

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
2/25/13

ITEM NO. 4 A to OS-FP; 45.5 ACRES; N & E OF W 6TH ST & SLT (MJL)

Z-10-25-11: Consider a request to rezone approximately 45.5 acres from A (Agriculture) to OS-FP (Open Space-Floodplain Overlay), located north and east of the intersection of W. 6th Street and the South Lawrence Trafficway. *Initiated by Planning Commission on 10/24/11.*

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 45.5 acres, from A (Agriculture) District to OS-FP (Open Space-Floodplain Overlay) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: This property is a city owned park property that was annexed in 2011 and currently has a county zoning designation within the city. The zoning was initiated at the time of annexation and was awaiting preparation of a legal description for the floodplain overlay portion of the property. A decision was made to move forward with designating the floodplain overlay over the entire property.

KEY POINTS

- This property is city owned park property.
- This property currently has no city zoning designation.
- The proposal is in conformance with the comprehensive plan supporting the expansion of the parks system.
- The OS District permits passive type recreation that would not be a great intensification to the area if developed.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-9-5-11 Annexation: Approved in 2011.

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 applicable to open space district.

ATTACHMENTS

- None

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No comments received prior to printing.

Project Summary:

Proposed request is for the zoning of an unimproved park in the northwest edge of Lawrence. This property was donated to the city for future parks and recreation uses. The property abuts to the future Rock Chalk Park to the west and south. The south branch of Baldwin Creek runs through the park which is almost completely encumbered by floodplain. A major sanitary sewer interceptor line also runs through the property. Eventually walking trails through the area will connect to the future Rock Chalk Park.

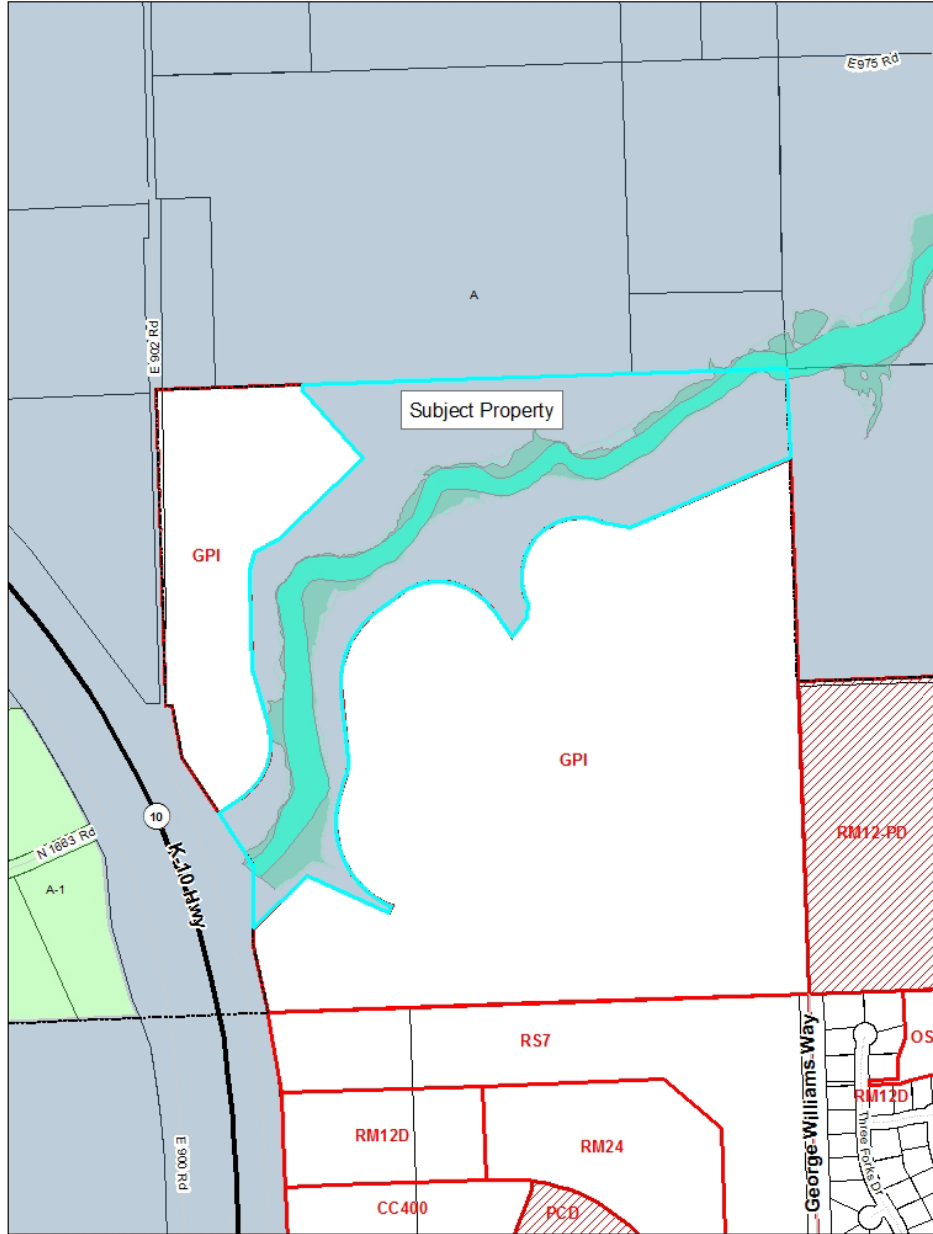
1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Chapter 9, Goal 3 of *Horizon 2020* discusses expanding the existing parks, recreation and open space system by acquiring new parkland and open space areas to stay ahead of growth and to meet anticipated community demand. Additionally this goal supports using floodplain for park areas and connectivity to the community's parks, recreation and open space system. Future trails could connect to the proposed Rock Chalk Park.

Staff Finding – The proposed zoning is in conformance with the comprehensive plan as the plan supports the expansion of the park system ahead of growth, in floodplain areas, and where connectivity to nearby facilities can eventually be constructed.

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

Current Zoning and Land Use:	County A (Agriculture) District; undeveloped
Surrounding Zoning and Land Use:	North: County A District; farmland
	South: GPI (General, Public, and Institutional) District; undeveloped
	East: County A District; undeveloped
	West: GPI District and K-10 right-of-way; undeveloped and a state highway



Finding – The area is generally zoned for agriculture and residential uses, and undeveloped with the exception of a few rural residences.

3. CHARACTER OF THE NEIGHBORHOOD

The character of the neighborhood is rural agriculture.

Staff Finding – The subject property park is intended to be developed with walking trails which would be compatible with the rural area and future residential and recreational areas.

4. 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 within the planning area of *Northwest Area Plan* though this plan is considered an out of date plan. The plan identified this property for single-family uses with office/multi-family mix of uses along E 902 Rd. Property to the southeast is zoned and planned for multi-family residential, property to the west and south is zoned and planned for recreational uses.

Staff Finding – The subject property was identified for single-family and multi-family/office mix. Parks are always supported to be included in an area, especially in areas designated in the floodplain where minimal development should be planned. The surrounding city zoning (GPI and RM12-PD) could benefit from having a park nearby.

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

The subject property is city owned property that has been donated for park purposes. The property is mostly encumbered by floodplain. The OS (Open Space) District with the FP (Floodplain) Overlay imposes additional floodplain regulations on the property. These regulations and the topography limit the amount and type of development that can occur on the property.

Staff Finding – The current county zoning designation is no longer suitable since the property was annexed into the city. The subject property is suitable for the uses for which this zoning would restrict it to. The property is city owned park in the floodplain with steep topography. The uses are limited to passive recreational activities such as walking trails, gardens and picnic areas.

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

The subject property was annexed in 2011 and has not had a city zoning district designated. The current and past designation is County A (Agriculture) District zoning and the property has never been developed with the exception of the installation of a sanitary sewer line.

Staff Finding – The subject property is zoned and has been zoned County A District since the adoption of the County Zoning Regulations. The property is currently undeveloped.

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

The property is currently city owned park property. The OS District zoning permits passive type recreation which typically does not attract a large amount of activity and people at one time. This type of potential activity would not detrimentally affect nearby properties.

Staff Finding – The proposed zoning is a very low-intensity zoning district that would not detrimentally affect nearby properties because it permits passive type recreation.

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

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 property is owned by the city and identified for park purposes. If the rezoning was denied, the property would remain city owned park property but would not be able to be developed with the passive recreational amenities. Minor development of trails would be a health benefit to those with access to it with minimal impacts to the surrounding property owners.

Staff Finding – There would be little gain to the public if this zoning was denied. This is publicly owned property identified for a park. Public parks are considered an amenity and would be a gain to the general public.

9. PROFESSIONAL STAFF RECOMMENDATION

The subject property is city owned and identified to be a future park. The property has steep terrain down to the Baldwin Creek. The property has sanitary sewer lines running along the creek and is mostly encumbered by floodplain. The nearby proposed Rock Chalk Park provides opportunities for connectivity of trails across the properties. The OS District is a low intensity district that permits passive type recreation. Parks are an amenity to a neighborhood and an asset to the community.