

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Public Hearing Item**

PC Staff Report  
7/26/10

**ITEM NO. 4: CPA-6-5-09 (DDW)**

**CPA-6-5-09** Amend Horizon 2020, Chapter 14 list of specific plans, to include the Northeast Sector Plan.

**STAFF RECOMMENDATION:** Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Northeast Sector Plan description and also approving the plan for the City of Lawrence and unincorporated 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 7-5-10.

**SUMMARY**

This comprehensive plan amendment (CPA) to *Horizon 2020*, Chapter 14, list of specific plans, to add the reference to the Northeast Sector Plan was initiated by the Planning Commission on June 24, 2009. This CPA will approve the plan and add to Horizon 2020, Chapter 14 the title of the plan, a description of the approximate planning area boundaries, approval dates, and the future review date.

**BACKGROUND**

Grant Township requested that a planning effort be undertaken for the area. The area has seen increased development pressure, most recently with a proposal for an industrial park south of Hwy. 24/40 and north of Interstate 70. The city owned Lawrence Municipal Airport is also within the planning area.

**STAFF REVIEW**

The Northeast Sector Plan is a sector plan for the Grant Township area north of Lawrence to the Douglas County line, containing approximately 10,640 acres. Most of the planning area is part of unincorporated Douglas County, but some of the property is within the corporate boundaries of Lawrence. This plan will help guide the county and city when making future land use decisions within the planning area. The plan will also help the public to visualize how the area may develop in the future.

The Northeast Sector Plan process kicked off with a public meeting on September 17, 2009. Property owners and other stakeholders were invited to attend the meeting. The participants in the kick-off meeting were asked to provide their input on the area's strengths, weaknesses, opportunities and threats. They also participated in a visioning exercise. Approximately 100 people attended the kick-off meeting.

The second public meeting was held on October 8, 2009. Participants were asked to review and prioritize the results of the kick-off meeting. Approximately 80 people attended the second public meeting. The third public meeting for the plan was held on November 5, 2009. Approximately 80 people attended the meeting and were asked to provide feedback on draft goals and policies and also participate in a future land use exercise.

The first draft of the plan was released on March 12, 2010. The first draft was presented in a public meeting on April 7, 2010. Approximately 60 people attended the meeting. A second draft of the plan was released on May 5, 2010.

The second draft was presented to the Lawrence-Douglas County Planning Commission at their mid-month meeting on May 12, 2010. The second draft was also presented to the Planning Commission for review and comment during their regular meeting on May 24, 2010. The Planning Commission took public comment and provided comments to staff.

Staff produced a third draft of the plan based on Planning Commission comments. The third draft is presented for Planning Commission review. Staff also produced a questions and answers document as a result of some of the questions asked at the May 24<sup>th</sup> Planning Commission meeting. The questions and answers are attached at the end of this staff report.

All property owners in the area, along with additional stakeholders, were invited to participate in the planning process. Public meetings were well attended. Written comments were received on early documents and also on the plan drafts.

The draft plan includes three sections; the introduction, existing conditions, and recommendations. The introduction sections states the purpose of the plan, a description of the planning area and a list of the policy framework. The existing conditions section describes the existing land uses, zoning patterns, infrastructure, environmental conditions, and community facilities within the planning area. The recommendations section includes goals and policies that were derived from public meeting input. The recommendations section also includes a future land use map with written descriptions of the future land use classifications. Finally, the recommendations sections includes implementation actions.

Included at the end of this staff report is the proposed amendment to Chapter 14 – list of specific plans. This amendment is intended to add the reference to the *Northeast Sector Plan* to the list of specific plans. Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

## **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?**

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. At the time *Horizon 2020* was written, there was no Chapter 14, Specific Plans, or anywhere that approved ancillary land use plans were referenced.

This is a new plan that provides more clarity regarding the recommended future land use designations of the area and policies in the plan, the specific plans are recommended to be adopted as a part of the comprehensive plan. The plan is listed with a description of the approximate planning area boundaries, approval dates, and the future review date.

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

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, commercial land use, transportation, economic development, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

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

As rural areas around the fringe of Lawrence receive development pressure, there is a need to plan new areas for potential urban development. The planning process needs to occur before growth and redevelopment take place and clear guidance needs to be incorporated into the comprehensive plan which supports the community's goals. Chapter 14, Specific Plans, was a clear change to the comprehensive plan and to keep it up to date, the newly adopted land use plans need to be referenced to establish clear direction for the planning areas.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Northeast Sector Plan description and also approving the plan for the City of Lawrence and unincorporated 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.

## **Northeast Sector Plan**

### Questions and Answers

#### **What is the purpose of this Sector Plan?**

- This Sector Plan is a document that sets policy for the future development of the planning area. The plan will be one of the tools used by the Board of County Commissioners, City Commission, and Planning Commission when reviewing development proposals. The Plan establishes owner and developer expectations for the future highest and best use of property taking into account the likelihood of City services being provided to the area; the historical growth pattern; the topographical elements (storm drainage); and other natural and manmade opportunities and constraints of the area (transportation, soils, etc.).

#### **Does this plan rezone property or otherwise change the approved existing uses for property within the planning area?**

- No, the plan does not rezone any property, nor does it annex any property. The approved existing uses for property will not change when this plan is adopted. The plan establishes reasonable expectations for appropriate future zoning and annexation of property.

#### **Does this plan remove any current/existing development rights?**

- No, properties will enjoy all of the rights currently available under the existing zoning.

#### **How could incentives work in the preservation of Class 1 & 2 soils?**

- There are programs available, such as Transfer of Development Rights, that have been successful in high growth regions; however, for many reasons such a program may not be successful in Douglas County. Most incentives will likely take the form of private or public/private programs that aim to hold the land in perpetuity. Examples include:
  - Conservation easements – may provide tax advantages to owners.
  - ECO<sup>2</sup> recommendations – if funded, soil preservation could be one of the types of land to preserve as a tradeoff to industrial development.
  - There may be opportunities for public/private programs yet to be established.

#### **Does this plan institute new rules for farming in the area?**

- No. This Sector Plan does not set forth any policy to encourage changes in farming practice.

#### **Does this plan create new rules for farming on Class 1 and 2 soils?**

- No. This Sector Plan does not set forth any policy to encourage changes in farming practice.

#### **What is the status of the Airport Master Plan update?**

- The City has made an application to the Federal Aviation Administration for the plan update, but Congress has not authorized funding. The anticipated start date is September, 2010 with completion in 9-12 months. It is not anticipated that the airport boundaries will significantly change.

**Is a new soil conserving agri-industry zoning district necessary to implement the plan?**

- Staff does not feel a new zoning district is necessary as soil conserving agri-industry businesses can be accommodated by both the County's Zoning Regulations and also by the City's Land Development Code. The plan is a guide and this concept is derived from Horizon 2020 – Chapter 7 which says: "Soil conserving agri-industry businesses that will protect the quality of existing high-quality agriculture land either through agriculture use or preservation for future agriculture use should be encouraged to locate" in those areas with high quality agriculture land, but does not mandate such. Determinations of whether a development project complies with the plan will be up to the appropriate governing body.

**What is soil conserving agri-industry?**

- Soil conserving agri-industry is a future land use category for new development that is explained in 3.2.1.4 of the Northeast Sector Plan :

**3.2.1.4 Soil Conserving Agri-Industry**

The intent of the Soil Conserving Agri-Industry category is to allow for soil conserving agriculture-related businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.

Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture. The Soil Conserving Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.

**Intensity:** Medium-High

**Zoning Districts:** Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

**Primary Uses:** Soil-conserving agri-businesses

- All four words of "Soil Conserving Agri-Industry" need to be used together when discussing this land use classification. For example, a meat packing plant is an agriculturally-related industrial use, but it does not conserve soil. A crop research business that has a couple of buildings and is growing crops for research on the majority of the property would be considered a soil conserving agri-business.

**How does stormwater around the airport currently drain?**

- Staff will present a graphic at the July Planning Commission meeting.

## **Insert Northeast Sector Plan (*Horizon 2020* Page 14-3)**

### **Specific Plans**

- **6th and SLT Nodal Plan**

**Location:** The intersection of 6<sup>th</sup> Street (US Highway 40) and the SLT (South Lawrence Trafficway)

**Adoption Date:** November 11, 2003 by Lawrence City Commission

**Review Date:** 2009

- **6<sup>th</sup> and Wakarusa Area Plan**

**Location:** The intersection of 6<sup>th</sup> Street and Wakarusa Drive

**Adoption Date:** December 2, 2003 by Lawrence City Commission

**Review Date:** 2009

- **HOP District Plan**

**Location:** Bordered by W. 5<sup>th</sup> St. on the north, California St. on the west, W. 7<sup>th</sup> St. on the south and Alabama St. on the east.

**Adoption Date:** May 10, 2005 by Lawrence City Commission

**Review Date:** 2010

- **Burroughs Creek Corridor Plan**

**Location:** Area around the former BNSF railroad corridor between E. 9<sup>th</sup> St. and E 31<sup>st</sup> St.

**Adoption Date:** February 14, 2006 by Lawrence City Commission

**Review Date:** 2011

- **East Lawrence Neighborhood Revitalization Plan**

**Location:** Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9<sup>th</sup> Street, New Hampshire Street from E. 9<sup>th</sup> Street to approximately E. 11<sup>th</sup> Street, Massachusetts Street from approximately E. 11<sup>th</sup> Street to E. 15<sup>th</sup> Street on the west; E. 15<sup>th</sup> Street on the south; BNSF railroad on the east.

**Adoption Date:** November 21, 2000 by Lawrence City Commission

**Review Date:** 2010

- **Revised Southern Development Plan**

**Location:** Bounded roughly to the north by W. 31<sup>st</sup> Street and the properties north of W. 31<sup>st</sup> Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended( Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).

**Adoption Date:** December 18, 2007 by Lawrence City Commission

January 7, 2008 by the Douglas County Board of Commissioners

**Review Date:** 2017

- **Southeast Area Plan**

**Location:** Bounded roughly to the north by E. 23<sup>rd</sup> Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

**Adoption Date:** January 8, 2008 by Lawrence City Commission  
January 28, 2008 by the Douglas County Board of Commissioners

**Review Date:** 2018

- **Farmland Industries Redevelopment Plan**

**Location:** The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

**Adoption Date:** March 11, 2008 by Lawrence City Commission  
March 31, 2008 by Douglas County Board of Commissioners

**Review Date:** 2013

- **K-10 & Farmer's Turnpike Plan**

**Location:** Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.

**Adoption Date:** December 9, 2008 by Lawrence City Commission  
January 7, 2009 by Douglas County Board of Commissioners

**Review Date:** 2019

- **Lawrence SmartCode Infill Plan**

**Location:** General areas are: 19<sup>th</sup> St. and Haskell Ave., 23<sup>rd</sup> St. and Louisiana St.

**Adoption Date:** January 27, 2009 by Lawrence City Commission  
February 23, 2009 by Douglas County Board of Commissioners

**Review Date:** 2019

- **West of K-10 Plan**

**Location:** Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway

**Adoption Date:** June 9, 2009 by Lawrence City Commission  
May 6, 2009 by Douglas County Board of Commissioners

**Review Date:** 2019

- **Northeast Sector Plan**

**Location:** Generally located north and east of Lawrence and the Kansas River to the Douglas County line.