or redevelopment of an area -- establishment of expectations for compatible transitions between land uses -- establishment of the city's expectations and the review criteria that will be used in evaluating development 	<ul style="list-style-type: none"> -- standards to supplement base zone that enforce the architectural or design style of the area -- standards that modify the density and dimensional criteria of the base district to permit patterns [massing and voids, heights and density] of development to continue -- access mgmt. 	<ul style="list-style-type: none"> -- to implement specific goals established in area or neighborhood plans -- to implement specific goals or objectives in a corridor or transportation plan -- to preserve a community asset or development pattern in an area

	community expectations in a defined and predictable manner through regulations	defined area or corridor in the city			
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