

ITEM NO. 8 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP14; INVERNESS PARK DISTRICT PLAN (DDW)

CPA-3-1-11: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

PUBLIC HEARING

Mr. Matt Gough, attorney from Barber Emerson representing Remington Square and Hy-Vee, recommended adopting the plan as written. He said the existing apartments were 2-story.

COMMISSION DISCUSSION

Commissioner Finkeldei said he was intrigued by the League of Women Voters letter regarding the Planned Development (PD) overlay.

Mr. McCullough said the PD amendments that the Planning Commission recommended increasing density was now part of the Development Code. He said if PD was mandated it would give the Planning Commission the authority to look at landscaping, open space, quality, and character issues of the development. He said it was not staffs intent to allow PD that would increase density and he did not believe that was what the applicant was looking for. He said the PD would give the governing bodies a little more control over the design layout and aesthetics. He said if they include PD overlay they would want to put language in there about not giving any more density than what the land use designation was in the plan.

Commissioner Finkeldei thanked staff for their work and felt they were able to solve the most difficult issues. He felt the limitations in the plan would help address the density concerns by the neighbors. He said he liked the commercial on the two corners and was excited for what that might do for the area. He said he would support the plan.

Mr. McCullough said incorporating the PD overlay with the land use designation was a tool or method that had been employed in contentious areas of the city. He said the League of Women Voters proposal was something that staff would accept for this plan as well. He said there were two ways to look at it; RM15 with the current PD code language would allow an increase above the RM15 density; or go to RM24 and note in the plan that the density should not be increased with the PD overlay code standards.

Commissioner Finkeldei asked Mr. Gough to comment on that.

Mr. Gough said Remington Square had not had the opportunity to evaluate a PD overlay as an option to RM24 with limitation for 2-story single bedroom units. He said the PD overlay would not result in the same number of units, it would be a lesser number of units than what the RM24 would be building, exactly what was presently built. He said at this time it was not an option that Remington Square wanted to pursue. He said he did not have an objection to including the PD overlay as an option for those who wished to use it, but at this time Remington Square was more in favor of the originally drafted RM24 single bedroom idea. He said Hy-Vee was not requesting a PD overlay.

ACTION TAKEN

Motioned by Commissioner Burger, seconded by Commissioner Singleton, to approve the comprehensive plan amendment (CPA-3-1-11) to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Inverness Park District Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and forwarding the comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval, revising the staff proposed restriction for Remington Square property that structures be limited to one-story,

and instead permit them to be two stories and with the additional requirement that any rezoning requests include a Planned Development (PD) overlay.

Commissioner Finkeldei said he was not sure parcels 4 and 5 should require a PD overlay.

Mr. McCullough said staff would probably agree with that.

Commissioner Burger amended the motion to only include parcels 1, 2, and 3.

Commissioner Singleton seconded the amended motion.

Commissioner Belt wanted to hear a compelling reason to move from RM15 to RM24.

Commissioner Hird asked if switching to RM24, with a limitation noted, would not increase the density, it would simply allow the additional five acres to the east to be built upon.

Mr. McCullough said it would bump up the density from what was there now. He said it maxed out its current density allowed by zoning. He said it had been a sticking point with the neighborhood that they did not want to see that 4-5 acres developed with any more apartments. He said the argument that staff tried to articulate was that the developer chose to develop this portion with a little bit of risk taking that they would gain some other density to get the other portion developed. He said they did not develop to the intensity they could have under RM15. He said staff's recommendation was to allow them to recapture some of that intensity that they did not use when it was originally site planned.

Commissioner Hird said he would probably support the motion. He said the appearance of what fronts onto Clinton Parkway was essential to the community and a PD overlay on those three parcels would be appropriate. He said with regard to Remington Square, since the builder did leave some of the density on the table, he did not have a problem with the land being built out as long as it was consistent with the existing structures.

Commissioner Culver said he would also support the RM24 with PD overlay on the three parcels. He said he supported infill development of that land to match what was currently there.

Commissioner Liese said he would also support the RM24 with PD overlay. He said he wished the neighbors who emailed the Commission had been present this evening because he wanted them to understand what decision was made and how much thought went into trying to address everyone's concerns.

Motion carried 7-1, with Commissioner Belt voting in opposition.