

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

PC Staff Report
12/18/2013

ITEM NO. 6B A TO OS-FP; 21.17 ACRES; N OF 1352 N 1300 RD (SLD)

Z-13-00449: Consider a request to rezone approximately 21.17 acres from A (Agricultural) District and FW – FF (County Floodway and Floodway Fringe Overlay) Districts to OS-FP (Open Space-Floodplain Overlay) District, located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park. Submitted by the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone 21.17 acres from A (Agricultural) District and FW –FW (County Floodway and Floodway Fringe Overlay) Districts to OS-FP (Open Space-Floodplain Overlay) District located directly north of 1352 N 1300 Rd for an extension of Naismith Valley Park based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: *Rezoning is submitted along with the annexation request so that an appropriate city zoning designation may be created for this planned extension of Naismith Valley park.*

KEY POINTS

- Planned public parkland extension.
- Property includes areas encumbered by regulatory floodplain.
- Upon annexation the current county zoning designation is no longer appropriate.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- A-13-00443: annexation of 21.7 acres

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 request

ATTACHMENTS

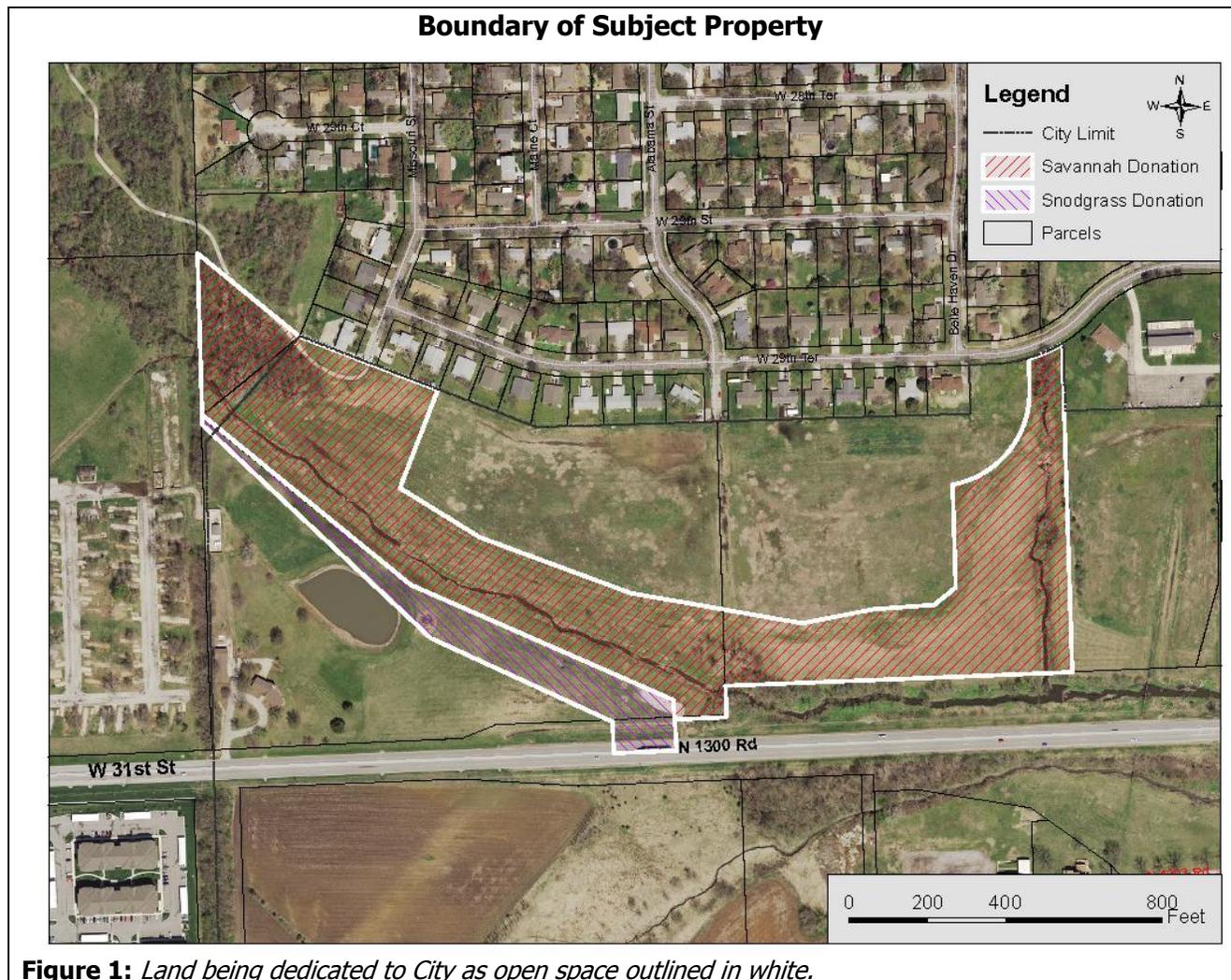
- Area map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None received prior to publication

Project Summary:

Proposed request is for the extension of Naismith Valley Park and protection of existing floodplain. This property was donated to the City of Lawrence and is part of what is known as the Snodgrass property. The following image highlights the boundary of the subject property excluding the right-of-way that will also be annexed into the City with this application.



1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *The area requested for re-zoning complies with the Comprehensive Plan and the Revised Southern Development Plan. Map 3-1 Future Land Use Map from the Revised Southern Development Plan shows this area to be open space.*

A guiding feature of the plan states; "The plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas." This property until recently annexed was located within Service Area 1 of the Urban Growth Area. The recent annexation makes the current County zoning designation obsolete.

Following are sections of *Horizon 2020* that relate to this development:

Horizon 2020: Chapter 9 Parks, Recreation, Open Space Areas and Facilities:

The plan states that in development of the City's Parks and Recreation Comprehensive Master Plan the community expressed an "emphasis on improving existing parks...including linking neighborhood parks with walking and biking trails, enhancing the landscape, expanding open spaces and improving playgrounds." (Page 9-3).

Parks, Recreation and Open Space:

Policy 3.1 Identify Future Parklands and Open Space Areas:

(e) Encourage open space uses in the community's privately or publicly owned floodplains and drainageways. (Page 9-16)

Approval of this request will facilitate these stated interests.

Horizon 2020: Chapter 16 Environment:

This chapter of *Horizon 2020* addresses several natural environmental issues including Water Resource Management. The plan states that floodplain areas should be protected. This application includes a Floodplain Overlay District designation that will be applied to the entire property rather than only that portion of the property encumbered by the regulatory floodplain.

Staff Finding – The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space as well as floodplain.

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

Current Zoning and Land Use:

A (County-Agricultural) and FW –FF (County Floodway and Floodway Fringe Overlay) Districts; existing open space.

Surrounding Zoning and Land Use:

To the north:

RM12 (Multi-Dwelling Residential) District; existing duplex, triplex and 4-plex development along W. 29th Terrace. In addition, proposed RM12D (Multi-Dwelling Residential) District; undeveloped between subject property and existing development.

To the east:

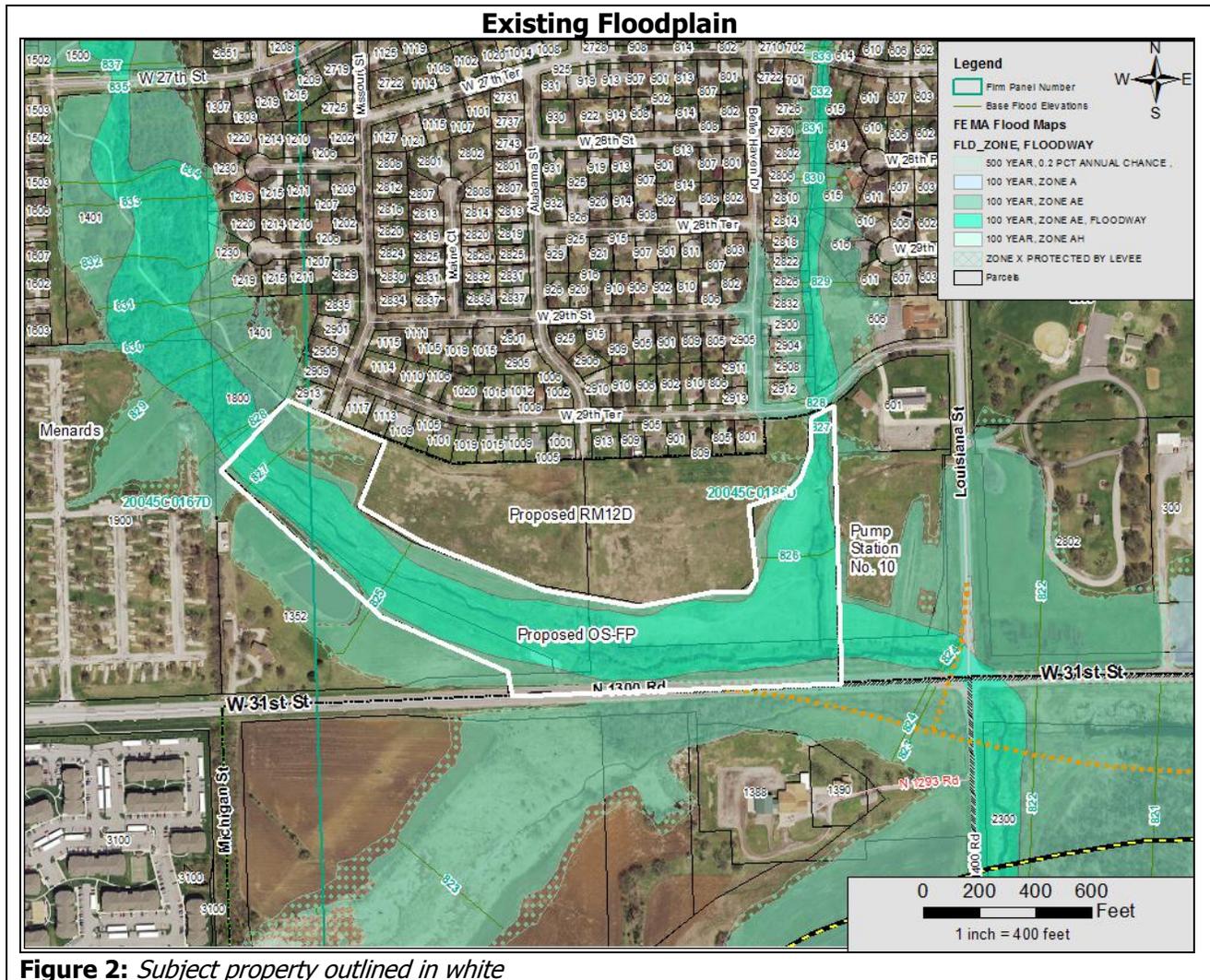
OS-FP (Open Space – Floodplain Overlay) District; Proposed Pump Station No. 10 and RS7 (Single-Dwelling Residential); existing church and accessory residence on the southwest corner of Louisiana Street and W. 29th Terrace

To the West:

CR-FP (Community Regional Floodplain Overlay) District. Existing residence. Property has recently been annexed in anticipation of commercial development related to the Menards project.

To the south:

A (Agricultural) District and B-2 (County General Business) District and FW –FF (County Floodway and Floodway Fringe Overlay) Districts along the south side of N 1300 Road also known as 31st Street.



Staff Finding – This property is surrounded by a variety of zoning districts that are located within the Lawrence City Limits and adjacent unincorporated Douglas County. The prevailing zoning to the north is residential. Multiple community facility uses are located within close proximity to this property.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: *This property is part of the Indian Hills Neighborhood that includes Naismith Creek and its tributary and Naismith Valley Park and its extension.*

This property is located within the Indian Hills Neighborhood, a predominantly residential neighborhood. The east neighborhood boundary is Louisiana Street, and the south boundary is 31st Street. This use will extend the buffer between the residential and non-residential uses along the southern portion of the neighborhood and between the residential and future commercial use to the west.

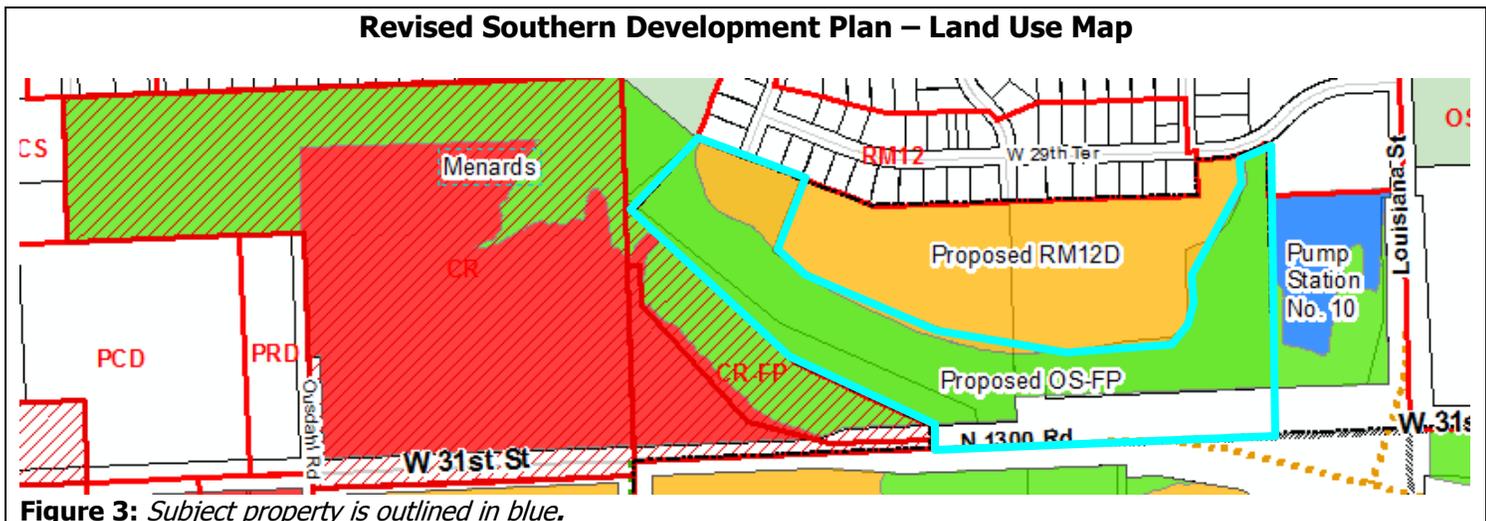
This portion of the neighborhood is encumbered by the regulatory floodplain and bounded by arterial streets (Louisiana Street and 31st Street). The proposed use of this property is for open space. Planned improvements in the area include extending the recreation path across the subject

property to intersect with the path at 31st Street and Louisiana providing additional neighborhood connectivity.

Staff Finding – The subject property is located at the south end of the Indian Hills Neighborhood. This part of the neighborhood includes multiple community facility uses in the immediate vicinity as well as open space and regulatory floodplain. The proposed zoning is consistent with the planned land use for the area.

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

This property is included within the plan boundary of the *Revised Southern Development Plan* adopted in June 2013 anticipating commercial development to the west (Menards application) as well as residential and open space uses of the Snodgrass property and the pump station at the corner of 31st Street and Louisiana Street. The plan identifies existing floodplain areas as appropriate for open space and as a boundary to the commercial land use to the west.



This plan identifies the area along Naismith Creek as suitable for open space uses. This request includes a portion of the area designated in the Plan as residential but is encumbered by floodplain so is not desirable for development. The proposed request is consistent with recommended land use noted in the Plan. The proposed FP Overlay District reflects the existing floodplain encumbrance of this property as a recognized land use within the Plan and is intended to be applied to the entire property. These Open Space and Floodplain uses will implement the land use recommendations of the *Revised Southern Development Plan*.

Staff Finding – The proposed open space – floodplain rezoning conforms to land use recommendations in the *Revised Southern Development Plan*.

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

Applicant's Response: *This property is suited for rezoning to OS-Open Space. A majority of the tract is in the floodplain and floodway and should properly be preserved as open space. It is planned for future parks and recreation use as an extension of Naismith Valley Park and for possible recreation path use.*

Upon annexation, the existing county zoning is no longer appropriate. The proposed zoning accommodates the anticipated use as an open space and facilitates the protection of floodplain areas.

Staff Finding – The current zoning is no longer appropriate upon annexation of this property into the Lawrence city limits. The proposed OS-FP District accommodates the anticipated use as continued open space and provides protections (by limiting uses) to the designated floodplain in this area.

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

Applicant's Response: *This property has not been developed. Aerial maps dating to 1948 show this ground as vacant undeveloped land.*

This property is undeveloped and has been zoned A (Agricultural) since 1966.

Staff Finding – This property is undeveloped and has been zoned A (Agricultural) since 1966.

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

Applicant's Response: *The rezoning will not be detrimental to nearby properties.*

As noted in the description of the neighborhood character above, this property is located in the southeast portion of the neighborhood and is a natural extension of the Naismith Valley Park with a future connection to the multi-use path near the intersection of 31st Street and Louisiana Street. Staff concurs with the applicant's conclusion.

Staff Finding – There will be no detrimental effects to adjacent property resulting from this proposed OS-FP zoning application.

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: *This property should be rezoned to OS-Open Space to ensure its future use as open space and drainage for the surrounding area.*

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.

As the property selection was being made by the City of Lawrence, for constructing a pump station at the corner of Louisiana Street and 31st Street, the previous property owner evaluated the remaining land (less the commercial portion to the west) for development options. The previous property owner retained the portion of land north of Naismith Creek for future residential development (A-13-00437 and Z-13-00438). The balance of the land not identified for the pump station or commercial development is reflected as the boundary of this zoning application.

This portion of the original Snodgrass property is significantly encumbered by regulatory floodplain including Floodway areas. There is a very small area located in the northwest corner accessible by Missouri Street that is developable. This property was donated to the City of Lawrence. Rezoning

this property to open space with the a floodplain overlay designation will ensure the property is retained for community drainage purposes as well as open space uses.

Approval of the request allows the public open space to be extended in this area. The FP designation is required by the Land Development Code for that portion of the property that is within the regulatory floodplain per Section 20-1201.

Staff Finding – The proposed rezoning facilitates public purposes by protecting designated floodplain.

9. PROFESSIONAL STAFF RECOMMENDATION

This application facilitates the protection of designated floodplain areas along the southern boundary of the Indian Hills Neighborhood. The OS zoning designation is consistent with land use recommendations for the area.

CONCLUSION

The proposed rezoning is consistent with the planned land use development anticipated for this area. Staff recommends approval of the proposed OS-FP district for this property.