

PLANNING COMMISSION REPORT
Regular Agenda – Action Item

PC Staff Report
05/18/09

ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6 (DDW)

CPA-3-2-09: Hold public hearing on a Comprehensive Plan Amendment (CPA) to Horizon 2020 Chapter 4, Growth Management and Chapter 6, Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County. Initiated by the Planning Commission on April 20, 2009. Requested by Rockwall Farms, LC.

STAFF RECOMMENDATION: Staff recommends approval of CPA-3-2-09 amending Horizon 2020 Chapter 4, Growth Management and Chapter 6, Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County, and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 5-3-09.

STAFF REVIEW

This CPA was requested by Rockwall Farms, LC and initiated by the Planning Commission on April 20, 2009. The applicant provided proposed text changes to Chapter 4, Growth Management and Chapter 6, Commercial Land Use with their CPA request.

Staff reviewed the language proposed by the applicant and modified it after consideration of the issues. The italicized language below is the changes proposed by the applicant. The bold and struck through language is the modifications proposed by staff.

Chapter Four – Growth Management, pg. 4-4

RURAL AREA

The Rural Area is the land that lies outside the designated Urban Growth Areas of the incorporated cities. Lands in the Rural Area are not planned to develop or to support urban densities of development during the planning period. Rural development shall be subject to the overall policies, recommendations and standards of the Comprehensive Plan. There are a few locations, however, in the Rural Area which may be expected to receive some level of urban development consistent with the Plan. These include commercial areas to serve county residents and, potentially, to provide *(i) conference and recreation facilities at Clinton Lake, and (ii) conference, recreation, or tourism facilities that benefit from or integrate with the rural setting, at such other locations that substantially satisfy the*

*following criteria: (a) direct access to an improved arterial roadway; (b) ~~rural or~~ public water supply available; (c) **separated from existing conference, recreation, or tourism facilities by 3 miles or other appropriate distance as determined by the Board of County Commissioners;** and (d) designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods.* Otherwise, urban uses are not planned within the Rural Area.

Chapter Six – Commercial Land Use, p.6-23, last paragraph

Commercial activities related to *conference, recreational, or tourism* uses associated with Clinton Lake, Lone Star Lake, or Douglas County Lake, ~~or other Rural Areas that satisfy the criteria for growth management in Chapter Four,~~ shall be exempt from the locational criteria applied to new commercial areas or expansions of existing commercial areas. A commercial area serving the recreational needs (boat rental, bait shop, lodging, etc.) of persons using the county's lake facilities may be located at an entrance point to a lake.

Conference, recreational, or tourism uses located in the Rural Area shall satisfy the criteria listed in Chapter Four. Such uses shall also include a mandatory 200' natural buffer area. Proposed conference, recreational, or tourism facilities shall include a site-specific site plan with rezoning applications to demonstrate that the criteria listed in Chapter 4, and the 200' buffer area, have been met.

Discussion

Limiting the occurrence of these facilities is warranted in order to keep them from proliferating in the rural area. It is reasonable to require public water supply only instead of rural or public water. A separation standard also will help to limit the occurrence of these facilities. Staff is proposing a distance of 3 miles or other appropriate distance as determined by the Board of County Commissioners.

While these uses are intended to preserve or integrate with the rural environment, buffering these uses from neighboring properties will help protect the rural nature of the neighboring areas. Providing a site-specific site plan at the time of rezoning will help ensure the standards for these facilities are being met.

Staff also reviewed this amendment based upon the comprehensive plan amendment review criteria listed below [identified in Chapter 13 (Implementation) of *Horizon 2020*]. The applicant also provided responses to the criteria.

Included as an attachment to this staff report are the proposed amendments to Chapter 4, Growth Management and Chapter 6, Commercial Land Use. If approved, this amendment will add language to the Rural Area description in Chapter Four – Growth Management (pg. 4-4) and to Chapter Six – Commercial Land Use (pg. 6-23, last paragraph).

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?

Applicant's Response:

The proposed amendment is the result of unforeseen conditions not understood or addressed at the time Horizon 2020 was adopted. The concept of rural-related tourism, such as a retreat that includes convention and meeting space, dining facilities, cabins, a wedding chapel, a lodge, or a clubhouse, which are intended to preserve natural resources and the rural environment, was not specifically addressed or contemplated in Horizon 2020. However, because rural-related tourism activities are similar in many respects to lake activities and recreation, the proposed text amendments are an extension of the plan's rationale regarding recreational development in the Rural Area.

Staff's Response:

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. The extent of the scope of rural tourism today was not contemplated when *Horizon 2020* was first written. Rural tourism is a growing industry and providing facilities in rural areas of the County, rather than just around county lakes, is appropriate.

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

Applicant's Response:

The proposed amendments advance several clear public purposes and are consistent with the long-range planning goals and policies of Horizon 2020. First, the proposed text amendments will preserve, protect and utilize natural and environmental features as focal points for new recreational development, and will preserve natural areas and open spaces in Rural Areas, consistent with the policies of Chapter Nine of Horizon 2020. See pp. 9-2, 9-6. Second, the addition of new rural recreational facilities will promote tourism in Douglas County, which is an objective in Horizon 2020, as stated in Chapter Twelve, Priority 5.4, p. 12-6. Third, rural-related tourism facilities like The Woods are consistent with the first and second Goals of Economic Development – to create new jobs and to increase the tax base. See Horizon 2020, p. 12-1. For example, The Woods, when fully developed, will add new jobs and payroll in Douglas County and include a capital investment of up to \$10,000,000.

Staff's Response:

The proposed amendment is an advancement of a clear public purpose to permit opportunities to develop rural-oriented uses related to recreation, conference and tourism. Staff agrees with the applicant's response regarding the support of long-range goals and policies. The proposed amendment is changing policy but still limiting commercial uses in the rural area.

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

Applicant's Response:

The recent emphasis on the preservation of natural resources and the rural environment, as evidenced by the recently approved amendments to Chapter Seven of Horizon 2020, is the result of a clear change in public policy. This change of public policy is also evidenced by the recent draft Environmental Chapter of the long-range plan.

Staff's Response:

There have been recent discussions of opening unincorporated areas to limited development in Chapter Seven. Further, eastern Kansas and western Missouri have been designated as part of the Freedom's Frontier National Heritage Area by Congress. The Freedom's Frontier Heritage Area is a grassroots effort focused on telling the story of freedom. The Freedom's Frontier Heritage Area designation could lead to increased visitors to the Douglas County and this comprehensive plan amendment could help support increased tourism by allowing conference, recreation, and tourism facilities in the rural area.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of CPA-3-2-09 amending Horizon 2020 Chapter 4, Growth Management and Chapter 6, Commercial Land Use to expand the possible locations of conference, recreation, or tourism facility uses in the rural area of Douglas County, and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Attachments:

- Proposed new text

Description inserted in Horizon 2020 Text, shown in italics, deleted language is struck through:

Chapter Four – Growth Management, pg. 4-4

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