

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

**ITEM NO. 2B: A TO GPI ; 110 ACRES; E OF K-10 & N OF W 6<sup>TH</sup> ST (MKM)**

**Z-12-00191:** Consider a request to rezone approximately 110 acres, from County A (Agricultural) District to GPI (General Public and Institutional Uses) District, located east of Kansas Highway 10 (K-10) and north of W 6<sup>th</sup> Street adjacent to the Baldwin Creek City Park, generally bounded by E 902 Rd on the west and George Williams Way extended on the east. Submitted by Paul Werner Architects, for Fairway, LC, Property owner of record.

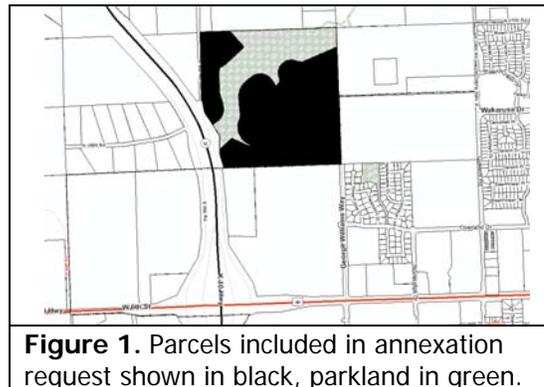
**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for approximately 110 acres from A (Agricultural) District to GPI (General Public and Institutional Uses) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

**APPLICANT’S REASON FOR REQUEST**

*“The subject property is currently zoned A and will not allow the necessary proposed uses.”*

**KEY POINTS**

- The subject property consists of 2 separate parcels which are located adjacent to land designated as a future City Park. (Figure 1)
- The property is adjacent to Lawrence City limits and annexation has been requested. When property is annexed, rezoning to an appropriate urban zoning designation is required.
- Rezoning to the GPI District has been requested to permit development of a sports, recreation, and entertainment facility.



**Figure 1.** Parcels included in annexation request shown in black, parkland in green.

**GOLDEN FACTORS TO CONSIDER**

**CHARACTER OF THE AREA**

The area is on the western edge of Lawrence and contains lands that are within the City limits as well as land that is located in the unincorporated portion of the County. The area is principally rural in nature, but urban development is anticipated in the future as areas within the City limits have been zoned for commercial and residential development.

**CONFORMANCE WITH HORIZON 2020**

The proposed rezoning request from the A (Agricultural) District to the GPI (General Public and Institutional Uses) District is consistent with land use recommendations found in *Horizon 2020*.

## **ASSOCIATED CASES/OTHER ACTION REQUIRED**

### Associated Cases:

- Annexation request [A-12-00190]; being considered at the November Planning Commission meeting.
- Preliminary Plat [PP-12-00223] for Rock Chalk Park Addition No. 1 and Preliminary Plat [PP-12-00224] for Rock Chalk Park Addition No. 2; scheduled for the December Planning Commission meeting.
- Special Use Permit/Institutional Development Plan [SUP-12-00225] for the proposed recreational facility; scheduled for the December Planning Commission meeting.

### Other Action Required:

- City Commission approval of annexation and adoption/publication of ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of the property through the Major Subdivision process.
- Public hearing and Planning Commission recommendation on the Special Use Permit. City Commission approval of Special Use Permit and publication of ordinance shall occur prior to release of plans for building permits.

## **PUBLIC COMMENT**

- No public comment was received prior to the printing of this staff report.

## **Project Summary**

The request proposes to rezone two separate parcels totaling approximately 110 acres from the A (Agricultural) to the GPI (General Public and Institutional Uses) District. The two parcels are located to the east of K-10 and west of George Williams Way (extended), and are separated by land owned by the City of Lawrence that is designated as a future city park. The development of a sport, recreation/entertainment center is proposed through a KU/City partnership. The uses being proposed include a community recreation center and tennis courts, and KU sports arena, track and field area, playing field, and an amphitheater. A series of trails would be developed and trails through the parkland would join the two parcels.

## **REVIEW & DECISION-MAKING CRITERIA**

### **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

#### Applicant's Response:

*"Horizon 2020 encourages additional land be acquired for parks and recreation as it becomes available and Map 9-1 in Horizon 2020 shows the subject area in the Future Park Zone Community Parks. In addition, the proposed land is served well by being near major roadways and bike paths."*

The area is identified in Chapter 9 as one of the potential areas for park zones. (Figure 2) Chapter 9 also defines the various facility types, such as neighborhood parks & playgrounds and trails & pathways. A Special Use Facility is defined in Chapter 9 as:

*"Typically located & developed to serve one (1) or more recreational, historical, cultural, environmental, or educational activities; may be located independently, or within a community park, regional park, or other park area; intended to serve both immediate neighborhoods & the overall community."*  
(Horizon 2020, page 9-4)

While the subject property is not being proposed as a City park, the proposed sports and recreation facility fits the definition of an independent special use facility intended to serve both the immediate neighborhood and the overall community.

Chapter 5, Residential, includes northwest Lawrence as an 'Alternative Residential Land Use Area'. "The Northwest Lawrence area is viewed as a potential location for residential and non-residential development

premised upon the provision of adequate wastewater treatment facilities.") Wastewater treatment facilities are adequate for the proposed development due to recent improvements to the sanitary sewer system in the area.

Chapter 14 of the comprehensive plan incorporates adopted area plans into the comprehensive plan. The subject property was included in the planning area for the Northwest Area Plan which was adopted in 1996. This plan was not incorporated into the Comprehensive Plan due to its age, but is still used as a planning guide for the area. The rezoning request's compliance with the recommendations of the Northwest Area Plan are discussed in a later section of this report titled 'Plans for the Area or Neighborhood, as Reflected in Adopted Area and/or Sector Plans Including the Property or Adjoining Property'.

**Staff Finding** – The proposed rezoning request conforms with *Horizon 2020* policies related to a Special Use Facility in Chapter 9, Parks, Recreation, Open Space and to land development in northwest Lawrence recommended in Chapter 5, Residential.

### ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: A (County-Agricultural); undeveloped.

Surrounding Zoning and Land Use: The subject property consists of 2 parcels which are separated by land designated as a future park. The dividing park land will be described first in the list below and the remaining list will treat the parcels as one unit.

Between the two parcels:

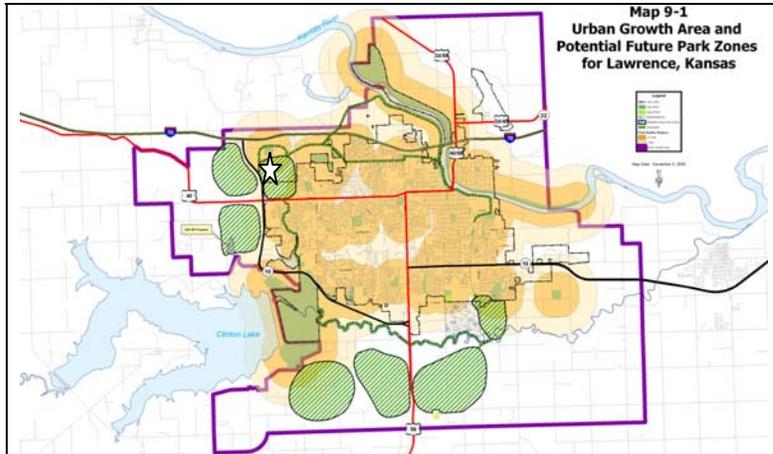
OS (Open Space); *Open Space*, wooded stream corridor designated as a future City Park.

To the north:

A (County-Agricultural) District; Agriculture, wooded open space, and rural residential.

To the west:

A (County-Agricultural) District; K-10 Hwy, agriculture and rural residences.



**Figure 2.** Areas recommended as future park zones in Chapter 9, *Horizon 2020*. General location of subject area marked with star.



commercial center have been approved and development plans have been preliminary approved.

## **CHARACTER OF THE NEIGHBORHOOD**

### **Applicant's Response:**

*"The area is defined at this time by vacant agricultural land however surrounding properties have been planned for commercial and residential uses."*

The neighborhood is at the western edge of Lawrence City limits and is located both within and outside the City limits. The area is predominately rural in character with agriculture, wooded open space and rural residences being the principal land uses. Natural features include Baldwin Creek and South Branch Baldwin Creek and their floodplains as well as woodlands. The area has a varied topography with steeper slopes, from 7% to 15% and 15% and above, located along the creeks. High quality agricultural soils are scattered throughout the area; however, none are located on the subject property. The area has good access to the major transportation network with 3 principal arterials/state or federal highways: I-70, Hwy 40/W 6<sup>th</sup> Street, and K-10. The principal land uses in the area are agriculture, wooded open space, and rural residential. Future development to urban land uses (including single-dwelling and multi-dwelling residential development as well as a community commercial center at the intersection of W 6<sup>th</sup> Street/Hwy 40 and K-10) is expected as rezonings have been approved and development applications have preliminary approval.

**Staff Finding** – This is a rural neighborhood with agricultural, open space and rural residential land uses. The neighborhood has good access to the major transportation network and is anticipated to develop with urban land uses.

## **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 located within the planning area of the *Northwest Area Plan*. When the *Northwest Area Plan* was adopted in 1996 there wasn't a specific zoning district for public and institutional uses; rather, they were permitted in various zoning districts. The plan recommends low density residential or office uses in this area in proposed land uses map (Figure 4) and notes the following regarding institutional uses:

### *"Public and Semi-Public Land Use*

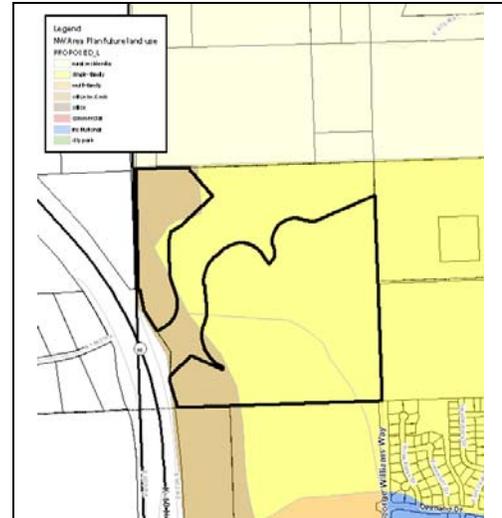
*Institutional land uses are included with this category of land use. Institutional land uses include governmental or quasi-governmental facilities, schools, churches, hospitals, and other public and semi-public lands. Parks and open space may be public land uses, and are discussed in a later section.*

*Often it is difficult to project the need for institution space. The proposed land use map indicates areas reserved for institutions planned at this time. If conditions change, office land use would be an appropriate substitute. In addition, Horizon 2020 states that residential areas are ...appropriate for many public and semi-public uses, provided access and buffering are considered in their location."*

The GPI District was created with the adoption of the 2006 Development Code to accommodate institutional uses occupying significant land areas but not appropriate for development in the H (Hospital) District or on property designated as U (University) on the zoning map.

The property will have access to collector streets and measures to minimize any off-site impacts, including building orientation and buffering, will be taken during the site planning process for the property.

**Staff Finding:** Rezoning of the subject property to the GPI District and use as a general public and institutional use is in compliance with the adopted *Northwest Area Plan* and is appropriate.



**Figure 4.** Land use recommendations in NW Area Plan for subject property.

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

Applicant's Response:

*"The subject property is suited for its current use; however, the land is located in the urban growth area and is expected to be developed."*

The property is currently zoned A (Agricultural) District which is intended to provide for a full range of agricultural activities. The property within this rezoning request is suited for uses permitted within the Agricultural District; however, a request has been submitted for the annexation of the property into the City of Lawrence and rezoning to a City zoning district is required with annexation. The A District would no longer be appropriate upon annexation.

The GPI District is intended to accommodate institutional uses occupying significant land area. Per Section 20-219 of the Development Code, principal uses permitted in the GPI District are those that are "institutional by definition" that are allowed in the permitted use table in Article 4 for the district. (Table 1)

'Institutional' is defined in Section 20-1769 as:

*"A use, typically not for profit of a governmental, educational, or cultural nature. An institution is typically operated by a government, utility, school, public agency, or tax-exempt organization."*

General Public and Institutional Uses are required to masterplan their projects with an 'Institutional Development Plan'. For sites over 10 acres, a Special Use Permit serves as the Institutional Development Plan. Per Section 20-1307(a), the purpose of the Institutional Development Plan is "...to provide a community vision for the long-term use and development of public institutional space and lands so that they are designed to be compatible with surrounding land uses and contribute to the neighborhood and character of the area in which they are located. Providing this community vision for institutional buildings and sites also allows adjacent and nearby property owners to anticipate future non-residential development patterns and plan for the use and enjoyment of their property accordingly." While the use table notes that certain uses require a Special Use Permit, all

uses within a GPI District of more than 10 acres requires approval through a Special Use Permit process.

Section 20-1307 contains specific standards for the GPI District intended to insure compatibility with surrounding land uses. These include landscape buffers, access, sidewalks, bicycle lanes or recreational paths, general location depending on use, exterior lighting, parking facilities, and bus stops.

**Table 1. Uses permitted in the GPI District must be institutional by definition and be listed in the table below:**

Uses Group	Permitted by Right	Special Use Permit
Household Living	Attached Dwelling; Detached Dwelling; Manufactured Home; Mobile Home	Multi-Dwelling Structure
Group Living	--	Assisted Living
Community Facilities	Cemetery; College/University; School; Cultural Center/Library; Lodge, Fraternal & Civic Assembly; Postal & Parcel Service; Public Safety; Social Service Agency; Minor Utilities - one development; Major Utilities and Service	Detention Facilities; Temporary Shelter; Community Meal Program; Minor Utilities - more than one development;
Medical Facilities	Health Care Office/Clinic Outpatient Care Facility	Extended Care Facility, Limited;
Recreational Facilities	Active Recreation (acc.); Entertainment and Spectator Sports, Limited; Participant Sports & Recreation, Indoor; Participant Sports & Recreation, Outdoor (accessory); Passive Recreation; Nature Preserve/Undeveloped; Private Recreation	Active Recreation; Entertainment and Spectator Sports, General; Participant Sports & Recreation, Outdoor;
Office	Administrative and Professional	--
Parking Facilities	Accessory; Commercial	--
Retail Sales and Service	Building Maintenance (acc.); Personal Improvement (acc.)	--
Wholesale Storage and Distribution	Exterior Storage (acc.)	Light
Adaptive Reuse	--	Designated Historic Property
Agriculture	Crop	--
Communications Facilities	Amateur & Receive-Only Antennas (acc.); Communications Service Establishment; Telecommunications Antenna (acc.); Telecommunications Tower (acc.); Satellite Dish (acc.)	--
Recycling Facilities	Small Collection	--

**Staff Finding** – The property is suitable for the uses to which it is restricted with the current A Zoning; however, this zoning designation will no longer be appropriate following annexation. The property is suitable for the uses permitted with the requested GPI Zoning. The additional review required with the Institutional Development Plan/Special Use Permit will insure compatible development.

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

Applicant's response:

*"The subject property has been in agriculture use and remained vacant for years."*

**Staff Finding** – The property was zoned A with the adoption of the 1966 Zoning Regulations for the Unincorporated Territory of Douglas County and has been used for agricultural purposes since that time.

**EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

Applicant's response:

*"The property is served well by existing arterial roads and traffic impacts on nearby properties would be minimal. The location for this use helps to buffer the residential areas to the east from K-10."*

As noted earlier, the GPI District contains a set of provisions that are intended to protect nearby properties from negative impacts associated with public and institutional uses. An Institutional Development Plan is required so that the facilities will be designed to be compatible with surrounding land uses and contribute to the neighborhood and character of the area in which they are located. The Institutional Development Plan for this site is a Special Use Permit which includes a public hearing before the Planning Commission and provides the adjacent and nearby property owners the ability to provide input on the design and layout of the proposed development. Specific design standards for uses in the GPI District such as access, exterior lighting, building location, parking, and bufferyards are among the specific standards in Section 20-1307 that have been established to insure compatibility of development in the GPI District with the surrounding area.

**Staff Finding** – Large recreation and sports facilities have the potential to negatively impact off-site properties through such features as traffic generation, noise, and lights. The special standards and public review process required with development in the General Public and Institutional Uses District allows various elements of the development to be addressed to insure the design of the new facility will minimize impacts and make a positive contribution to the character of the area.

**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:

*"The gain to the public would be increased recreation facilities for the residents of Lawrence and the surrounding area. In addition, the increased visibility of the facility and the use by KU will make this an ideal location since it will be served by K-10 and the surrounding commercial properties."*

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.

A suitable location for the sports/recreation facility requires access to the major street network, buffering from nearby residential developments, and adequate size to accommodate the proposed uses and associated off-street parking. This site meets these criteria.

If the rezoning were denied, the hardship to the applicant is that it would be necessary to find a new location for the proposed recreation/sport facility that would meet the locational criteria noted above. If commercial property wasn't in the vicinity, it may be necessary to seek rezoning to a commercial district so that accessory commercial uses to support/enhance the facilities could be provided. Denial of the rezoning request would not benefit the public health, safety, or welfare. If the rezoning were denied, the permitted uses would remain agriculture until another land use was proposed and a rezoning request was approved for this property.

If the rezoning is approved it would provide a location for a sports/recreation facility with good access to the major transportation network and public infrastructure improvements and located in close proximity to a Community Commercial Center. This would benefit the general public by increasing recreation and entertainment options within the city.

**Staff Finding** – The rezoning will positively impact the public health, safety, and welfare by providing increased recreation and entertainment options in the area. Denial of the rezoning would not have a positive impact on the public health or safety.

#### **PROFESSIONAL STAFF RECOMMENDATION**

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The rezoning request is compliant with recommendations in *Horizon 2020* and *the Northwest Area Plan*. The requirement to review the development proposal through the Special Use Permit process will insure development that is compatible with surrounding properties. Staff recommends approval of the rezoning request for approximately 110 acres from A (Agricultural) District to GPI (General Public and Institutional Uses) 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.