

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

PC Staff Report  
04/23/2014

**ITEM NO. 8      TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; *PARTICIPANT SPORTS & RECREATION, OUTDOOR USES* WITH SUP IN CN2 (SMS)**

**TA-13-00488:** Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to allow for *Participant Sports & Recreation, Outdoor uses* with a Special Use Permit in the CN2 (Neighborhood Shopping Center) District. Submitted by Paul Werner Architects. *Deferred by the Planning Commission on 2/24/14.*

**RECOMMENDATION:** Staff recommends approval of the proposed amendment, TA-13-00488, to add *Participant Sports & Recreation, Outdoor uses* with a Special Use Permit in the CN2 District amending Section 20-403 of the Land Development Code and that the Planning Commission forward a recommendation for approval to the City Commission.

**Reason for Request:** *Addresses a changing condition in community. CN2 should be able to provide outdoor recreational opportunities on a small scale that is within walking distance of residents living in the area in order to support a healthy and vibrant community. As cities work to promote walkable communities, uses such as outdoor participant sports should be in close proximity to neighborhoods. The Development Code does not currently allow Outdoor Participant Sports in the CN2 zoning district.*

**RELEVANT GOLDEN FACTOR:**

- Conformance with the comprehensive plan.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- No comments received prior to printing.

**ATTACHMENTS**

- Attachment A – Existing text of Section 20-403
- Attachment B – Map of existing CN2 District locations

## RELEVANT DEVELOPMENT CODE DEFINITIONS

### **20-1762      SPORTS AND RECREATION, PARTICIPANT**

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis.) The following are participant sports and recreation use types (for either general or personal use):

#### **(1)      Indoor**

Those uses conducted within an enclosed Building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

#### **(2)      Outdoor**

Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

## OVERVIEW OF PROPOSED AMENDMENT

The applicant has submitted the proposed text amendment to add *Participant Sports and Recreation, Outdoor uses* to the CN2 (Neighborhood Commercial District) as a Special Use concurrently with rezoning and Special Use Permit applications for a development proposal at the northeast corner of Inverness Drive and W 24<sup>th</sup> Place. These outdoor uses are allowed by-right in the CC, CR, CS, IBP & IL Districts and are allowed with an approved SUP in the MU & GPI Districts.

Prior to the adoption of the *Land Development Code* in 2006, all commercial recreational uses, both indoor and outdoor, were identified in Use Group 15 AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES. These uses were permitted in the C-2, C-3, C-4 & C-5 Districts with an approved site plan. The pre-2006 Code established access and lighting standards for several of these recreational uses. Properties that previously were zoned C-2 converted to the CN2 District as part of the 2006 code adoption.

With the adoption of the *Land Development Code*, the regulations attempt to differentiate between districts so that the character of different commercial centers can be maintained. Adding uses to a district with a Special Use Permit provides the opportunity to review individual proposals and evaluate the compatibility of a proposed development in a specific location. Review with a Special Use Permit also allows the commission to establish operating conditions that will minimize impacts to nearby property owners.

Section 20-208(a) provides the purpose statement for the CN2 District: *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.* Adding the option to locate outdoor participant sports activities in neighborhood commercial settings creates the opportunity to locate such uses throughout the community and potentially to place them in walkable locations. Approval with a Special Use Permit provides the opportunity to look at specific proposals and evaluate potential impacts so that they can be mitigated. In Staff's opinion, it is reasonable to permit this use as a Special Use in all CN2 Districts.

### Proposed Article Changes

Changes to the text are shown below and are noted in **red**. Additions are underlined and deletions are ~~struck through~~. The entire Sections 20-403 & 20-509 are provided at the end of this report as Attachment A for reference.

**Add Participant Sports and Recreation, Outdoor uses as a type of use permitted with approval of a Special Use Permit in the CN2 District.**

### Amend Section 20-403:

#### 20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
COMMERCIAL USE GROUP																	
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	-	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	-	-	-	-	P	P	P	P	-	-	-	-	-	S	-	
	Entertainment & Spectator Sports, Limited	-	P	P	-	P	P	P	P	-	-	-	-	S	P	-	
	Participant Sports & Recreation, Indoor	-	P	P	-	P	P	P	P	P	P	-	-	-	P	A	
	Participant Sports & Recreation, Outdoor	-	S	S	-	-	P	P	P	P	P	-	-	-	A*/S*	-	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	

## **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The characteristics of commercial centers are described in *Horizon 2020*, Chapter 6 – Commercial Land Use. Neighborhood centers may contain a variety of commercial uses, including a grocery store, convenience store, and other similar retail shops and services. The plan states that to insure there are a variety of commercial uses and no one use dominates a center, no one store shall occupy more than 40,000 square feet with the exception of a grocery store. These centers are designed to provide for the sale of goods and services at the neighborhood level. The plan states that Neighborhood Commercial Centers without a grocery store shall contain no more than a total of 100,000 gross square feet of commercial space.

Chapter 6 also discusses recreational uses and provides guidance when located in commercial centers:

*Commercial uses that are primarily physical recreation in nature (uses such as go-karts, skating rinks, bowling alleys, basketball arenas, soccer arenas, miniature golf, pitch and putt golf, etc.) may be located in the appropriate Commercial Center classification. High levels of noise and light can be generated by Recreational Uses. Because of this high level of noise and light, Recreational Uses shall be compatible with the surrounding existing or planned uses. Proposals for such uses do not need to meet the size or ratio requirements stated in the respective Commercial Center definitions. Proposals for Recreational Uses shall provide adequate buffering for adjacent non-commercial uses, shall use a minimal number of curb cuts, and provide cross access easements to adjoining properties.*

*If a Recreational Use is proposed in a Neighborhood or CC200 Center, the amount of commercial gross square footage occupied by the Recreational Use shall be counted toward the maximum amount of commercial gross square footage allowed. A Recreational Use located in a CC200 can occupy up to 50,000 gross square feet. The purpose of regulating the size of Recreational Uses in Neighborhood and CC200 Centers is to preserve and protect the smaller, neighborhood scale associated with these types of Centers.*

## **CRITERIA FOR REVIEW AND DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

### **1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

As noted above, the applicant has suggested that the proposed amendment does meet the challenge of a changing condition. The community has increased its emphasis and attention on creating a healthy environment for residents. Outdoor participant sports amenities provided within a walkable distance to neighborhoods and schools can enhance the viability of the community.

The zoning diagnostic that was prepared before the *Development Code* was drafted suggested that there were not significant differences in the various commercial districts in the previous code. The proposed use is currently permitted by-right in most of the commercial and two of the industrial zoning districts. It is permitted with a Special Use Permit in the MU and GPI districts. If this use is added as a by-right permitted use, the distinctions between CN2 and other commercial districts become less distinct. Allowing these uses with approval of a Special Use Permit provides the opportunity to evaluate each site and proposal independently and give extra scrutiny to the proposals. The SUP process also provides a mechanism to establish conditions to mitigate potential impacts based upon the surrounding land uses.

**Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

*Horizon 2020* outlines criteria for the location of neighborhood commercial centers. These nodes should be located on one corner of either an arterial/collector street intersection or an arterial/arterial intersection. The plan also emphasizes the integration of neighborhood centers with the surrounding residential neighborhoods by including pedestrian access and appropriate transitional elements, such as back to back relationships, landscaping and screening.

Most CN2 centers have been oriented to the adjacent streets rather than opening out to the adjacent residential properties. When new outdoor activity areas are proposed, the potential impacts to nearby properties are evaluated and can be addressed at the site plan stage of development.

Permitting the *Participant Sports and Recreation, Outdoor use* in the CN2 District is consistent with the purpose of this neighborhood district to provide a variety of commercial services at the neighborhood level. The *Development Code* provides protections, such as bufferyard requirements between commercial and residential properties, which can mitigate potential impacts to surrounding properties. Requiring approval of a SUP for these uses also provides the opportunity to look at the specific proposal and operations of a proposed use to determine appropriate conditions that will ensure compatibility with nearby properties.

**Attachment A - Existing Development Code Text (Section 20-403 in entirety)**

**20-403 NONRESIDENTIAL DISTRICT USE TABLE**

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*		P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Cultural Center/ Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507

[illegible]

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	522
<b>COMMERCIAL USE GROUP</b>																	
Animal Services	Kennel	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Livestock Sale	-	-	-	-	-	S	S	S	-	P	-	P	-	-	-	
	Sales and Grooming	P	P	P	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Fast Order Food	P*	P*	P	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511/509
	Fast Order Food, Drive-In	-	S	-	-	-	P	P	P	-	P	-	-	-	-	-	
	Nightclub	-	-	-	-	P*	-	P*	P*	-	-	-	-	-	-	-	509
	Private Dining Establishments	P*	P*	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	S	S	S	S	P	P	P	P	P	P	P	-	P	A	



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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	P	P	P	P	P	P	P	P	P	-	-	A	
	Construction Sales and Service	-	-	-	-	-	P	P	P	-	P	-	P	-	-	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	516/528
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	525
	Retail Establishment, Large	-	-	-	-	-	P*	P*	S*	-	-	-	-	-	-	-	526
	Retail Establishment, Medium	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
	Retail Establishment, Specialty	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	528
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	528
	Sex Shop	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
	Sexually Oriented Theater	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
Transient Accommodation	Bed and Breakfast	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Vehicle Sales & Service	Cleaning (Car Wash)	-	S	-	-	-	P	P	P	-	P	A	P	-	-	-	
	Fleet Storage	-	-	-	-	-	P	P	P	-	P	P	P	-	-	A	
	Gas and Fuel Sales	-	S	S	-	-	P	P	P	-	P	P	P	-	-	-	
	Truck Stop	-	-	-	-	-	-	S	-	-	-	-	S	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Heavy Equipment Sales/Rental	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Light Equipment Repair	-	S	-	-	S	P	P	P	-	P	-	P	-	-	-	
	Light Equipment Sales/Rental	-	P*	-	-	S	P	P	P	-	P	-	P	-	-	-	545
	RV and Boats Storage	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
<b>INDUSTRIAL USE GROUP</b>																	
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Laundry Service	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	S	S	P	P	P	P	P	P	P	-	-	-	
	Scrap and Salvage Operation	-	-	-	-	-	-	-	-	-	S*	-	S*	-	-	-	527
Wholesale, Storage & Distribution	Exterior Storage	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	-	A*	A*	538
	Heavy	-	-	-	-	-	S	S	S	-	S	-	P	-	-	-	
	Light	-	-	-	-	-	P	P	P	P	P	P	P	-	S	-	

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Mini-Warehouse	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
<b>OTHER USES GROUP</b>																	
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	