

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
10/20/2008

ITEM NO. 3: CPA-2008-5 AMENDMENT TO CHAPTER 6 LAND USE (MJL)

CPA-2008-5: Amend Chapter 6-Commercial Land Use – to correct policy numbers under Goal 3 (duplicate numbers). Initiated by Planning Commission in April, 2008 as part of the annual review.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* to amend Chapter 6, Commercial Land Use to correct policy numbers under goal 3 and forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval and recommends authorizing the chair to sign PC Resolution 2008-09 regarding this amendment.

STAFF REVIEW AND SUMMARY

This comprehensive plan amendment is to correct policy numbers under Goal 3 in Chapter 6. It was noted that there are two policies numbered 3.8. This comprehensive plan amendment was identified in the Comprehensive Plan Annual Review brought before the Planning Commission in April 2008. Various updates were initiated and this correction was included to be updated.

Chapter 6 – Commercial Land Uses, Goal 3 starts on page 6-31 of *Horizon 2020*. Staff has renumbered starting with the current Policy 3.3.A and changed it to Policy 3.4 and so forth. As currently written, Policy 3.3.A appears to be a subsection of Policy 3.3 and that is not the intent. Text from *Horizon 2020* with changes shown is attached at the end of the document.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the plan was adopted?

This amendment is to correct a mistake in numbering in the document. The intent at the time of adoption of Chapter 6 was not to have duplicate policy numbers and the previous addition of a policy makes Policy 3.3.A appear that it is a subsection of Policy 3.3. Duplicate policy numbers and precise numbering, could create issues and confusion when writing staff reports and quoting policies from *Horizon 2020*.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

This amendment is consistent with the comprehensive plan and will make referencing to *Horizon 2020* Chapter 6, Goal 3 clearer because of the current numbering inconsistencies.

C. Is the proposed amendment a result of a clear change in public policy?

The proposed change is a housekeeping issue to correct an error and an unintended confusing list of policies. The governing bodies did not intentionally misnumber and did not anticipate the result of amendments between policies. This update will help the plan be clearer, more concise and user-friendly.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* to amend Chapter 6, Commercial Land Use to correct policy numbers under Goal 3 and forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval and recommends authorizing the chair to sign PC Resolution 2008-09 regarding this amendment.

Guidelines are needed to provide direction on how much, where and at what scale commercial development is appropriate for the market it is intended to serve.

GOAL 3: Criteria for Commercial Development

Provide regional, community and neighborhood shopping opportunities to meet the commercial and retail needs of the community.

Policy 3.1: Utilize Locational Criteria for Commercial Development

- A. **Commercial Nodes:** Nodes shall occur at arterial/collector or arterial/arterial intersections depending on the type of commercial center.
- B. **Strip Commercial Development:** Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern.
- C. **Assembling of Land:** Encourage the assembling of small tracts to form larger, more cohesive parcels to enable well-planned and orderly development to occur.
- D. **Vehicular Access:** Limit the principal vehicular access of commercial development to arterial, collector or frontage (access) streets.
- E. **Site Layout:** Commercial development shall be located to avoid substantial disruption of natural drainage and vegetation.
- F. **Compatibility with Adjacent Land Uses:** Encourage the location of commercial nodes where they can efficiently utilize local resources, where their adverse impacts on adjacent uses are minimized, and where they will effectively provide the community with desired products, services and employment opportunities.
- G. **Public Improvements:** Construction of a new commercial center cannot begin until all infrastructure improvements serving the center have been completed.

Policy 3.2: Establish Design Standards for Commercial Development

- A. The city shall develop reasonable design standards for new and redeveloped commercial areas which improve:
 - 1. Integration with the surrounding neighborhoods;
 - 2. Pedestrian movement to and within the commercial areas;
 - 3. The aesthetics of the districts from the surrounding street system; and
 - 4. The design to create attractive focal points for the surrounding populations.

- B. Incentive systems shall be developed to encourage commercial areas to provide mixed use projects that include residential and office uses integral to the design.
- C. These design standards and incentives shall be adopted into HORIZON 2020 and implemented through zoning, subdivision and the Capital Improvements Plan.

Policy 3.3: Criteria for Inner-Neighborhood Commercial Centers

- A. Encourage redevelopment of existing Inner-Neighborhood Commercial Centers through alternative standards for:
 - 1. Required parking;
 - 2. Open space requirements;
 - 3. Required setbacks; and
 - 4. Required lot size.
- B. Do not encourage the expansion of existing Inner-Neighborhood Commercial Centers.
- C. Standards for New Inner-Neighborhood Commercial Centers:
 - 1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
 - 2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
 - 3. Centers shall no more than 3,000 gross square feet of commercial space; and
 - 4. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.

Policy 3.4: Criteria for Mixed-Use Redevelopment Centers

Deleted: 3.A

- A. Encourage redevelopment of areas where existing structures are underutilized, have experienced a high turnover rate, or have remained vacant for an extended period of time.
- B. Mixed-Use Redevelopment Centers shall be no larger than six acres in size.
- C. Mixed-Use Redevelopment Centers shall include a mix of the following uses within the subject area and where possible, include mixed-use structures:
 - 1. Residential;
 - 2. Civic;
 - 3. Office;
 - 4. Small-scale commercial:
 - a. Total commercial spaces shall not exceed 25% of the net floor area within the subject area, and

- b. A single retail space shall not occupy more than 16,000 square feet of ground-floor level, net floor area of a structure; and
- 5. Open space.
- D. Mixed-Use Redevelopment Centers shall maintain the character of the surrounding neighborhoods by:
 - 1. Achieving integration with adjacent land uses by providing transitions between uses through alleyways and use and landscape buffers;
 - 2. Incorporating existing structures wherever possible;
 - 3. Maintaining general structure spacing, massing, scale, and street frontage relationship when incorporating new structures.
- E. Mixed-Use Redevelopment Centers shall provide multi-modal services to include the following options:
 - 1. Pedestrian, including pedestrian-scaled street furnishings, plantings and gathering spaces;
 - 2. Bicycle, including bicycle parking;
 - 3. Vehicular; and
 - 4. Transit, if available.

Policy 3.5: Criteria for Neighborhood Commercial Centers

Deleted: 4

- A. Neighborhood Commercial Centers shall be located at the arterial/arterial or arterial/collector street intersections.
- B. Limit the commercial uses in neighborhood centers to one corner of the intersection.
- C. New Neighborhood Commercial Centers shall be at least one (1) mile from any existing or new Commercial Center.
- D. Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers with a grocery store of 60,001 or more gross square feet may have up to a total of 125,000 gross square feet of commercial space.
- E. No one commercial use in a Neighborhood Commercial Center shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.
- F. A nodal plan shall be completed before a proposal for a Neighborhood Commercial Center goes before the Planning Commission.
- G. Locate office, public, semi-public, parks and recreation or medium- and higher-density residential developments on remaining corners of intersection to avoid excessive concentrations of commercial traffic and unnecessary duplication of commercial services.

- H. Low-density residential uses may be located at the remaining corners of the intersection if sufficient screening measures are provided to offset noise and views of the intersection are provided.
- I. Integrate neighborhood commercial centers into the surrounding residential neighborhoods by including pedestrian access, appropriate transitional elements and, if possible, the location of public or semi-public uses or parks and recreation uses adjacent to the commercial development.
- J. Neighborhood Commercial Centers shall be designed with pedestrian mobility as a top priority.
 - 1. Pedestrians shall be able to easily walk to all stores in a neighborhood center without using a vehicle.
 - 2. Parking lots shall provide pedestrian accessways to reduce the potential of pedestrian/vehicle conflicts.
- K. Façades shall have a variety of textures, colors, shapes, etc. such that the buildings in a Neighborhood Center do not have a single uniform appearance.
- L. Neighborhood Centers should have dedicated open space areas that useable by the Center's employees and shoppers.
- M. Neighborhood Commercial Centers shall not expand into the surrounding portions of the neighborhood.
- N. Any commercial development proposal for a corner in a new Neighborhood Commercial Center shall have a length-to-depth ratio between 1:1 and 3:2.
- O. Neighborhood Commercial Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.6: Criteria for Existing Strip Commercial areas

Deleted: 5

- A. A redevelopment plan should be made for each existing Strip Commercial Center
- B. Tools such as public/private partnerships, special overlay districts, reduced development standards, lot consolidation and purchase, access management plans, cross access easements, etc. should be used to enhance redevelopment opportunities for existing Strip Commercial areas.
- C. Existing Strip Commercial areas shall not expand into surrounding lower-intensity zoning areas.
- D. Curb cut consolidation and cross access easements shall be included when an existing site plan is revised or a new site plan proposed.

- E. Existing Strip Commercial areas shall develop or redevelop in a manner consistent with the city's adopted design guidelines.

Policy 3.7: Criteria for Community Commercial Centers (under 200,000 square feet) CC200

Deleted: 6

- A. CC200 Centers shall be located at the intersection of arterial/arterial streets.
- B. CC200 Centers shall have no more than 200,000 gross square feet of commercial space.
- C. No single store shall occupy more than 100,000 gross square feet.
- D. A general merchandise store (including discount and apparel stores) shall not exceed 65,000 gross square feet.
- E. The sum of the gross square footage for all stores occupying space between 40,000 and 125,000 shall not be more than 75 percent of gross commercial square footage for the corner of the intersection.
- F. Corners of the node not developed with commercial uses shall have extensive on-site screening and shall be utilized for office, employment-related, public and semi-public, parks and recreation, and higher-density residential uses. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses) adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area.
- G. New or existing CC200 Centers shall not encroach or expand into the surrounding residential or lower-intensity uses.
- H. A proposal requiring a revised or new site plan for property in a CC200 Center shall include plan for reducing curb cuts, providing cross access easements to adjacent properties, and buffering for adjacent non-commercial uses.
- I. A nodal plan shall be completed before proposals for the redevelopment or expansion of an existing CC200 Center that include more than 50 percent of the existing gross commercial square footage or plans to expand the center by more than 20 percent go before the Planning Commission.
- J. Proposals for the redevelopment or expansion of an existing CC200 Center that include more than 50 percent of the existing gross commercial square footage or plans to expand the center by more than 20 percent shall include a building with at least 40,000 gross square feet of commercial space.
- K. A nodal plan shall be completed before a proposal for a new CC200 Center goes before the Planning Commission.
- L. Proposals for a new CC200 Center shall include a building with at least 40,000 gross square feet of commercial space.

- M. CC200 Centers shall develop or redevelop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.8: Criteria for Community Commercial Centers (under 400,000 square feet) CC400

Deleted: 7

- A. CC400 Centers shall be located at the intersection of two arterial streets that both have at least a four lane cross-section or the intersection of a four-lane arterial and a state or federally designated highway.
- B. CC400 Centers must be a minimum of 3.75 miles apart.
- C. CC400 Centers shall have a maximum of 400,000 gross square feet of commercial space.
- D. At least 95 percent of the commercial gross square footage in a new CC400 Center shall be located on two corners of the intersection. The remaining five percent shall be located on one of the remaining two corners.
- E. No single store in a CC400 Center shall occupy more than 175,000 gross square feet.
- F. The sum of the gross square footage for all stores occupying between 100,000 and 175,000 cannot be more than 70 percent of the gross commercial square footage for the corner of the intersection.
- G. If the proposal for a corner of the intersection includes more than 100,000 gross square feet of commercial space, the proposal shall include a single building that has at least 40,000 gross square feet of commercial space.
- H. Proposals in which the commercial gross square footage is less than ten percent of the total square footage of the project do not have to meet the minimum acreage and lot depth.
- I. Any commercial development proposal for a single corner in a new CC400 Center shall be a minimum of 20 acres in size.
- J. Any commercial development proposal for a single corner in a new CC400 Center shall have a length-to-depth ratio between 1:1 and 3:2.
- K. Access points into a new CC400 Center shall be from the two points furthest from the intersection.
- L. CC400 Centers shall be designed with feeder and/or reverse frontage streets to collect internal traffic and for easy access from the surrounding community.
- M. CC400 Centers shall be designed with pedestrian mobility as a top priority.

1. Centers shall be designed to facilitate the movement of pedestrians from store to store and building to building.
2. Parking lots shall provide pedestrian accessways to reduce the potential of pedestrian/vehicle conflicts.
- O. Facades shall have a variety of textures, colors, shapes, etc. such that the buildings in a CC400 Center do not have a single uniform appearance.
- P. CC400 Centers should have dedicated open space areas that useable are by the center's employees and shoppers.
- Q. Buildings shall not be separated from adjacent street rights-of-way by large expanses of parking.
- R. Corners of the node that are not developed with commercial uses should be utilized for office, employment-related, public and semi-public, parks and recreation, and higher-density residential uses with extensive on-site screening. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses) adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area.
- S. Existing CC400 Centers shall not expand into areas with existing less intensive uses (low-intensity residential, institutional uses, office, multi-family residential, etc.).
- T. A nodal plan must be completed before a development proposal for any corner of CC400 Center is forwarded to the Planning Commission.
- U. CC400 Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.9 Nodal Plan Criteria

Deleted: 8

- A. The city should attempt to complete a nodal plan for newly designated Commercial Center before there is pressure to develop the node.
- B. A nodal plan shall be completed for any new Commercial Center before a development proposal for the node can go before the Planning Commission.
- C. A nodal plan shall include the following information:
 1. Existing natural features;
 2. Appropriate transitional uses;
 3. Appropriate use for each specific corner of the intersection;
 4. Access points from each location;
 5. Necessary infrastructure improvements;
 6. Overall traffic flow in and around the node and the surrounding area;

7. The “ultimate geometric design” for the intersection based on the proposed land uses for the intersection; and
8. Any and all other necessary information needed to create the nodal plan.

Policy 3.10: Criteria for the Regional Retail/Commercial/Office/Cultural Center

Formatted: Indent: Left: 0 pt,
Hanging: 108 pt

Deleted: 8

- A. Recognize and emphasize Downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center -- which is an intensely developed, large-scale, mixed use location that serves as an activity center for the community.
- B. Continue to encourage a broad mix of uses in downtown Lawrence, including retail, office, residential, entertainment, lodging, unique visitor attractions, expanded conference facilities. Maintain the core concentration of governmental, cultural/social facilities and services and recreation, leisure and community events in this area.
- C. Encourage the continuation of community social activities (Art in the Park, holiday parades, etc.) to occur in Downtown Lawrence.
- D. Continue to support the building design criteria set forth in the “Downtown Architectural Design Guidelines”.
- E. The “Downtown Architectural Design Guidelines” should be amended to include the W. 9th Street area that serves as a gateway into Downtown Lawrence.
- F. Maintaining and protecting the vitality of Downtown Lawrence is important to the citizens of Lawrence. Because of its high importance as an asset to the community, any new proposal for a new Regional Commercial Center must demonstrate that it will not have a substantial impact on Downtown Lawrence.

Policy 3.11: Criteria for Regional Commercial Centers

Deleted: 9

- A. The Comprehensive Plan does not anticipate the need for a new Regional Commercial Center within the planning period.
- B. Designating a new Regional Commercial Center will require an amendment to the Comprehensive Plan.
- C. Design Criteria
 1. The commercial development plan for a corner shall have a minimum of 40 acres;
 2. The development shall have a minimum of 1,400 linear feet of frontage on a public street;
 3. A Regional Commercial Center shall not have more than 1.5 million gross square feet of commercial space; and

- 4. A Regional Commercial Center shall be located at the intersection of two state or federally designated highways or the intersection of an arterial street and a state or federally designated highway.
- D. A nodal plan shall be completed before a development proposal for a Regional Commercial Center is forwarded to the Planning Commission.
- F. Parking lots shall be designed to minimize conflicts between pedestrians and vehicles.
- G. Centers shall be designed to facilitate the movement of pedestrians from store to store and building to building.
- H. Buildings shall be placed near adjacent street right-of-way.
- I. The majority of parking for the center shall be behind the front building line.
- J. A proposal requiring a revised or new site plan for property in an existing Regional Commercial Center shall include a plan for reducing curb cuts, providing cross access easements to adjacent properties, and buffering for adjacent non-commercial uses.
- K. New or existing Regional Commercial Centers shall not intrude or expand into the surrounding residential or lower-intensity uses.
- L. CC400 Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.12: Criteria for Commercial Development in Unincorporated Areas

Deleted: 10

- A. Existing commercial areas that are located at the intersection of a hard surfaced County Route and a state or federally designated highway should be allowed to expand if the necessary infrastructure (water, road, approved wastewater treatment facility, etc.) is available.
- B. Encourage new commercial development at key access points on major corridors only if served by adequate infrastructure, community facilities and services.
- C. The commercial gross square footage of a development shall be limited to a total of 15,000 gross square feet.
- D. The only new commercial area shall be located at the intersection of either US-56 and K-33 or US-56 and County Route 1061.

Policy 3.13: Require a Market Impact Analysis

Deleted: 11

- A. Proposals to create any shopping district that, when considering the entire node, will result in greater than 150,000 gross square feet of commercial building space shall include an independent market analysis. Initial development proposals of 50,000 gross square feet or less on any single corner are exempt

from this market analysis requirement, but will be limited to one exemption per corner of the intersection. The market analysis shall adhere to all of the following criteria:

1. The entity proposing the commercial project shall provide the funding of the study.
 2. The independent consultant that performs the market study shall be chosen by the city and agreed upon by the entity submitting the proposal for the shopping center.
 3. The study shall analyze the commercial proposal and provide at least the following information:
 - a. The overall viability of the proposal;
 - b. The validity of the proposal considering any community retail vacancy, sales/square foot and square footage/capita data as outlined in Policy 1.7;
 - c. How the proposal will impact existing commercial development in the community;
 - d. How the mix and sizes of proposed uses of the development will impact the viability of Downtown Lawrence;
 - e. A building phasing schedule based upon the community's ability to absorb the additional commercial square footage; and
 - f. Any other additional information required by the Planning Commission.
- B. The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate of greater than eight percent.

Policy 3.14: Criteria for Mixed-Use Districts

Deleted: 12

- A. Encourage preservation of areas that are mixed use in nature, as well as development and redevelopment of areas with vacant land, ~~and~~ or where existing structures are underutilized, have experienced a high turnover rate, or have remained vacant for an extended period of time.
- B. Mixed-Use Districts shall be no larger than 20 acres in size.
- C. Mixed-Use Districts shall include a mix of the following uses within the subject area and where possible, in mixed-use structures:
 - a. Residential;
 - b. Non-residential.
- D. Mixed-Use Districts shall maintain the character of the surrounding neighborhoods by:

- a. Achieving integration with adjacent land uses by providing transitions through alleyways, variation among development intensity, and implementation of landscape buffers;
 - b. Incorporating existing structures wherever possible;
 - c. Maintaining general structure spacing, massing, scale, and street frontage relationship when incorporating new structures.
- E. Mixed-Use Districts shall provide multi-modal services to include the following options:
 - a. Pedestrian oriented public spaces, which shall include pedestrian-scaled street furnishings, and plantings;
 - b. Bicycle, including bicycle parking;
 - c. Vehicular; and
 - d. Transit.