

ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTERS 6 & 14 (JSC)

CPA-14-00107: Consider a Comprehensive Plan Amendment to Horizon 2020 Chapter 6 and Chapter 14 (Revised Southern Development Plan) to revise the future land use designations from medium-density residential, traditional neighborhood development, and auto-related commercial uses to commercial use; and to designate the node as Regional Commercial from Auto-Related Center at the southeast intersection of US-59 Hwy and N. 1250 Road. Submitted by Landplan Engineering PA.

ITEM NO. 4A ANNEX 102.64 ACRES; E SIDE OF S IOWA ST & S SIDE OF N 1250 RD (SLD)

A-14-00104: Consider a request to annex approximately 102.64 acres located along the east side of S. Iowa Street and the south side of N. 1250 Road (Armstrong Road). Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record. *Initiated by City Commission on 4/8/14.*

ITEM NO. 4B RS10 & A TO CR & CR-FP; 122.96 ACRES; SE CORNER SLT & US-59 HWY (SLD)

Z-14-00105: Consider a request to rezone approximately 122.96 acres from RS10 (Single-Dwelling Residential) District and County A (Agricultural) District to CR (Regional Commercial) District and CR-FP (Regional Commercial Floodplain Overlay) District, located at the SE corner of the South Lawrence Trafficway and US-59 Hwy. Submitted by Landplan Engineering PA, on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

ITEM NO. 4C RS10, A, & VC TO OS-FP; 46.10 ACRES; SE CORNER SLT & US-59 HWY (SLD)

Z-14-00106: Consider a request to rezone approximately 46.10 acres from RS10 (Single-Dwelling Residential) District, County A (Agricultural) District, and County VC (Valley Channel) District to OS-FP (Open Space-Floodplain Overlay) District, located at the SE corner of the South Lawrence Trafficway and US-59 Hwy. Submitted by Landplan Engineering PA on behalf of Armstrong Management LC and Grisham Management LC, property owners of record.

STAFF PRESENTATION

Mr. Jeff Crick presented Item 3.

Ms. Amy Miller presented the Retail Market Study.

Ms. Sandra Day presented Items 4A-4C.

APPLICANT PRESENTATION

Mr. Dan Watkins, attorney representing Collett Development, said there were challenges to developing the property. He said he viewed this as an extension of the South Iowa Regional Commercial Center. He said he had conversations with Mr. Roger Boyd and Mr. John Boyd regarding this area being an extension of the Baker Wetlands. He said he also reached out to KDOT because of its location. He said they were working through some of the issues with them. He said the project would provide new and expanded retail opportunities for the community.

Mr. Robert Collett, Collett Development, thanked staff and Planning Commission for the open dialogue and fair process.

Mr. Chris Challis, Collett Development, said Lawrence had a great downtown and he knew the importance of preserving the main street character. He said he knew how important a gateway was to the community as well. He felt the project location was ideal for retail development. He felt it would be an extension of the south

Lawrence corridor. He said discussions with the Corps of Engineers involved conserving the open space portion of the property and putting it into a conservation easement and managed by the Baker Wetlands. He discussed some of the content from the retail analysis regarding retail development.

Commissioner Rasmussen asked if the Corps of Engineers would be granting wetland permits for the project.

Mr. Challis said yes.

Commissioner Rasmussen consulted staff attorney Mr. Randy Larkin and then said he would recuse himself. Commissioner Rasmussen said as of October 1, 2014 he would be a Corps of Engineer employee and would be providing environmental legal support. He said it was possible he could be involved in providing legal counsel on permitting activities for this project after October 1, 2014. He said he did not feel comfortable participating in the project. He did not want to create a legal problem with any conflict of interest.

Mr. Watkins asked if it would be better to have additional members of Planning Commission present.

Mr. McCullough said Planning Commission could consider deferring the item since multiple Planning Commissioners were absent.

Mr. Watkins said he was comfortable moving forward if Planning Commission was.

Commissioner Josserand said he was a little uncomfortable with multiple Planning Commissioners being absent but that staff and the applicant were comfortable moving forward.

Mr. Brian Sturm, Landplan Engineering, said the site was less than ideal for medium density or traditional residential development. He said the ground was adjacent to special natural amenities and located at the threshold of the city. He said regarding the annexation, the request met the recommendations of Horizon 2020. He said regarding the rezoning, it accommodated retail and floodplain practices. He said a large area of the commercial zoning district that would remain green to offset some of the other impacts by the development. He said the open space was consistent with the Comprehensive Plan.

PUBLIC HEARING

Ms. Laura Routh, 2235 East Drive, said she was disappointed that not all of the Planning Commissioners were present this evening. She said her primary complaint with the proposal was developing in the floodplain. She did not feel this development would be a good gateway to the community. She said the notion that somehow this development would provide a buffer or some benefit to what's left of the wetlands after the construction of the South Lawrence Trafficway, was offensive. She said the amount of runoff that would come from this development would not benefit the wetlands.

Ms. Erica Fox Zabusky, 1026 Ohio St, said it was laughable to think people would drive to Lawrence to shop at a strip development. She expressed concern about the pull factor away from Massachusetts Street. She felt this kind of project on the extremity of town would put stress on the infrastructure and transportation system.

Ms. Mary Jo Shaney, attorney on behalf of K-10/40 Development LC, said the proposal as presented tonight was not consistent with Horizon 2020. She said the proposal leapfrogs over the task force that the City set up in October of 2013 to begin to study and amend Horizon 2020. She felt the goals of Horizon 2020 would be compromised by the proposal. She said the project was 193% larger than the present auto related plan that was in place.

Ms. Betty Alderson, 1400 Lilac Lane, said she thought it had been established years ago that a mall was not wanted by the residents of Lawrence, especially at the proposed location. She felt the development would be harmful to downtown. She also stated that local stores would not be a part of this project.

Mr. Kirk McClure, 707 Tennessee St, said a well functioning market should have growth and supply. He said if they fail to have growth and demand they should not have growth and supply. He said shoppers pay the sales tax, not the vendors. He said without new income and new spending there would be no new sales tax. He said this would not be a regional mall, it would just be another strip mall. He said Planning Commission lacked growth managing tools. He felt the development was very premature.

Mr. Jim Bowers, White Goss Law Firm, representing the property owners of the northwest corner of 6th & K-10 Hwy. He discussed the planning process and interpretation of the plan by staff. He requested that the project be tabled or denied. He said the project violates the Horizon 2020 plan and policies which limits the development of commercial retail projects. He said they would be changing the Comprehensive Plan to bring the Comprehensive Plan into alignment with the project. He said the County and the City appointed a steering committee in October 2013 for the purpose of reviewing Horizon 2020. He felt it was inappropriate for Planning Commission to consider this application prior to the completion of the steering committees review and update of Horizon 2020. He said the Comprehensive Plan prohibited new regional commercial centers. He said the project would damage existing retail centers in Lawrence.

Ms. Candice Davis said she was astonished by what had been presented tonight. She wondered why she had just heard of the project a month ago. She said it appeared that planning in the community was a free-for-all. She said the recent Horizon 2020 study that was conducted revealed that downtown needed to be a focus. She said downtown was a unique destination and it was at risk.

Mr. Gary Rexroad said the project was a positive step forward for Lawrence. He said the project had a positive endorsement from the Planning staff. He said when Horizon 2020 was written it provided guidance and it had been followed as much as it could be. He said they had a responsibility to take advantage of opportunities and adjust as they go. He said the project offered a number of things beyond just the straight forward elements. He said it appreciated the environment and wetlands around it. He thought downtown was precious and protected by density. He felt the project represented a great opportunity for sales tax dollars.

Ms. Bonnie Johnson, 2601 Belle Crest Drive, said the reasons to say no to the project included floodplain issues, the revised Southern Development Plan was completed with knowledge of the South Lawrence Trafficway, a recent community survey said growth management was a top issue, the impact of the South Lawrence Trafficway on 23rd Street, and in previous discussions about Menards it was decided that retail should not be at this location. She felt this development might be premature.

Mr. Roger Boyd, manager of the Baker Wetlands, said he had no objections to the development. He said the open space component would soften the impact to the agricultural land that would still be in place. He said the open space would also provide the opportunity for educational trails.

Ms. Heidi Simon, 5723 Westfield Drive, asked Planning Commission for support of the project to move it forward. She said the development would help balance the wants and needs of the community. She said the developer was not asking for special financing and would only bring revenue.

Mr. Brad Finkeldej, 821 Sunset Drive, said from a land use point of view if you look at a map of Lawrence to see where retail should go, the intersection of SLT and K-10 made perfect sense. He said Planning Commission created this location for retail and also created a new subcategory in Horizon 2020 of auto related. He said the location was considered to be a perfect location for the most intense use retail. He felt this was a downgrade in zoning compared to what the Southern Development Plan stated. He said there was a provision that said no retail development south of K-10, except for the auto related zone. He referenced a 2006 blog in which Mr. McClure said that if Walmart was approved it would cause vacant space, blighted shopping areas, and widespread vacancy. Mr. McClure also said that if Walmart was approved as a grocery store it would cause Dillons and Hy-Vee to close. In 2007 Mr. McClure said overbuilding would create vacancy. In 2008 Mr. McClure said Bauer Farm would create vacancies and blighted areas. In 2009 Mr. McClure said there would be damaging oversupply, blight, and vacancy. In 2012 and 2014 Mr. McClure said they had the same problem.

Mr. Finkeldei did not feel they had a problem with blight downtown or losing businesses. He felt Planning Commission should support the project.

Mr. Michael Almon, 1311 Prairie Ave, said the proposed site was the site of the 1978 cornfield mall was which was wisely rejected. He said Horizon 2020 does not support increasing the size or number of new commercial center but may consider small new inter neighborhood centers as part of new planned neighborhoods. He said the proposed project would be a two auto oriented strip malls across the street from each other. He said Horizon 2020 does require a nodal plan for a new regional commercial center be created. He felt the developer had moved too soon. He felt the sewer systems would be overloaded.

Ms. Janet Gerstner, 413 Vine Drive, expressed concern about the proposal. She was concerned about diluting the existing market. She said three retailers would relocate from existing locations. She did not feel the project would pull shoppers and that retailers would not be different than Topeka or Kansas City. She felt the developers would be rewarded for not adhering to plans. She wanted to sustain downtown and she felt this project may damage it. She stated it may also undermine the new Rock Chalk Park.

Ms. Marci Francisco, 1101 Ohio St, said commercial areas should be easily reached by transit. She felt the development would add traffic to the extension of Louisiana Street.

Mr. Tim Bateman, 6212 Berando Ct, said he wanted a strong downtown. He did not think adding retail to other locations in town would hurt downtown. He felt the project may help to keep shoppers from going other places. He said the project could help increase sales tax dollars.

Ms. Cille King, League of Women Voters, said regarding retail she did not think this was a draw. She said the stores would be scaled down versions and smaller than the ones in Topeka and Kansas City.

APPLICANT CLOSING COMMENTS

Mr. Watkins said nobody wants downtown to suffer. He said the community had worked through many issues over the years to mitigate concerns regarding development in Lawrence. He said the location was the perfect site for retail.

Mr. Challis said the plan did not include a faux main street experience. He said the project did not focus on small specialty shops. He said downtown Lawrence was extraordinarily successful and was a great destination. He said it was not the same battle as the cornfield mall. He said the project was not looking to recreate downtown.

Mr. Watkins did not feel putting a moratorium on the project until Horizon 2020 was revised was the appropriate way to go.

COMMISSION DISCUSSION

Commissioner Liese said Planning Commission had three options; vote, delay, or choose to end the meeting.

Commissioner Jossierand said there was a fourth option of asking questions.

Mr. McCullough said Planning Commission should consider all the information obtained from the public hearing and staff report. He said they had quorum and it was their duty to act on the request. He said deferral was an option but typically that was for additional information. He said Planning Commission was making a recommendation to City Commission. He said if they needed additional information the items could be deferred to get specific information.

Commissioner Liese asked what happened if they did not extend the meeting.

Mr. McCullough said he would not advise that as an option.

Commissioner Josserand said Planning Commission had the ability to defer.

Mr. McCullough said that was correct.

Commissioner Josserand said the numbers in the retail market study, retail development report, and letter from Mr. McClure, over the past 8-10 years show declining sales tax revenue.

Ms. Miller said when adjusted for inflation the sales tax collections have declined.

Commissioner Josserand asked if that was unhealthy.

Ms. Miller said when determining the health of the market all of the factors needed to be looked at, not just one indicator.

Commissioner Josserand asked Mr. Finkeldei to comment about too much retail space on the market.

Mr. Finkeldei said it was an issue of whether or not you believe the market corrects. He said too much retail could be built in one place that could cause something else to happen. He said the question becomes if you look at the health of the environment. He said Mr. McClure said for years that it would cause vacancy and blight but today he said there wasn't vacancy problems, but rather retail problems. He said there had been adaptation within the city and market so there have been historically low vacancy rates over the last 10 years. He said a healthy vacancy rate was fine.

Commissioner Josserand said he forgot to mention earlier that he had ex parte communications with Mr. Chris Challis. He asked staff if this kind of development would be considered four sided development.

Mr. McCullough said it would be considered with the site plan application. He said four sided architecture at a gateway location was typically the buildings you could see from the road.

Commissioner Josserand asked Mr. Finkeldei about other retail areas.

Mr. Finkeldei said there were discussions about commercial areas, for example Walmart in Bauer Farm, and how much retail should go there. He said Horizon 2020 had a limit on it depending on the size of the node. He said regional centers had different characteristics than commercial centers.

Commissioner Liese inquired about building on a floodplain.

Mr. McCullough said the proposal was to fill a portion of the floodplain which the Code allowed so it would be Code compliant. He said any development in the area would seek the same type of development.

Commissioner Liese asked staff to talk about the public comment that accommodations should be made so as not to threaten the environment and Baker Wetlands.

Mr. McCullough said that would be a change of philosophy and Code for the entire City of Lawrence to prohibit development in the floodplain. He said it would be Code compliant.

Commissioner Liese asked staff to talk about traffic on Louisiana Street.

Mr. McCullough said there would be an impact to the traffic system and that was being studied right now. He said it would be a little pre-mature to study every part of the technical studies. He said Louisiana, Michigan, and 31st Streets could expect traffic as the area urbanizes.

Commissioner Denney expressed concern about pedestrian connectivity.

Mr. McCullough said there would likely be a sidewalk required on the new Michigan Street.

Commissioner Denney asked if Michigan Street would go all the way through to 31st Street.

Ms. Day said yes. She said regarding pedestrian connectivity, the SLT project included extensive extension of the recreation path. This proposed project would have an expectation to tie the interior sidewalks back to the overall recreation path for full connectivity. She said during previous discussions about Menards there was a clear expectation that the commercial along the north and south sides of 31st Street would be the limit of where the commercial would go.

Commissioner Culver inquired about the comments made regarding the Horizon 2020 task force.

Mr. McCullough said generally speaking there was a public process going on to identify issues that may need to be addressed in a major revision to the current Comprehensive Plan. He said many of the sites they were discussing tonight had undergone Comprehensive Plan Amendments to change what was adopted into what the proposal would accommodate. He said the plan update itself was in a public identification phase and that the steering committee would work on what issues to land on for ultimately a plan amendment process in 2015 and 2016. He said he had not been directed to place a moratorium on Comprehensive Plan Amendments as they come forward.

Commissioner Culver inquired about the project being an extension of South Iowa.

Mr. McCullough said the crux of the project was mostly about changing the medium density residential on the east side of the proposed project from residential to commercial. He said essentially it had commercial designation with the auto related commercial use. He said the plan intent was a very intense commercial use.

Commissioner von Achen asked staff to comment on Mr. Almon's observations about wastewater and runoff.

Ms. Day said the design of a new wastewater and pump station was already in process and would be seen by Planning Commission next month. She said when those two facilities go online they will be capable of accommodating the site. She said runoff would be part of the H&H study, drainage study and more specifics of the site development in the future.

Commissioner Liese asked about the concern expressed about a shopping center not being a gateway.

Mr. Sturm said there would be a parking lot like any commercial or retail development. He showed renderings on the overhead. He said the buildings would have a mixture of materials and the architecture would highlight the stores as a place shoppers would want to visit. He said there were development standards in place for the K-10 corridor that require 50' of greenspace between the edge of K-10 right-of-way on the north and any development. He said the topography would lend itself for people driving on K-10 to see the greenspace and then the stores. He said it would be the most modern retail center in the community. He said it was a chance for Lawrence to put forth its retail design guidelines, corridor, and landscaping guidelines.

Commissioner Josserand asked the developer if they anticipate requesting economic incentives from the City.

Mr. Challis said the retail development did not require incentives and they did not intend to ask. He said part of the project included potentially realigning 35th Street. He said there are times when a project may add additional infrastructure beyond that which the project was demanding itself. He said he did not know what the engineering report would turn out to be.

Commissioner Struckhoff said that just because Horizon 2020 was in the process of a revision did not mean developments would come to a halt. He said a development like this will and must come to Lawrence. He said since first adopted the Comprehensive Plan had been amended 47 times. He said the plan reflected the will of the community. He said this was a massive project and the kind that Lawrence had envisioned for the

northwest corridor. He said his main problem with the proposal was the location. He said he could not support the project at this location.

Commissioner Culver said he was concerned about setting a precedent for outward development south. He said he could not support the project at this location.

Commissioner von Achen said she was afraid that such a large project would undermine commitments made to other retail projects in other areas of the community. She reviewed the staff responses to the Comprehensive Plan Amendment. She did not feel the responses overwhelmingly supported the plan. She said she would not support the proposal.

Commissioner Liese reviewed the Golden Factors.

Commissioner Denney said there were two factors; whether there should be a change to the Comprehensive Plan and from there everything else follows. He said the time to change the plan is when there was an error or when circumstances change. He said perhaps the plan did need to be clarified. He said it was unrealistic to consider K-10 a barrier. He said without looking at the zoning issue he was supportive of changing the Comprehensive Plan. He did not feel the project would cause harm to downtown. He said downtown was an entertainment and specialty destination. He said in the long run it should be businesses that decide where they put their business ventures. He said if he remembered correctly the result of the denial of the cornfield mall was the Tanger Outlet and Riverfront mall. He said he did not want to see car lots at the proposed location and a shopping center would be a better gateway. He said he would support the proposal.

Commissioner Josserand thanked the applicant for a thoughtful plan. He said the staff recommendation for the Comprehensive Plan was a little weak. He wondered if the project would negatively impact other retail within the community. He felt that too much retail had a toxic effect on existing development. He was not sure they should aspire to be a retail demand center. He did not feel new retail space necessarily created new retail sales. He said approval of this proposal at this time could be unbalancing of more even development. He said the area may be right for development later on.

Commissioner Liese said he was pleased to hear Mr. Challis say that the development was not designed to compete with downtown. He said he would support a motion for deferral to obtain more information about any changes that may be made to Horizon 2020. He said he would also vote in favor of all four proposals if that was the motion. He said the alternative to the proposal was a gigantic parking lot.

ACTION TAKEN on Item 3

Motioned by Commissioner Struckhoff, seconded by Commissioner Josserand, to deny the Comprehensive Plan Amendment, CPA-14-00107, to Horizon 2020 Chapters 6 and 14.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition. Commissioner Rasmussen abstained.

ACTION TAKEN on Item 4A

Motioned by Commissioner Struckhoff, seconded by Commissioner von Achen, to deny annexation, A-14-00104, of 102.64 acres on the east side of South Iowa and the south side of N 1250 Rd.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition. Commissioner Rasmussen abstained.

ACTION TAKEN on Item 4B

Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to deny rezoning, Z-14-00105, 122.96 acres at the southeast corner of SLT and US-59 Hwy.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition. Commissioner Rasmussen abstained.

ACTION TAKEN on Item 4C

Motioned by Commissioner Struckhoff, seconded by Commissioner Culver, to deny rezoning, Z-14-00106, 46.10 acres at the southeast corner of SLT and US-59 Hwy.

Motion carried 4-2-1, with Commissioners Denney and Liese voting in opposition. Commissioner Rasmussen abstained.

The previous Southpoint packet items, heard at the July 21, 2014 Planning Commission Agenda, can be found online here (pg 74):

<http://www.lawrenceks.org/assets/pds/planning/pcagendaJulyFull14.pdf>