

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 1 : **PUD TO OS; 22.63 ACRES; SE OF W 27TH ST & CROSSGATE DR
(MKM)**

Z-3-3-10: Consider a request to rezone approximately 22.63 acres, from PUD (Planned Unit Development) to OS (Open Space), located southeast of W 27th St. & Crossgate Dr. *Initiated by Planning Commission on 3/22/10. City of Lawrence, property owner of record.*

1. **STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for approximately 22.63 acres from PUD (Planned Unit Development) District to OS (Open Space) 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

The adjacent parcel, also owned by the City, was rezoned from PUD to OS in March, 2010 to accommodate the expansion of a minor utility. The subject parcel is also owned by the City and is intended to serve as an open space buffer for the utility. The parcel was inadvertently omitted from the previous zoning request.

KEY POINTS

- The intent of the applicant is to rezone the site to OS to provide an open space buffer for the minor utility.
- The City Utilities Department has no objection to the rezoning of this property to OS.
- The property is being platted as Lot 1 of the Four Seasons Pump Station Addition
- The property has no street frontage and is completely encumbered with the regulatory floodplain.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The surrounding area is encumbered with regulatory floodplain. Open space is the principal land use. City parks are adjacent to the subject property on the east and west, and city owned farmland is adjacent on the south. Residences are located to the north across the multi-use bike path. Two utilities are located in the area, Pump Station 9 and a radio tower.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from PUD (Planned Unit Development) District to OS (Open Space) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.
- Submittal of a final plat for Four Seasons Pump Station 09 for administrative review and recordation.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None.

GENERAL INFORMATION

Current Zoning and Land Use: PUD-Four Seasons (Planned Unit Development) and Floodplain Overlay Districts; Open space.

Surrounding Zoning and Land Use: To the north:
--PUD-Four Seasons (Planned Unit Development) and Floodplain Overlay Districts; open space which was platted as Four Seasons No. 5 in 1976 but has no street frontage as right-of-way was vacated with a subsequent plat.
--RS7 (Single-Dwelling Residential) and Floodplain Overlay Districts; single family homes.

To the east: OS (Open Space) and Floodplain Overlay Districts; City parkland and minor utility.

To the south: OS (Open Space) District and floodplain; city-owned property with woodland and row crops.

To the west: OS (Open Space) and Floodplain Overlay Districts; City owned Nature Area.

Project Summary

The City's 2003 Wastewater Master Plan recommends the expansion of Pump Station 09 through the addition of a wet weather detention basin to improve existing service and to accommodate future development in the area. The City owns both parcels in the PUD Zoning District south of the multi-use bike path and submitted a preliminary plat for both properties and a rezoning request for the 8.18 acres which contain the minor utility. The subject parcel is being platted as Lot 1, Four Seasons Pump Station Addition but was not included in the rezoning request. The Utility Department indicated that it is their intention to keep the land as open space to provide a buffer between the minor utility and the residential properties to the north. The Planning Commission initiated the rezoning request to the OS District at their March 22, 2010 meeting.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Following are sections of *Horizon 2020* that relate to this development (staff comments are in italics):

Parks, Recreation and Open Space:

Policy 3.1 Identify Future Parklands and Open Space Areas:

(e) Encourage open space uses in the community's privately or publicly owned floodplains and drainageways. (Page 9-16)

As the property is completely encumbered with floodplain, the rezoning to OS would be in conformance with the open space recommendation in Horizon 2020.

Community Facilities:

Policy 2.4: Utilize Locational Criteria for Utility Structures:

(a) Choose locations and design sites in a manner which minimizes the impact on adjacent properties. (Page 10-17)

Staff Finding --

The pump station is located on City owned land and the open space surrounding the property serves to buffer the use from adjacent properties. The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The area contains open space land uses such as a city park, a city nature area and agricultural land that are all zoned OS. A sanitary sewer pump station is located at the southeast corner of the property, also on OS zoned property. To the north of the subject property are properties zoned PUD-Four Seasons which contain open space and a communication tower. Residences in the RS7 Zoning District are located to the north across the multi-use recreation path. The subject property and the surrounding area are encumbered with the regulatory floodplain which includes large areas of regulatory floodway. (Figures 1 and 2)

Staff Finding --

CHARACTER OF THE AREA

The area is very level and is heavily encumbered with floodplain. Much of the area has been zoned to the OS District and open space and agriculture are the predominate land uses in the area. A multi-use path which is part of the City Bike Trail passes through the area.

Staff Finding -- The area contains primarily open space and agricultural uses in a floodplain area with limited residential and minor utilities.

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

The subject property is not included in any adopted area and/or sector plans. *Horizon 2020* is the guiding plan for this property.

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

The property is currently zoned PUD-Four Seasons (Planned Unit Development). The Four Seasons Development proposal included residential land uses for this area. The property is not suitable for residential land uses as it has no street frontage and is heavily encumbered with the regulatory floodplain. Any development proposal to a use which was not approved with the PUD Zoning would require rezoning.

The Open Space District permits low-intensity uses by right, and other more-intense uses only through approval of a Special Use Permit. Uses permitted by right in the Open Space

District include cemeteries, minor utilities that serve a specific subdivision, passive recreation, nature preserve, and private recreation.

Staff Finding – The property is not suitable for the residential uses to which it is restricted with the current PUD Zoning given the lack of road access and the fact that it is heavily encumbered with the regulatory floodplain. It is suitable for the uses to which it would be restricted with the proposed OS Zoning.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The property has never been developed.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

The rezoning would further restrict the use of the property, rather than removing restrictions. This would reduce the number of possible land uses and will insure that the area will continue to serve as a buffer for the pump station.

Staff Finding – The rezoning will add restrictions to the property which will insure its use as an open space buffer. There will be no detrimental affect.

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

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.

If the rezoning were denied, the property would remain zoned for residential uses. As the property has no street frontage and is completely encumbered with the floodplain, residential development would not be appropriate. The open space zoning will insure that the property will remain undeveloped, or developed minimally, which will minimize any negative impacts on the floodplain.

Staff Finding – There would be no gain to the public or hardship to the landowner in the denial of the rezoning request. The rezoning request will assign an appropriate land use designation to the property for its current and intended land use of an open space buffer.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the rezoning to the Open Space District as it is an appropriate zoning district for this property. Very limited development is possible on the property as it is completely encumbered with the floodplain, both floodway and floodway fringe, and has no street frontage. Few uses and very limited development are permitted in the OS District; therefore, this is an appropriate zoning district for this property.

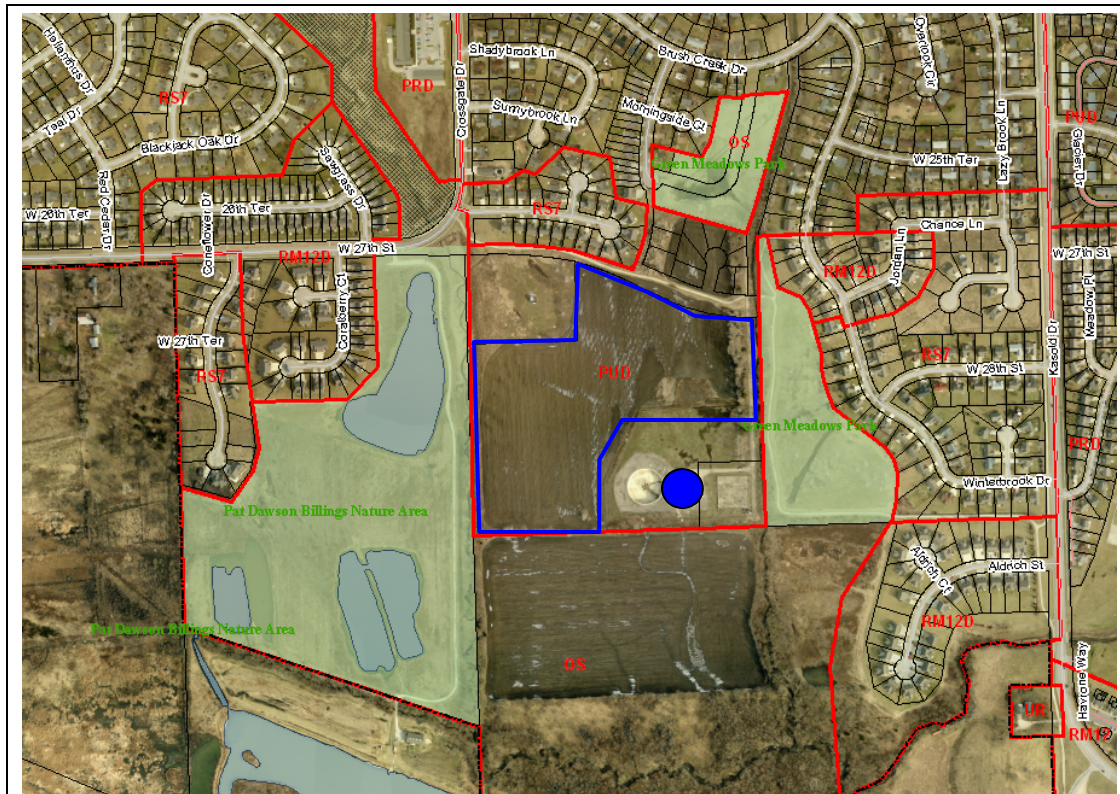


Figure 1. Base Zoning Districts in nearby area. Area recently rezoned to the OS District is marked with a • Approximate boundaries of the property which is the subject of this rezoning request is outlined in blue.

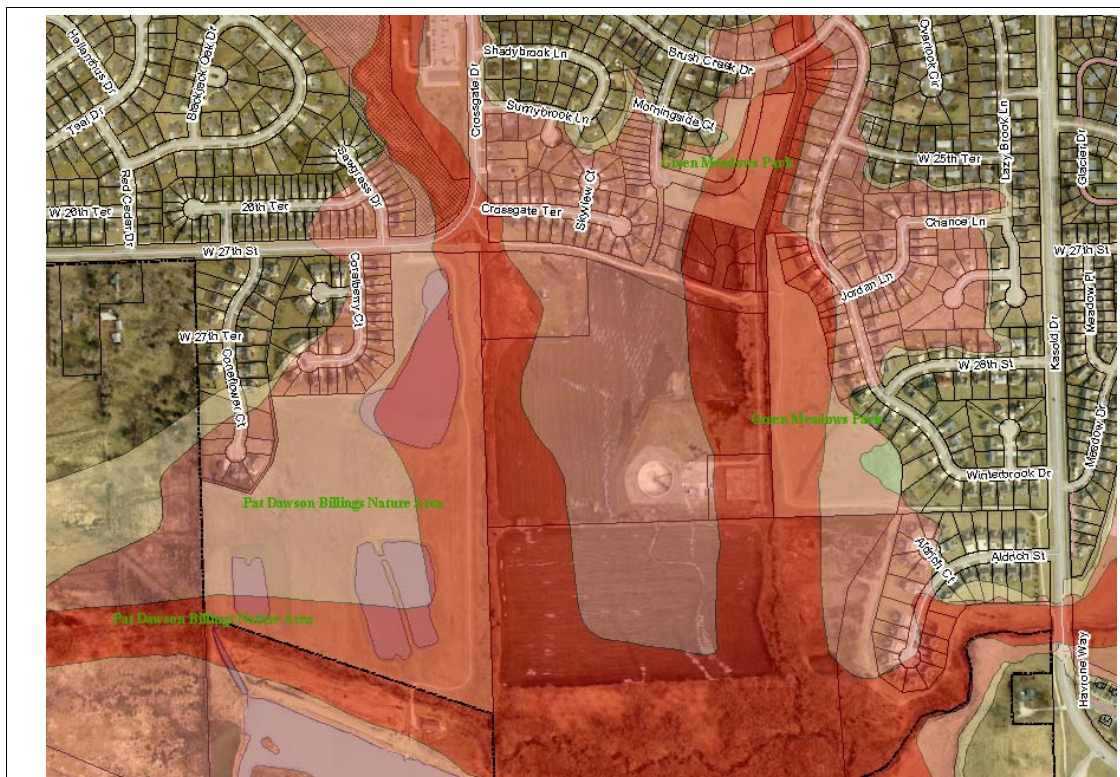


Figure 2. Floodplain Overlay District. Regulatory Floodway (red) and Regulatory Floodway Fringe (Pink).