

PLANNING COMMISSION REPORT
Regular Agenda – Action Item

PC Staff Report
1/26/15

ITEM NO. 3: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 14 (JSC)

CPA-14-00516: Consider a Comprehensive Plan Amendment to *Horizon 2020*: Chapter 14 (*An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*) to revise the maximum retail cap of the northwest corner of the intersection from 127,487 square feet to 143,637 square feet to permit a commercial/retail development, located at 525 Wakarusa Drive. Submitted by Schwerdt Design Group, Inc., for CPC Ventures, Inc., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of this Comprehensive Plan Amendment to *Horizon 2020*, Chapter 14: Specific Plans, and *An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* to revise the retail/commercial square-footage cap from 127,487 square feet to 143,637 square feet, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution PCR-14-00546.

KEY POINTS

1. The request does not increase the amount of permitted retail/commercial square footage above the node designation.
2. The request would permit for the construction of a 16,150 square foot retail/commercial building.
3. This application does not modify the current boundary of the adopted CC600 node.
4. The proposal would leave intact the currently allocated 21,500 square feet of commercial/retail planned to be developed on the out lots of the Wal-Mart project property.
5. Additional corrections of minor scrivener's errors are also included in *Horizon 2020* Chapter 6: Commercial Land Use, and Chapter 14: Specific Plans. Corrections are for typographical errors and do not change the substance of *Horizon 2020*.

SUMMARY

The applicant has requested an amendment to *Horizon 2020: Chapter 6, Commercial Land Use, and Chapter 14, Specific Plans, amending the An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* to revise the retail cap for retail development at the northwest quadrant of the intersection of W. 6th Street and Wakarusa Drive. The reason for this Comprehensive Plan Amendment is to request an expansion of the commercial center at the northwest quadrant by increasing the retail cap for this portion of the intersection from 127,487 square feet to 143,637 square feet.

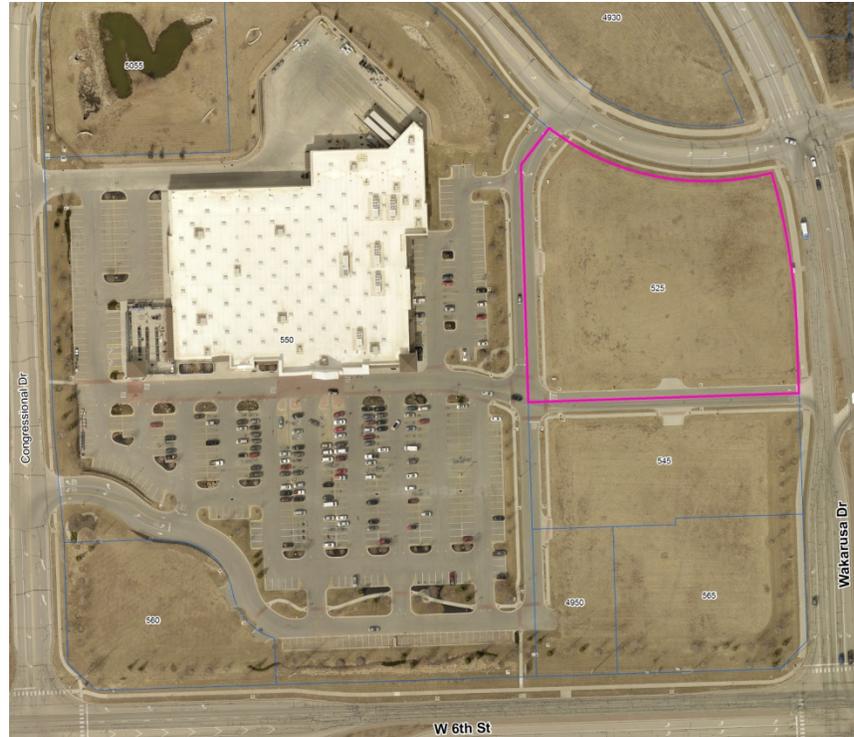


Figure 1: Subject Parcel and Surrounding Context (Aerial: 2014)

Items related to this Comprehensive Plan Amendment include:

- **Z-14-00515:** Consider a request to rezone approximately 2.982 acres from CO (Office Commercial) District to CC600-PD (Community Commercial with Planned Development Overlay) District, located at 525 Wakarusa Drive. Submitted by Schwerdt Design Group, Inc. for CPC Ventures, Inc., property owner of record.
- **PDP-14-00517:** Consider a Preliminary Development Plan for a Restaurant and Retail use located on approximately 2.982 acres at 525 Wakarusa Dr. Submitted by Schwerdt Design Group, Inc., for CPC Ventures, Inc., property owner of record.

STAFF REVIEW

The applicant is requesting to expand the existing retail cap from the present 127,487 square feet to 143,637 square feet. The proposal would allow for the development of two restaurants, totaling 8,800 square feet, and a 3,600 square foot retail space. At present, the proposal would not comply with the existing retail cap within *An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*. Due to this limitation, the applicant is requesting an amendment to the adopted area plan aligning the policy with the requested rezoning and preliminary development plan proposal requests.



Figure 2: Existing Retail Cap per Quadrant of Entire Node



Figure 3: Northwest of Node: Existing Construction & Designated Spaces

Staff reviewed this amendment based upon the Comprehensive Plan Amendment review criteria listed below, as identified in Chapter 17 (Implementation) of *Horizon 2020*. The applicant's responses are also provided below:

COMPREHENSIVE PLAN AMENDMENT REVIEW

1. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?

Applicant's response: As the 6th and Wakarusa intersection has developed since the Plan was adopted this request will only increase the amount of retail / commercial square footage minimally on the NW corner.

Staff's response: An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive was created to help guide and oversee the expansion and development at this intersection. Similar to other applications seeking to amend this plan, there have been refinements in the prevailing commercial real estate market environment within this portion of Lawrence, and within the city as a whole, the overall spatial conditions related to this location have not seen a significant change in recent history. This plan was adopted anticipating that this quadrant of the intersection would be "recommended as most appropriate for commercial development of a retail focus." (p. 18)

2. Does the proposed amendment advance a clear public purpose?

Applicant's response: The request for a minor increase in the allow retail/commercial square footage previously approved and adopted will assist in developing the currently vacant lots for retail/restaurant uses that are consistent with surrounding uses. The public will benefit by having a high quality development consisting of restaurant / retail that isn't currently offered in Lawrence.

Staff's response: The proposed amendment is consistent with the zoning, size, and location of the node indicated in *Horizon 2020*: Chapter 6 (p. 6-21). The proposed amendment constitutes a 3.3% expansion to the existing commercial/retail cap for this particular area plan. This expansion would permit for the construction of a commercial/retail building and making use of existing infrastructure, while maintaining the spatial integrity of the existing node. This expansion in the existing cap also ensures that the site can make full and adequate use of the site in a manner that is consistent with the present surrounding uses.

3. Is the proposed amendment consistent with the long-range goals and policies of the plan?

Applicant's response: The proposed development of a high quality sit down casual restaurant / boutique retail center is consistent with the current Plan and surrounding land uses.

Staff's response: The proposal for the increase of the commercial/retail cap would not exceed the node's CC600 designation as presently adopted in Map 6-1, "Existing and Potential Commercial Land Use Locations" (*Horizon 2020*, p. 6-45), though it was not anticipated at the time of receiving the CC600

Northwest Quadrant of W. 6th Street & Wakarusa Drive	Square Footage
Quadrant Total	127,487
Wal-Mart Site	105,987
Planned 545 Wakarusa, 565 Wakarusa, 4950 W. 6th	21,500
Remaining Square Footage	0
CPA-14-00516 Request	16,150
New Requested Total	16,150
525 Wakarusa Dr. Proposed Development	16,150
Remaining Square Footage	0

designation that this node would approach 600,000 square feet of retail/commercial. The request would incrementally increase the existing limit to permit a development of adequate scale for this particular parcel, while leaving the presently allocated 21,500 square feet for the four parcels adjacent south and southwest of this location. This requested increase would set the limitation at this intersection 99,250 square feet below the limit of the CC600 node designation. The proposal requesting this amendment is consistent with the original mandate of the *An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*, as the plan was directed to ensure that new development is compatible with existing development located within and adjacent to the intersection area.

This would also leave the presently allocated 21,500 square feet intact for the other remaining open parcels at this quadrant of the intersection. Any additional expansion of the commercial/retail square footage at this quadrant of the intersection will require an additional amendment to the *An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*.

In researching the history and case files for this quadrant of the intersection, an error was identified in the calculations previously used for the tables containing the "Total Approved Retail/Commercial Square Footage." In the presently adopted version of *An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* the table indicated 6,147 square feet was remaining at this northwest quadrant of the intersection. Upon review, it was found that the 6,147 square feet had been allocated for and constructed as the outdoor garden center for the Wal-Mart development and was not deducted from the table accordingly. The existing total for this quadrant should have reflected 105,987 square feet, with a planned amount of 21,500 square feet.

In the tables below, staff has included the presently adopted table (Figure 4), a revised table showing the total as it should have been recorded (Figure 5), and a third table showing the alterations requested under this Comprehensive Plan Amendment (Figure 6).

Total Approved Retail/Commercial Square Footage					
<i>Corner of 6th St. & Wakarusa Dr.</i>	Allowed	Existing	Planned	Total	Remaining
Northwest	127,487	99,840	21,500	121,340	6,147
Southwest	78,096	75,349	0	75,349	2,747
Southeast	157,017	122,818	0	122,818	34,199
Northeast	122,000	37,752	83,740	121,492	508
<i>Totals</i>	484,600	335,759	105,240	440,999	43,601

Figure 4: Presently Adopted Retail/Commercial Square Footages

Total Approved Retail/Commercial Square Footage					
<i>Corner of 6th St. & Wakarusa Dr.</i>	Allowed	Existing	Planned	Existing/ Planned Total	Remaining
Northwest	127,487	105,987	21,500	127,487	0
Southwest	78,096	75,349	0	75,349	2,747
Southeast	157,017	122,818	0	122,818	34,199
Northeast	122,000	37,752	83,740	121,492	508
<i>Totals</i>	484,600	341,906	105,240	447,146	37,454

Figure 5: Table Corrected to Show Accurate Existing Square Footages Constructed

Total Approved Retail/Commercial Square Footage					
<i>Corner of 6th St. & Wakarusa Dr.</i>	Allowed	Existing	Planned	Existing/ Planned Total	Remaining
Northwest	143,637	105,987	37,650	143,637	0
Southwest	78,096	75,349	0	75,349	2,747
Southeast	157,017	122,818	0	122,818	34,199
Northeast	122,000	37,752	83,740	121,492	508
<i>Totals</i>	500,750	341,906	121,390	463,296	37,454

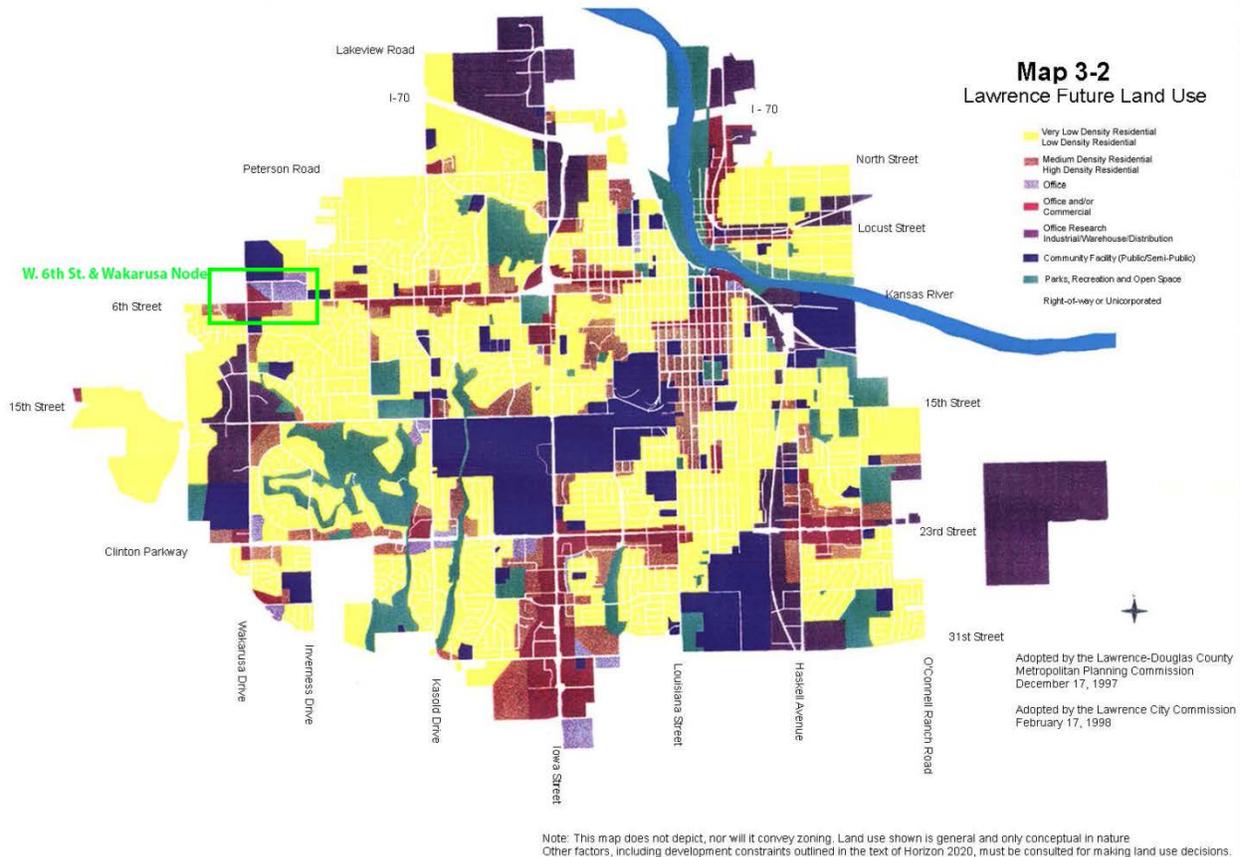
Figure 6: Revised Retail/Commercial Square Footages as Requested by Applicant

Given the recent projects within the adjacent vicinity, the amendment is more suited for the development pattern that is present today than the one previously envisioned during the creation and adoption of *An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*.

A brief history on the development timeframes and evolution are provided below:

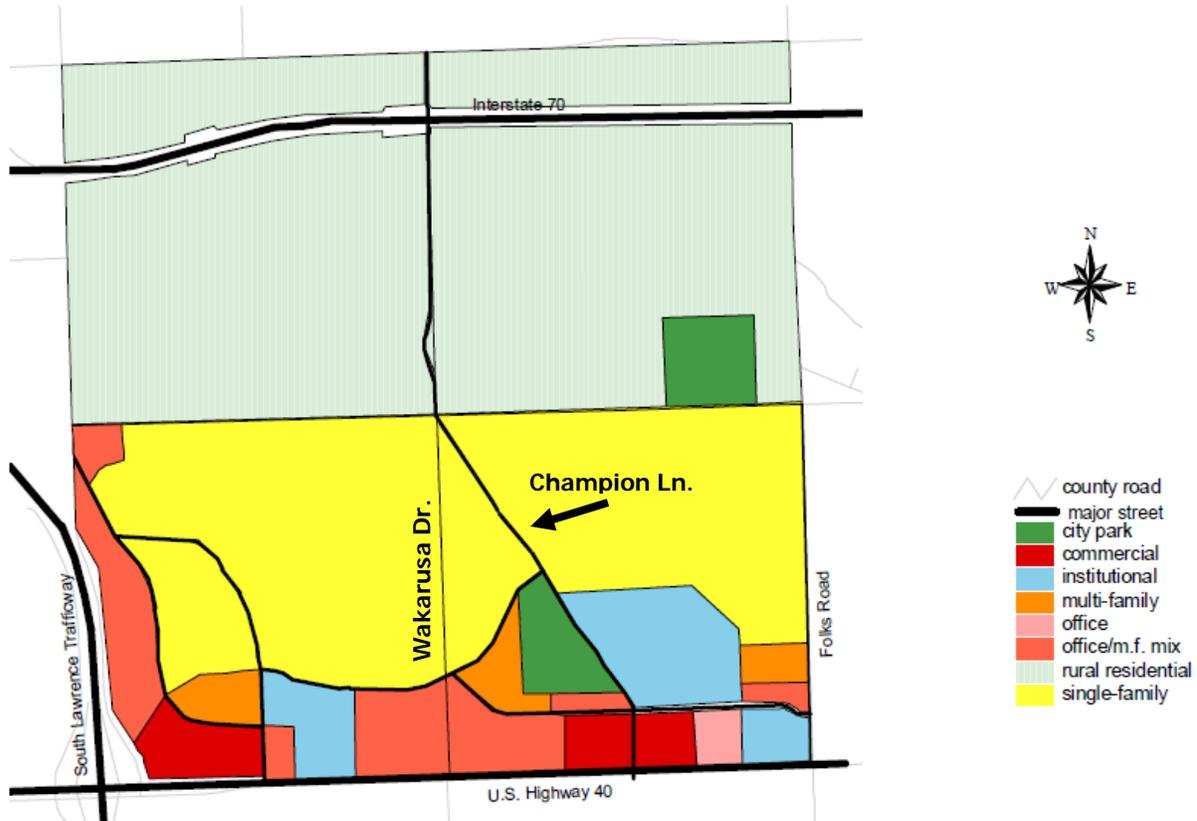
Timeline for 6th and Wakarusa Area Plan (North of W. 6th Street)

- **Mid/Late 1990s**
 - *Horizon 2020*, Map 3-2 designates commercial on northeast corner of W. 6th Street and Wakarusa Drive and the rest of the Bauer Farm site for office on the future land use map. The northwest corner of W. 6th Street and Wakarusa Drive was not included at that time.



- **1996**
 - **Ordinance 6677** is approved adding the Bauer Farm property to the City of Lawrence.
- **1997**
 - **Northwest Plan** designated for office/commercial north of W. 6th Street and Wakarusa Drive, office for what would be the middle of Bauer Farm, and institutional on northwest corner of W. 6th Street and Folks Road.

The Northwest Area Proposed Land Uses



Note: Actual environmental conditions which place constraints on development are not shown on this map. Refer to the comprehensive plan for guidance on environmental condition maps, studies and policies.

Lawrence-Douglas County Metropolitan Planning Office
October 2, 1996

- **1998**
 - Property at the northwest corner of W. 6th Street and Wakarusa Drive annexed into the City of Lawrence (**A-05-06-98** and **A-05-07-98**), totaling 49.57 acres.
 - World Company request: **Z-05-08-98** & **Z-05-09-98**: consider rezoning from A (county) to PCD2 (city). Planning Commission voted 8-1 to approve the rezoning as requested with three conditions, one condition being the approval of a Preliminary Development Plan for the entire site. The City Commission at their August 25, 1998 meeting voted 3-1 to concur with the Planning Commission's recommendations.
- **2000**
 - Dial Realty request: **Z-12-56-00** & **PDP-12-20-00**: request to rezone 52 acres from A to PCD-2 was received by the Planning Department for the same subject property at the intersection of W. 6th Street and Wakarusa Drive. The plan proposed a total of 211,732 gross square feet, and was withdrawn prior to the public hearing.

- **2001**

- 6Wak request: **Z-08-31-01, PDP-08-07-01 & FDP-11-14-01**: On October 3, 2001, the Planning Commission recommended approval of proposed rezoning and the Preliminary Development Plan, with use restrictions, including deletion of department store uses and with a maximum gross square footage of 155,092. The City Commission voted 3 -2 on October 26, 2001 to approved the proposal for a mixed-use development at the northwest corner of the intersection. That proposal included a number of rezoning requests; 19.19 acres of PCD-2, 8.44 acres of POD-1, 20.18 acres of PRD-2, and 5.65 acres of O-1. Subsequently, on December 19, 2001, the Planning Commission approved the Final Development Plan that proposed three commercial buildings with 132,100, 15,000 and 7,000 gross square feet, totaling 154,100 gross square feet.
- 6Wak request: **Z-07-23-01 & PDP-07-07-02**: In the fall of 2002, the property owner proposed to increase the amount of commercial zoning at the northwest corner to allow for the construction of a 199,847 square foot commercial building. The Planning Commission recommended denial (6-3-1) for both the rezoning requests and the Preliminary Development Plan on October 23, 2002. The applicant withdrew the rezoning requests and the Preliminary Development Plan before they were considered by the City Commission.
- Bauer Farm request: **Z-02-08-01** thru **Z-02-11-01**: Rezone property from A (county) to RO-1A (5.538 acres), RS-1 (1.940 acres), PCD-2 (32.443 acres), and PRD-2 (13.560 acres). City Commission denied **Z-02-10-01** on June 12th, 2001; the remaining 3 applications were withdrawn by the applicant.
- 6WAK request: **Z-08-29-01**: A (Agricultural) to POD-1 (Planned Office Development) District. The rezoning approval was conditioned on the submittal and approval of a Preliminary Development Plan. A Preliminary Development Plan for the subject properties was not submitted and the rezoning ordinance was never published.

- **2002**

- Wakarusa Place Addition: Final Plat: A Tract of Land in the Southwest Quarter and in the South Half of the Southeast Quarter of Section 28, Township 12 South, Range 19 East of the Sixth PM in Douglas County, Kansas
- 6Wak request: **Z-07-22-02 & Z-07-23-02**: POD-1 (0.5919 acres) and PRD-2 (2.4945 acres) to PCD-2 of the property is generally described as being located north of West Sixth Street and west of Wakarusa Drive. Request was to facilitate the development of approximately 22 acres at the northwest corner of 6th and Wakarusa for commercial purposes. Planning Commission voted 6-3 to deny the requests, and the applicant withdrew the requests prior to the City Commission hearing.

- **2003**
 - *An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* designates commercial (non-retail focus, mixed-use, pedestrian friendly, 62,000 square foot cap) for northeast corner of W. 6th Street and Wakarusa Drive, and the rest of Bauer Farm for multi-family residential development.
 - 6Wak request/**Z-01-02-03** thru **Z-01-05-03** & **PDP-01-01-03**: On March 5, 2003, the Planning Commission approved (6-3-1) a request by the property owner to decrease the amount of commercial zoning on the subject property. In addition to the rezoning request, the Planning Commission approved a Preliminary Development Plan for a 157,966 gross square foot building with a single user. On March 25, 2003, the City Commission denied (4-1) the rezoning requests and corresponding Preliminary Development Plan.
 - Bauer Farm: **Z-06-19-03** and **Ordinance 7756**: The original commercial rezoning included only 18.93 acres in 2003. Original restrictions included, “no one building shall be larger than 50,000 square feet of space”; “there be no more than 62,000 square feet of retail commercial space,” and, “uses listed be included as part of the zoning ordinance”.
 - Bauer Farm: **Z-06-08-07** and **Ordinance 7757**: The original residential rezoning from A to PRD-2 (25.214 acres.)

- **2003–2004**
 - *Horizon 2020*, Chapter 6: “Commercial Land Use” amended to reflect the land use designations from the **Area Plan for the W. 6th Street & Wakarusa Drive Intersection Area**; this also included a full chapter re-write.
 - City-initiated Area Plan & Rezoning: **Z-06-18-03**: On June 3, 2003, the City Commission adopted Ordinance 7651 establishing a temporary building permit moratorium for an area north of W. 6th Street, including both northern halves of the intersection. Part of the Ordinance directed that the commercial chapter of the zoning code be revised and initiated the rezoning of three properties north of W. 6th Street. Section 3, subpart B of **Ordinance 7651** stated: “Rezoning amendments that will focus on, but not be limited to, the aggregate amount of square footage allowed at both the northwest and northeast corners, the uses allowed at both the northwest and northeast corners, and the square footage amounts allowed within the four walls of a permitted use in each structure at both the northwest and northeast corners.” At their June 3, 2003, meeting the City Commission also directed Planning staff to develop an area plan for the W. 6th Street and Wakarusa Drive intersection. The Planning Commission, on October 1, 2003, voted 7-0-2 to recommend approval of the **Area Plan for the W. 6th Street & Wakarusa Drive Intersection Area**. The City Commission adopted the area plan on December 2, 2003. The plan recommendations for the NW corner included: retention of existing PCD-2 zoning designation with additional restrictions including that the retail development be limited to 154,000

gross square feet, and that a single building footprint not exceed 80,000 gross square feet. The plan included an additional recommendation that the total allowable retail commercial square footage at the entire intersection be limited to 440,000 gross square feet with the caveat that if the approved development plan for 154,000 gross square feet expires, the total intersection should be limited to 420,000 gross square feet. At their meeting on January 28, 2004, the Planning Commission considered the City-initiated rezoning [**Z-06-18-03** – 19.19 acres PCD-2 to PCD-2 with restrictions]. The rezoning proposed to limit building size; revise the total amount of retail commercial square footage on the property; revise permitted uses; and stipulate that no building permit would be issued until the W. 6th Street project was substantially completed. The staff report indicated that the proposal to eliminate ‘variety stores’ and ‘home improvement store’ uses, together with the limitation on the total center size and size of individual stores, was recommended to facilitate the center’s Community Commercial focus (rather than regional focus). ‘Department store’ was included as a permitted use due to the single building size restriction. The report indicated that the recommendation limited a single-user retail commercial building to 80,000 gross square feet to address big box concerns and established a maximum of 154,100 gross square feet for the total property which was the amount shown on the approved 2001 Final Development Plan. The Planning Commission voted 5-5 on this recommendation. The failure to recommend was then forwarded to the City Commission as a recommendation for denial. On March 16, 2004, the City Commission overturned the Planning Commission’s recommendation by approving the rezoning on a 4-1 vote. **Ordinance 7755** rezoning the property with the above restrictions was published on April 21, 2004.

- Five lawsuits filed concerning this quadrant of the intersection regarding development and building sizes:
 - **6Wak Land Investments, L.L.C. v. The City of Lawrence, Kansas Board of Zoning Appeals and The City of Lawrence, Kansas**, Case No. 03C596 (Filed: October 2003)
 - **Wal-Mart Real Estate Business Trust and 6Wak Land Investments, L.L.C. v. The City of Lawrence, Kansas Board of Zoning Appeals and The City of Lawrence, Kansas**, Case No. 03C595 (Filed: November 2003)
 - **6Wak Land Investments, L.L.C. v. Victor Q. Torres and City of Lawrence, Kansas**, Case No. 03CV275 (Filed: May 2003)
 - **6Wak Land Investments, L.L.C. and Wal-Mart Real Estate Business Trust v. Victor Q. Torres and City of Lawrence, Kansas**, Case No. 03C339 (Filed: June 2003)
 - **6Wak Land Investments, L.L.C. v. City of Lawrence, Kansas**, Case No. 04C216 (Filed: April 2004)

- Bauer Farm: **Z-06-20-03**: Rezoning of the west side of Champion Lane from A to PCD-2 initiated by the City with approval by the City Commission on March 16, 2004, **Ordinance 7756**.
- **2005**
 - Bauer Farm: **Z-07-48-05**: Rezoning PCD-2 (with restrictions) to PCD-2 (with modified restrictions) conditionally approved by the City Commission on January 10, 2006.
 - Bauer Farm: **Z-03-16-05**: 2.59 acres, PRD-2 to POD-1, southeast portion of project at W. 6th Street and Folks Road. Unpublished at that time.
 - Bauer Farm: **Z-03-17-05 & Z-07-48-05**: Commercial boundary was expanded to include an additional 8.23 acres east of Champion Lane and uses were revised. Multi-Family Residential uses were added as well as uses in Use Group 12, Retail Sales and Use Group 13 Automotive Service, Retail Sales Other with some uses in each Use Group specifically prohibited. The related Preliminary Development Plan, **PDP-03-02-05**, was eventually approved by the City Commission on March 4, 2008.
 - Bauer Farm: Preliminary Development Plan **PDP-03-02-05**: conditionally approved by the City Commission on January 10, 2006 with direction that a revised Preliminary Development Plan meeting the conditions of approval be brought back before them for their review.
- **2006**
 - 6Wak request: Consent Order handed down by Douglas Co. District Court which restricts the feature building of the site to be no larger than 99,990 square feet, and development of the subject site shall not exceed 128,000 square feet. The remainder of the square footage for the total site after deduction for the feature building and garden center square footage (remaining 21,500 square feet) shall be apportioned in pad site development. 525 Wakarusa Drive was not a part of this order.
 - 6Wak request: **Z-06-16A&16B-06 & PDP-06-06-06**: The property owner submitted rezoning requests from PRD-2 & PCD-2 to PCD-2 with revised restrictions and a new Preliminary Development Plan which proposed to limit the total retail commercial square footage on the property to 128,000 gross square feet with a single building not to exceed 99,990 gross square feet. On August 30, 2006, the Planning Commission voted 6-4 to recommend the proposed rezoning. The Planning Commission voted 5-5 on the Preliminary Development Plan which was deemed a recommendation for denial. At their meeting on October 24, 2006, the City Commission voted 3-2 to deny the development plan request and voted 3-2 to table the rezoning requests until an alternate plan was presented for consideration.

- **2007**
 - Bauer Farm: **Z-06-07-07 & Ordinance 8359**: Uses within the 25.97 acres of the PCD portion of the development were again revised in 2007. Through the approval of **Z-06-07-07**, the cap at this quadrant of the intersection was increased from 62,000 square feet to 72,000 square feet by the Lawrence-Douglas County Metropolitan Planning Commission. This ordinance is the currently applicable regulation for use of this property today. A modification was made in late 2010 to accommodate a revision to the lots along W. 6th Street east of Champion Lane for the Burger King site at 4671 Bauer Farm Drive. The 2010 approval did not change the uses, limitation on drive-thru's for restaurant uses, or otherwise impact the number of lots or total retail square footage. It did amend the interior lot lines of three lots. Two of the lots along W. 6th Street east of Champion Lane remain vacant.

- **2008**
 - Final Plat: 6WAK Addition Plat completed – A Replat of Lots 1, 2A, 2B, 3 and 4, Block 2 Wakarusa Place Addition in the City of Lawrence, Douglas County, Kansas
 - Bauer Farm: Final Plan: Bauer Farms First Plat **PF-05-04-08**, Portion of PCD, and corresponding with **MS-12-10-10**, Champion Addition (two lots east of Champion Lane)
 - Bauer Farm: **FDP-05-07-08**: Bauer Farm Phase I Commercial approved.

- **2009**
 - Bauer Farm: **PDP-06-01-09**: The Preliminary Development Plan was revised to accommodate the tunnel car wash. The uses were not altered by that development plan change. Approval of a revised Preliminary Development Plan included reconsideration and re-approvals of several waivers/variances.
 - Bauer Farm: **PF-07-03-09**: Bauer Farm Second Plat (PRD and POD); Planning Commission approved with conditions. (Placed on hold at applicant's request.)
 - Bauer Farm: **PF-09-07-09**: Bauer Farm Bauer Farm Third Plat (Portion of PCD – tunnel car wash)
 - Bauer Farm: **FDP-09-08-09**: Phase III Commercial approved.
 - Bauer Farm: **FDP-01-02-09**: Phase I Residential approved.
 - 6Wak: **Z-11-20-09**: UR to CO (The County- A Zoning Designation was revised to UR (Urban Reserve) District with the adoption of the 2006 Development Code). Rezoning approved by the City Commission with adoption of **Ordinance 8490**.

- **2010**
 - Bauer Farm: **CPA-05-06-10**: An amendment to change the designate land use from residential/office to commercial for a portion of the Bauer Farm

Development location along W. 6th Street between Folks Road and Champion Lane denied.

- Bauer Farm: revised Preliminary Development Plan in 2010 amended the residential portion of the Bauer Farm development. This request removed the residential uses from the commercial portion and reallocated them to the residential portion PD-[Bauer Farm PRD].
- Bauer Farm: **PF-4-3-10**; Bauer Farm Fourth Plat (PRD portion – retirement housing)
- Bauer Farm: **FDP-09-08-09**: Bauer Farm Lawrence Tunnel Car Wash approved.
- Bauer Farm: **FDP-01-01-10**: Modification to Final Development Plan Phase I approved (Smashburger).
- Bauer Farm: **FDP-04-06-10**: Final Development Plan Phase IV Residential approved (Meadowlark Retirement).

- **2011**
 - **CPA-08-07-11**: Amendment to consider Comprehensive Plan Amendment to Chapter 6 and Chapter 14 of *Horizon 2020* to consider creating a CC600 commercial category in the Comprehensive Plan and revising the *Area Plan for the Intersection Area of West 6th Street and Wakarusa Drive* and to designate this node as a CC600 commercial node. Deferred prior to Planning Commission meeting.

- **2012**
 - **CPA-04-03-12**: Amendment approved to revise the western boundary of the Existing Commercial Area at W. 6th Street and Wakarusa Drive, and to similarly amend the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* approved.
 - Bauer Farm: **FDP-12-05-11**: Bauer Farm Phase VI Commercial approved (Starbucks)
 - Bauer Farm: **FDP-01-01-12**: Bauer Farm Phase VII Commercial approved (Theatre Lawrence)
 - Bauer Farm: **FDP-12-00093**: Bauer Farm Phase VIII Commercial approved (Discount Tire)

- **2014**
 - Bauer Farm: **CPA-14-00059**: Amendment to *Horizon 2020* Chapter 6: "Commercial Land Use" to designate the node as a CC600, and to Chapter 14: Specific Plans and the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* to revise the retail/commercial gross square-footage cap from 72,000 gross square feet to 122,000 gross square feet at the northeast quadrant

of the intersection. (Area had previously exceeded earlier CC200 node designation.)

- o Bauer Farm: **Z-14-00057, PDP-14-00055, PF-14-00054**: Application to rezone approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive. The zoning application proposes modifying the uses in the PD (Planned Development) from a mix of residential, office, with 14,440 square feet of retail space to 45,048 square feet retail space, 6,150 SF office space, and no residential use.

4. Does the proposed amendment result from a clear change in public policy?

Applicant's response: The request is very clear to the public policy by only requesting a minor increase in allowed retail / Commercial square footage at the NW corner of 6th and Wakarusa Drive.

Staff's response: There has not been change in public policy. The proposal does not require an amendment to Chapter 6 of *Horizon 2020*, nor does it require the reclassification of an adopted node. The proposal is to modify the existing commercial center's development mixture and permit a minor increase the amount of retail space at the node in comparison to what is approved today. The proposal maintains the existing node by staying within the existing anticipated commercial area, and does not directly perpetuate commercial strip development along W. 6th Street, as long as the boundaries of the planned retail area are not expanded.

In addition, the following shall be considered for any map amendments:

5. Will the proposed amendment affect the adequacy of existing or planned facilities and services?

Applicant's response: No affect is anticipated to existing or planned facilities if this minor increase in square footage is approved.

Staff's response: Infrastructure in this area is adequate to support this commercial development. Further analysis regarding the specifics related to traffic impacts and infrastructure capacity will be addressed in the subsequent rezoning (Z-14-00515), preliminary development plan proposal (PDP-14-00517), and approval of a final development plan.

6. Will the proposed change result in reasonably compatible land use relationships?

Applicant's response: Current surrounding uses of retail, restaurant and commercial are similar and compatible to the uses proposed at this site if the allowable square footage is increased above the previously approved limit.

Staff's response: The proposed development pattern and use is consistent with the patterns and uses present at the other three corners of this node. As further development occurs within the surrounding vicinity of this proposal, it will likely also be primarily commercial in form. Free State High School is located northeast of this site; the development will remain commercial in nature and has always been envisioned at this node. This amendment does not seek to change the boundary, only to allow more retail square footage than presently adopted.

7. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?

Applicant's response: This development will offer restaurant and retail opportunities that aren't currently offered in Lawrence. The retail businesses are new to Lawrence and not relocating from another part of Lawrence leaving vacant building waiting to be leased or purchased.

Staff's response: This proposed amendment does not necessarily advance the interests of the citizens of Lawrence and Douglas County as a whole, but neither does it harm them. This change seeks to increase the existing retail/commercial cap applicable to this particular corner of the area plan, and subsequently the corresponding zoning for this area. This application does not seek to modify the boundary of the existing node, nor introduce a variant to the land/development pattern. Potential development at this node may shorten their shopping trips to other various shopping destinations throughout Lawrence.

PROFESSIONAL STAFF RECOMMENDATION

The expansion of this amount would permit construction of a consistent building and land use that is currently the predominant form at this intersection. The increase requested in this application is consistent with the intent and development pattern present in the area, while also preserving the square footage totals planned for the land south of this site at 545 Wakarusa Drive, 565 Wakarusa Drive, 560 Congressional Drive, and 4950 W. 6th Street.

Staff recommends approval of this Comprehensive Plan Amendment to *Horizon 2020: Chapter 14: Specific Plans*, and the *An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive* to revise the retail square-footage cap from 127,487 square feet to 143,637 square feet, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.