

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

PC Staff Report  
09/26/2011

**ITEM NO. 3A      RSO to CN2; 3.3 ACRES ; RSO (SINGLE-DWELLING RESIDENTIAL-OFFICE) TO CN2 (NEIGHBORHOOD SHOPPING CENTER), (SLD)**

**Z-7-21-11:** Consider a request to rezone approximately 3.3 acres from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center), located at 3900 W 24th Place. Submitted by Landplan Engineering, for Corporate Holdings II, LLC, property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the request to rezone approximately 3.3 acres, from RSO (Single-Dwelling Residential-Office) to CN2 (Neighborhood Shopping Center) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following condition:

1. As a means to implement the recommendation of the Inverness Park District Plan, the City Commission shall review and approve any site plan application prior to issuance of a building permit on the subject property.

**Reason for Request:**

*The current zoning does not support use of C-Store, fuel sales or other retail uses. The subject property has been vacant since annexation. Continued demand for growth on the southwest side of Lawrence suggests development of the subject property to be appropriate at this time. This request will provide necessary commercial services to support development in the surrounding area.*

**KEY POINTS**

- Request consistent with land use recommendation in the Inverness Park District Plan.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- PP-7-7-11: Preliminary Plat to divide property and remove access restriction to Crossgate Drive.
- SUP-7-4-11; development including Gas and Fuel Sales and Car Wash in CN2 District.

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Not required for rezoning.
- *Downstream Sanitary Sewer Analysis* – Not required for rezoning.
- *Drainage Study* – Not required for rezoning.
- *Retail Market Study* – Not required for development less than 50,000 SF.

**ATTACHMENTS**

- Area Map
- Map 4-1 Draft Inverness Park District Plan.
- Map 2-2 Draft Inverness Park District Plan.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None to date

**Project Summary:**

The subject property is proposed to be rezoned to CN2 to accommodate a convenience store, gas sales and a car wash. The property is adjacent to Clinton Parkway on the north, Crossgate Drive along the east property line and W 24th Place along the south property line. A new access point to

Crossgate Drive is proposed as part of the development of this property. The request includes 3.3 acres. This request is accompanied by a Preliminary Plat and a Special Use Permit for development. The property is included in the Inverness Park District Plan, which supports neighborhood commercial use on this corner.

## 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Map 3-2 Lawrence Future Land Use of Horizon 2020 this area is shown white. The surrounding area is shown Medium Density Residential to High Density Residential. This request is consistent with the most recent draft of the Inverness Park District Plan, which recommends the commercial use of this site. See Map 4-1 of Draft Inverness Park District Plan.*

Neighborhood Commercial Centers are described in *Horizon 2020* as having the ability to contain more than a single use (Page 6-5). The Plan states; *"To insure there are a variety of commercial uses and that no one use dominates a Neighborhood Commercial Center, no one store shall occupy an area larger than 40,000 gross square feet."* The implied intent is that multiple uses are required to establish a Neighborhood Commercial Center.

The Inverness Park District Plan was recommended for approval by the Planning Commission on July 27, 2011. The City Commission approved the Plan on September 13, 2011. A list of new Neighborhood Commercial Centers is included in Chapter 6 of *Horizon 2020*. The Inverness Park District Plan will, upon final approval by the County Commission, be incorporated into *Horizon 2020* by reference and will amend Chapter 6 of *Horizon 2020* designating this corner as a Neighborhood Commercial Center. As such, this request for neighborhood commercial zoning is consistent with the Comprehensive Plan.

**Staff Finding** – This application is being processed on the heels of the Inverness Park District Plan with the assumption that the implementation steps noted in Section VI of the plan are executed. This request for neighborhood commercial zoning is consistent with the Comprehensive Plan.

## 2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use:	RSO (Single-Dwelling Residential-Office) District; undeveloped land.
Surrounding Zoning and Land Use:	<p>RM15 (Multi-Dwelling Residential) District to the west, Remington Square – [Pending request for RM24; Z-8-12-10].</p> <p>RM12 (Multi-Dwelling Residential) District to the north; Existing apartment development known as Parkway 4000.</p> <p>PUD (Alvamar Planned Unit Development) to the northeast; existing apartment development.</p> <p>RM24 (Multi-Dwelling Residential) District to the east; existing apartment development known as Lorimar Apartments.</p> <p>RSO (Single-Dwelling Residential) District to the south; undeveloped lot.</p>

The zoning pattern for the subject property and the immediately surrounding area was established as part of a master plan for the original 160 acre tract that incorporated the existing drainage

courses and boundary street network as the development pattern. The alignment of W 24th Place was established to provide access to abutting lots with maximum separation from Clinton Parkway and the cross street intersections. The zoning districts were established to provide a land use transition south of Clinton Parkway (arterial street) and the southern portion of the development. Approval of the request will increase the variety of uses between Clinton Parkway and the developed neighborhoods to the south.

**Staff Finding** –The immediately surrounding uses are dominated by residential development in the form of apartment buildings and townhouses. This site has been re-designated for neighborhood commercial use through the Draft Inverness Park District Plan.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *This lot is adjacent to multi-family residential to the east and north. The area to the west is vacant but has been in the planning process for additional multi-family residential uses. The area to the south is also planned for multi-family uses. See Map 2-2 of Draft Inverness Park District Plan.*

The subject property was part of a 160 acre development that used a neighborhood approach as a framework for establishing the base zoning districts. The low density single/duplex family residential area located in the southern half of the original acreage was the first section to develop. The multi-family development has filled in and the remaining vacant areas are still being considered for various development opportunities.

The surrounding area includes a variety of housing choices and a range of development densities. Higher intensity uses are generally located along Clinton Parkway with decreasing intensity north and south of Clinton Parkway. The street profile of Clinton Parkway is such that many of the properties are lower than the street. Clinton Parkway is developed as a boulevard with a continuous green center median dividing the east and west bound traffic. This street profile also creates a boundary or edge between the north and south "neighborhood areas".

The traffic circle located at W 24<sup>th</sup> Place and Crossgate Drive provides traffic calming and intersection control. It also signals a transition to lower intensity development south of Clinton Parkway. Existing development is oriented with rear yard areas to both Clinton Parkway and Crossgate creating individual neighborhoods radiating in wedges away from the intersection.

This property is located within the boundaries of the Draft Inverness Park District Plan. The plan describes the neighborhood as:

*The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27<sup>th</sup> Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1. (Section II. Existing Conditions)*

The Draft Inverness Park District Plan discusses the subject property as follows:

*No 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO (previously zoned RO-1B). This property has regulatory flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W 24th Place. There is an existing round-a-bout at W 24th Place and Crossgate Drive.*

The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreen's at this location in 2008.

**Staff Finding** – The property is located on the north boundary of the Inverness Park District Plan area. The neighborhood is dominated by residential uses. Approval of the request would provide land area to accommodate additional uses to serve the Inverness Park neighborhood and the surrounding neighborhoods.

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

As noted above the subject property is located within the Draft Inverness Park District Plan. This plan supports neighborhood commercial development in the form of CN1, CN2 and CO zoning districts, but did contain a policy to require that any site plan for properties along Clinton Parkway be processed through a public process. To implement this policy of the plan, a condition is recommended to require that any site plan be considered and approved by the city commission prior to building permits being issued. The plan has been recommended for adoption by the Planning Commission at their July meeting. The Plan was considered and approved by the City Commission on September 13, 2011.

**Staff Finding** – The subject property is located within the Inverness Park District Plan. This plan supports neighborhood commercial development as proposed.

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

Applicant's Response: *The current draft of the Inverness Park District Plan recommends commercial use of the subject property. The plan notes that the site "...should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents." The use of this site as a convenience store, fuel sales, and commercial out lot are suitable for the site. Hy-Vee presently operates 92 C-stores. Hy-Vee plans to design this site as the company's most environmentally-friendly C-store, including an application for LEED certification.*

This property represents one of a few remaining undeveloped parcels located within the Inverness Park area. Considerable public discussion has been provided to the Planning Commission and to staff regarding the feasibility and desirability of multi-family development in the area along W 24th Place.

The current RSO zoning allows a range of uses including:

- Residential uses both attached and detached;
- Community Facilities such as a schools and daycare centers;

- Medical Facilities including offices and clinics, office uses;
- Personal Improvement uses such as yoga centers, fine arts studios, martial arts center or diet center.

The presence of the floodplain will not prohibit development for the allowed uses anymore than the proposed use. The floodplain includes a 60' wide drainage easement that runs along the entire western edge of the property. A recent Letter of Map Revision (LOMR) set the drainage easement width. The subject property includes 2.11 acres of area outside of the regulatory floodplain.

The development of the original plat for the original 160-acre site included specific access restrictions to Clinton Parkway and to Crossgate Drive on the east side. Access to lots along Clinton Parkway was designed to be accommodated from a parallel local street (W 24<sup>th</sup> Place) along the south side of the lots.

The recently approved Inverness Park District Plan identifies an area for neighborhood commercial development. The Plan states:

***Commercial – Neighborhood Center***

*The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level and may include mixed use structures to accommodate commercial and residential uses in one location.*

*Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.*

The Plan goes on to state:

*The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood residents. New commercial development should provide pedestrian connects, will need to include 4-sided architecture and comply with the Commercial Design Standards.*

**Staff Finding –** Based on recent planning for the area the existing zoning district is not suitable for the implementation of neighborhood commercial development at the intersection of Clinton Parkway and Crossgate Drive.

**6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED**

Applicant's Response: *The property has remained vacant since being annexed in 1999, with little or no expressed interest in the site as a residential office.*

The property is currently platted and undeveloped. The current zoning is RSO (Single-Dwelling Residential Office) District. This property has been included in numerous development applications in the past. Below is a summary of zoning actions related to this property.

2006- Current:	RSO
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2008:	Request to rezone Z-5-12-08 From for RSO to CN-2 (Walgreens); The Lawrence Douglas County Metropolitan Planning Commission considered this rezoning at their meeting on July 21, 2008 and forwarded a recommendation to the City Commission to recommend approval by a vote of 5 to 4. Withdrawn by applicant on December 11, 2008 prior to placement on a City Commission agenda, file closed.
2006:	Land Development Code adopted; RO-1B to RSO
1999 to 2006:	RO-1B (Residential-Office) District (Z-4-13-99).
1999:	<ul style="list-style-type: none"><li>• Annexed into the City of Lawrence A-4-4-99.</li><li>• Preliminary Plat of Inverness Park Addition – 195 lot mixed use development.</li><li>• Final Plat Inverness Park Plaza Addition No. 1 – Platted lots along W 24th Place.</li></ul>
1966 to 1999:	A (Agricultural) District.

Inverness Park Plan: Recommended for approval by the Planning Commission on July 27, 2011. City Commission scheduled to consider plan on September 13, 2011.

**Staff Finding** – The property is undeveloped but zoned and platted for mixed residential/office use development. Approval of this request will allow additional non-residential development options to be considered in the neighborhood.

## **7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

Applicant's Response: *Approving this rezoning application will not adversely affect the neighboring properties. Rezoning for adjacent properties is being requested to ensure compatibility with surrounding neighborhoods.*

Detrimental effects are generally considered to be traffic, noise, and incompatible land uses. Approval of the district plan incorporates a change of land use consistent with the proposed request for CN2. Noise and other visual impacts will be addressed through appropriate site design. The proposed use requires approval of a Special Use Permit for development. These physical elements will be addressed in more detail in the SUP staff report.

Traffic is the most obvious impact that will affect the surrounding area and road network. The property abuts an arterial street (Clinton Parkway) on the north, a collector street (Crossgate Drive) on the east, and a local street (W 24th Place) on the south. The west property line is encumbered by the regulatory floodplain and a dedicated drainage easement. Direct access to Clinton Parkway is not proposed nor recommended. Direct access to Crossgate Drive is currently prohibited as part of the previous land use approvals granted for this property.

**Staff Finding** – Physical elements such as screening and buffering are addressed through site design requirements (such as setback and landscaping). The proposed request is consistent with land use recommendations included in the Inverness Park District Plan and provides a land use transition from Clinton Parkway on the north and the lower density residential development south of W 24th Place. Traffic activity is confined to abutting collector and local streets and is not anticipated to impact the low density areas of the neighborhood south of W 24th Place.

## **8. 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**



Applicant's Response: *Approval of this application will fill a need of the surrounding property owners by providing nearby access to convenience items and fuel sales. The project dovetails into Hy-Vee, Inc.'s recently expanded supermarket at Clinton Parkway and Kasold Drive. The rezoning will allow a parcel of land that is difficult to develop to provide a useful service to the surrounding property owners while providing the City with tax revenue of a developed commercial site rather than continued vacant ground.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The primary gain to the public is the provision of services at the neighborhood level. The location of the proposed development should result in limited intrusion or cut-through into the neighborhood from pass-by traffic. The proposed boundary of the district is limited to the boundary of the property between Clinton Parkway and W 24th Place. Approval of this request is not intended to create a commercial node that will grow beyond the immediate intersection. The area of the request is sufficiently large enough to accommodate more than a single use that could serve the neighborhood.

**Staff Finding** – Denial of the request will limit the opportunity to provide services at the neighborhood level as identified in the Inverness Park District Plan.

## 9. PROFESSIONAL STAFF RECOMMENDATION

The following table is provided to identify the general purpose statements of the existing and proposed zoning districts related to this proposed change.

District	Purpose
<b>1966 Zoning Code</b> RO Residence Office District (20-606)  RO-1 = 1 RO-1A = 2 <b>RO-1B = 3</b> RO-2 = 4	<p>For uses on properties zoned RO on and after February 13, 1996, the RO District is designed to primarily provide mixed use areas for professional offices, medical and dental clinics and similar types of uses that are compatible with and can be located adjacent to or in combination with single, duplex, or multiple-family residential uses without undue harmful effects to the residential uses.</p> <p>Three residential densities are permitted in four zoning districts to provide flexibility and allow the location of: 1) high density apartment/office combinations in and near the downtown area, and high density areas lying adjacent thereto; 2) medium density residential and/or office developments in areas that are in conformance with the Comprehensive Plan and compatible with surrounding land uses; <b>3) a lower density district to be located adjacent to or near single-family and restrictive commercial areas and</b> (4) a lower density district, where residential units are restricted to single-family or duplex structures, to be located adjacent to or near single-family and restrictive commercial areas.</p>

District	Purpose
<b>2006 Development Code</b> RSO, Single-Dwelling Residential Office District (20-203)	The primary purpose of the RSO District is to accommodate low to medium-intensity administrative and professional offices that are compatible with the character of low and medium-Density residential neighborhoods. The District is also intended to be used as a transitional Zoning District between higher intensity commercial areas and residential neighborhoods. The District allows Detached Dwellings, duplexes, Attached Dwellings and administrative and professional office uses, which may be combined in the same Structure (e.g., office on the Ground Floor or at the front of the Building with Dwelling Units on upper floors or toward the rear of the Building).
CN2, Neighborhood Commercial Center District (20-208)	The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street intersections. Development is intended on only one corner of the intersection.

The RO-1B district (RSO District in 2006 Code) would have allowed Professional Office uses but not retail or automotive related uses. This use restriction was carried over to the RSO zoning district. The purpose statement of the CN2 district expresses the connection between the district location and the Comprehensive Plan land use recommendations. The Draft Inverness Park District Plan supports neighborhood commercial development at this location.

The plan recommends a public process for site planning the properties along Clinton Parkway such as rezoning with a Planned Development Overlay or conditional zoning such that the site plan would require City Commission Approval. The proposed request meets the basic test of compliance with the Comprehensive Plan with or without a development plan overlay.

This specific request is accompanied by a Preliminary Plat and a special use permit application that accommodates a public review process of a specific development for this property.

## CONCLUSION

For the reasons noted in this report, staff supports this rezoning request to CN2 conditioned on a requirement that any use include City Commission review and approval of a site plan prior to issuance of a building permit. Any use subject to a Special Use Permit review would automatically follow this procedure.