

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

PC Staff Report  
3/21/16

**ITEM NO. 6: REVISION OF K-10 & FARMER'S TURNPIKE PLAN: 1700 SECTION OF E. 902 ROAD (JSC)**

**CPA-14-00005:** Consider a revised Comprehensive Plan Amendment to *Horizon 2020* Chapter 7: Industrial Land Use, and Chapter 14: Specific Plans – *K-10 & Farmer's Turnpike Plan* to revise the Future Land Use map. Submitted by B.G. Consultants, Inc. *Planning Commission recommended denial on 6/23/14, City Commission returned to Planning Commission on 12/08/15. The revised Comprehensive Plan Amendment has been reduced in scope; retaining the request to reclassify approximately 13.5 acres from Residential/Office to Office/Research but removing the request to include adjacent parcels for additional residential land use.*

**STAFF RECOMMENDATION:** Staff recommends approval of this amendment, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission and Douglas County Board of County Commissioners with a recommendation for approval.

**STAFF RECOMMENDATION:** If appropriate, authorize the Chair of the Planning Commission to sign Planning Commission Resolution PCR-16-00019.

**KEY POINTS**

1. The area within this proposed amendment is wholly within the *K-10 & Farmer's Turnpike Plan*.
2. The request is being made to accommodate a proposed mini-warehouse development on a portion of the Office/Research requested area.
3. Expansion of the existing Westar Substation to the west has been previously approved under CUP-14-00167.
4. Staff recommends designating the Westar substation, and westerly adjacent land, to Office/Research to be compatible with the *K-10 & Farmer's Turnpike Plan* land use descriptions, and with prevailing existing development conditions.
5. A Conditional Use Permit for the mini-warehouse use will be required, and will require review by the Planning Commission and the Douglas County Board of County Commissioners.
6. The proposed site is presently in unincorporated Douglas County and the property owner is not requesting annexation at this time.

## APPLICANT REQUEST

This Comprehensive Plan Amendment is requested by B.G. Consultants, Inc., on behalf of the property owners of record, in order to develop a mini-warehouse project on a piece of land between K-10 and E. 902 Road, due west of the existing Westar utility substation. The *K-10 & Farmer's Turnpike Plan*, which is incorporated by reference into Chapter 14: Specific Plans, currently identifies this area as Residential/Office use, and the requested mini-warehouse project would not be compatible with the present future land use designation. This amendment requests the consideration of reclassifying approximately 10.5 acres (13% of total) from Residential/Office to Office/Research, allowing for the site's development for mini-warehouse use.

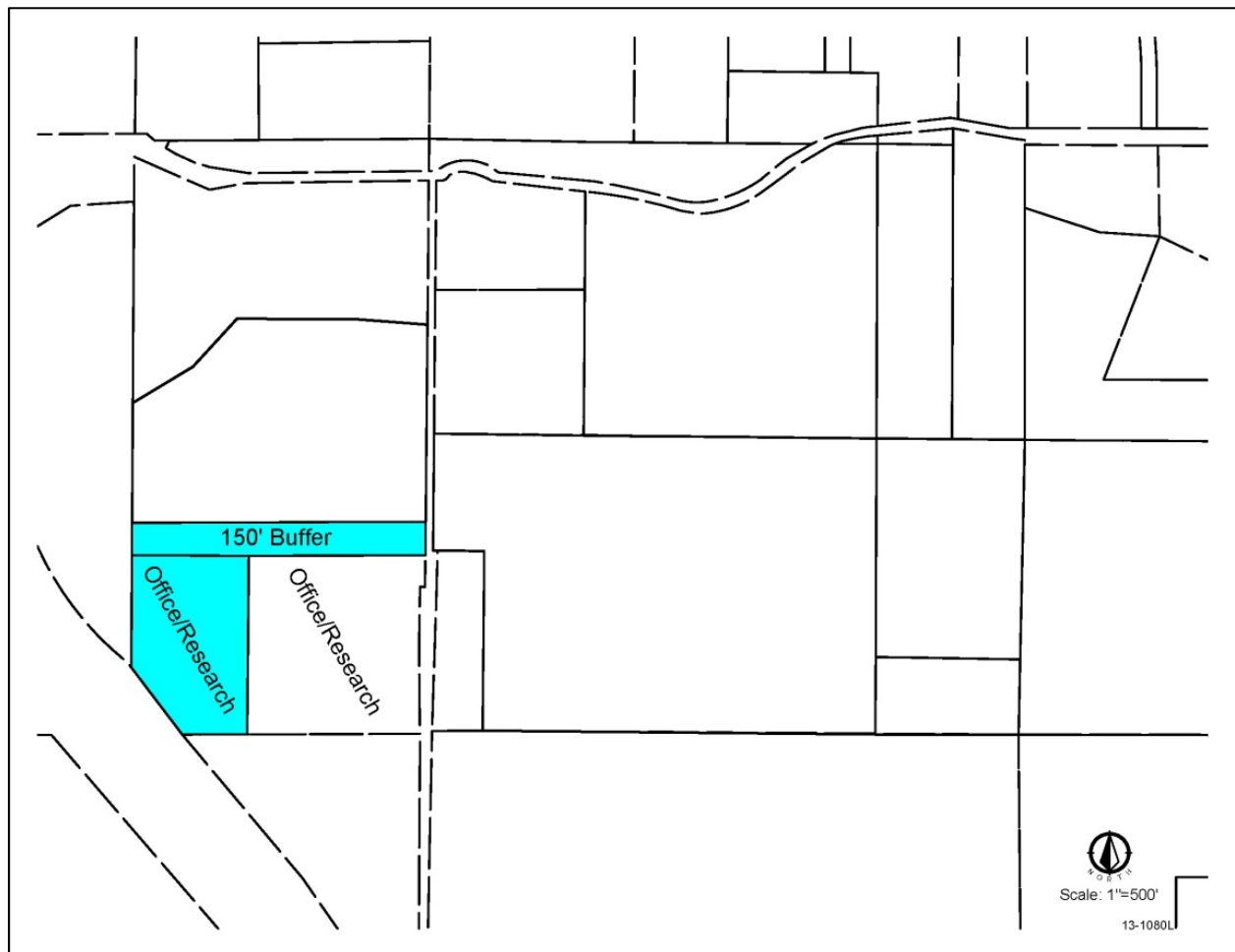


Figure 1: Applicant Submitted Diagram for the Proposed Area with the Proposed Uses.

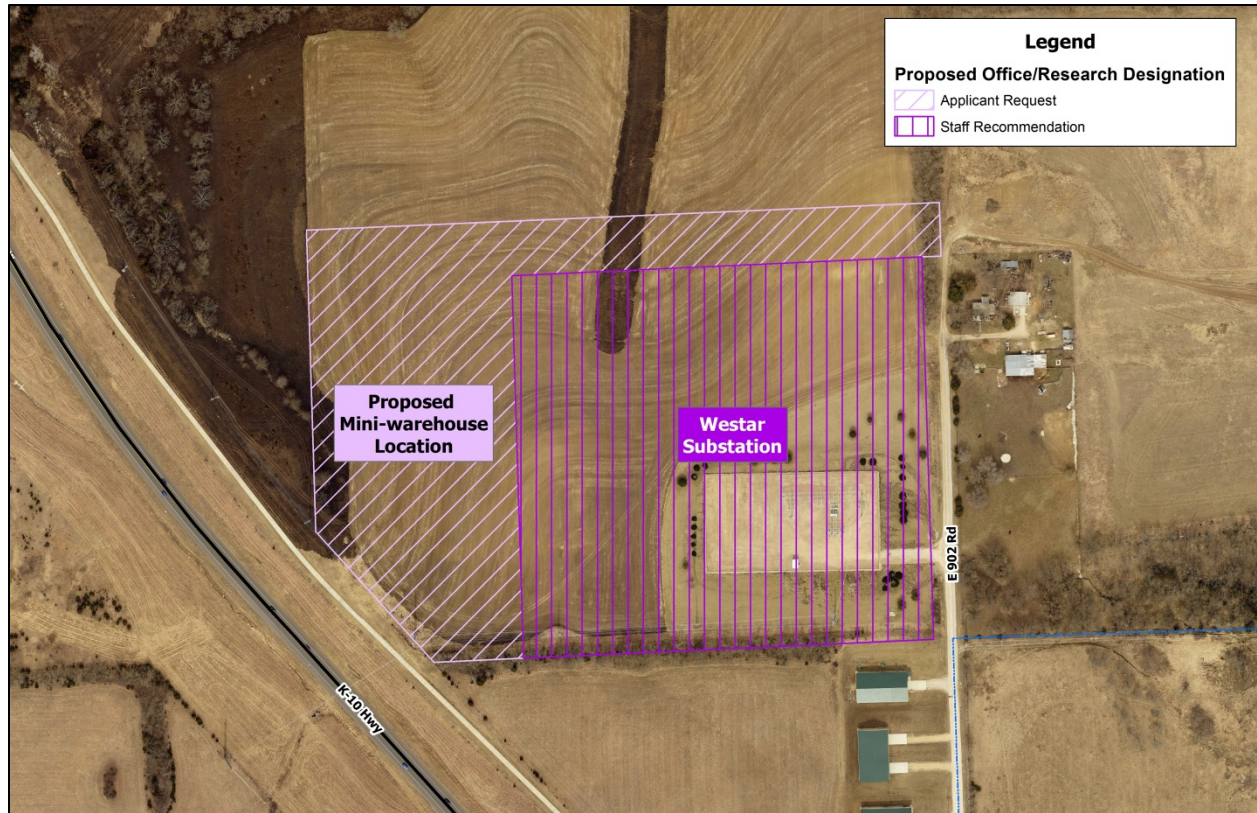


Figure 2: Aerial Photograph of Proposed Plan Amendment.

## STAFF REVIEW OF APPLICANT REQUEST

At this time, the land outlined within this amendment proposal is completely within the *K-10 & Farmer's Turnpike Plan*. Under the previous application, the Comprehensive Plan Amendment also included altering the adopted Future Land Use map, and included a portion east of E. 902 Road that is within the *Northwest Area Plan*. This proposed amendment has been revised to only include the illustrated portion of the planning area, and will not alter the boundaries of the adopted sector plan.

Currently, the land is utilized for agricultural uses. Westar presently operates a utility substation adjacent to the requested area. Additionally, Westar received a Conditional Use Permit (CUP-14-00167) allowing for expansion of the existing substation to meet the existing and anticipated needs of its users. Given this recent substation expansion, Planning Staff also recommends revising the Westar Substation property to the Office/Research future land use designation to be consistent with the *K-10 & Farmer's Turnpike Plan*. Staff would also recommend this opportunity to fix an omission in Section 3.2.1.5, that previously omitted "Detached Dwellings" from the "Residential/Office" category.

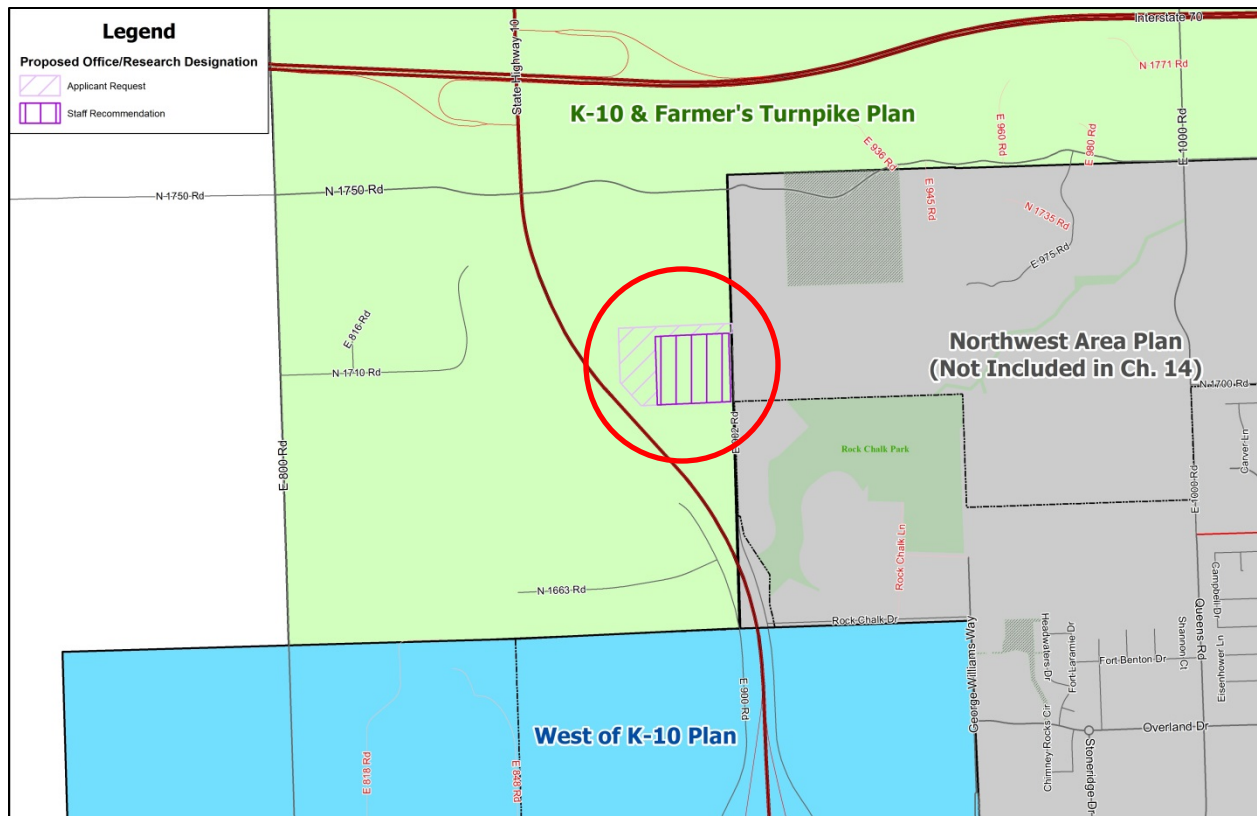


Figure 3: Requested Amendment Area in Larger Context.

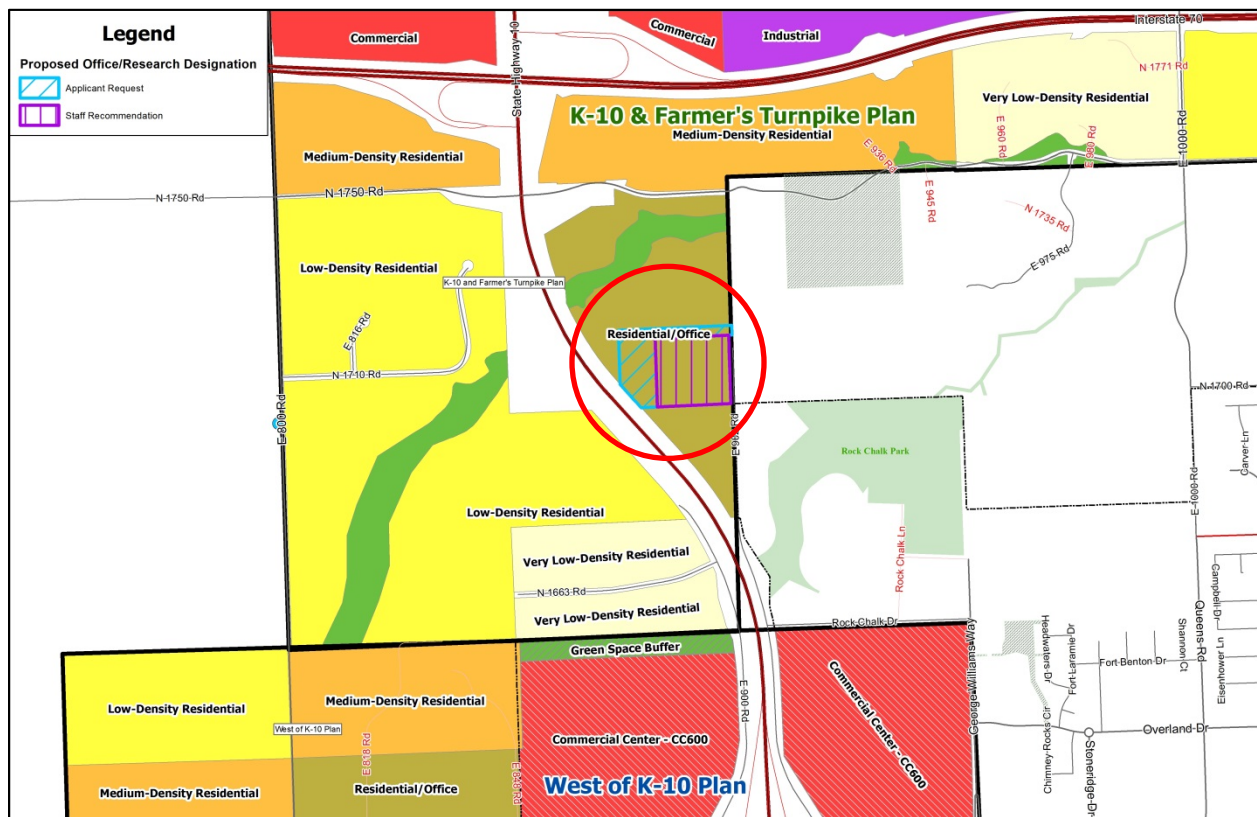


Figure 4: Future Land Use & Requested Amendment in Larger Context.



## **K-10 & Farmer's Turnpike Plan**

The *K-10 & Farmer's Turnpike Plan* identified this tract of land for residential/office land use, principally focusing on accommodating mixed-use development of administrative and professional offices with varying degrees of residential. This could be achieved by the use of work/live units with a density of 6 to 22 dwelling units per acre. Fundamentally, the Residential/Office land uses allow for a mix of uses as a right, which can include residential-only development including single-family detached dwellings, live/work units, and mixed-use developments. Currently, the adopted future land use for this area would not accommodate a utility or the proposed use as defined within the sector plan.

### **Area History:**

Over the years, this portion of Douglas County has principally continued to be rural in character. Due to its proximity to the South Lawrence Trafficway branch from I-70, this area has had a long history of being included in several planning studies. Below is a timeline summary of planning recommendations over the past 37 years regarding this section of the county:

- *Plan 95* – Approved: 1977. The plan is minimal in depth and detail for this portion of the City/County, but does prescribe low density residential uses with open space uses because of environmentally sensitive lands and flooding considerations in the Baldwin Creek area.
- *South Trafficway Plan* – Approved: July 1986. Anticipated this portion of the Trafficway to be principally surrounded by agricultural uses. Principally short-term in scope, it did not anticipate growth immediately due to the construction of the Trafficway.
- *South Lawrence Trafficway Corridor Land Use Plan* – Approved: July 1989. The expectation was the surrounding land would remain agricultural due to a lack of utility services. There was anticipation that development pressures would increase in the future, with the long-term vision projecting low to medium-density residential or office park uses.
- *Western Development Plan* – Approved: March 1994. At that time, development was only envisioned along US-40/W. 6<sup>th</sup> Street because of the availability of sanitary sewer service. While the plan did not outline any specific uses within this area, it did note, "Urban and suburban growth should proceed with care in order to preserve environmentally or ecologically sensitive land areas."
- *Northwest Area Plan* – Approved: May 1998. The quadrant of this planning area that the subject properties fall within was delineated to be an urbanized area. The intent of the plan was to, "Direct higher intensive land uses toward Sixth Street and the South Lawrence Trafficway but direct lower intensive land uses toward the north of sections 28 and 29." The placement of residential land uses was envisioned to have, "A variety of housing types and costs is encouraged in the southern part of sections 28 and 29." Single family residential is encouraged in the central and northern parts of sections 28 and 29." The plan also recommends against locating industrial land uses within this area. This plan foresaw this area as principally residential.
- *Horizon 2020* – Approved: May 1998. This section of the county is mapped within Service Area 2 of the Urban Growth Area, and in which, development is limited due to the lack water and sewer utilities to this portion of the Douglas County.

- *K-10 & Farmer's Turnpike Plan* – Approved: January 2009. The most recent and adopted guidance document for this area. The portion of land within this application was outlined in this plan to be residential/office land uses. This specific category was envisioned to encourage traditional neighborhood development, while not intending to foster the development of large-scale apartment type development. An overarching goal of the plan is to, "Maintain the rural character in existing areas until the time that municipal services allow urban densities to develop." There are also provisions for using open space between variations in progressing use intensities, which should be comprised of green spaces. This plan also outlines specific residential uses, and it does not intend to provide for large-scale apartment type developments. Residential/Office land use may include single-family dwellings, live/work units, and mixed-use developments.

### ***Horizon 2020***

*Horizon 2020* states, "Plans prepared for specific areas, whether they are areas within the City of Lawrence or areas within unincorporated Douglas County, contain detailed policy guidelines for those areas." As this portion of the City of Lawrence/unincorporated Douglas County was beyond the scope of *Horizon 2020's* future land use plan, the principal planning document for this section would be the *K-10 & Farmer's Turnpike Plan*. When the *K-10 & Farmer's Turnpike Plan* was approved, this portion was determined to be a viable area for mixed-use space, principally oriented towards residential and office uses. This is further reinforced through the policy encouraging traditional neighborhood/mixed-use development in this designated area. However, this plan does not fit with the existing utility use and proposed project.

As the development of Rock Chalk Park/Sports Pavilion Lawrence has progressed, it strongly influenced the developmental and planning considerations within the area between these athletic venues and the existing boundary of the *K-10 & Farmer's Turnpike Plan*. Additionally, the Westar substation expansion also affected the development pattern and future character of this area. With this varying setting, the proposed amendment to the future land use plan has merit.

The location for what would be considered the proposed industrial land use complies with the location criteria as outlined in Chapter 7: Industrial and Employment-Related Land Use of *Horizon 2020*. Currently, Chapter 7: Industrial & Employment-Related Land Use of *Horizon 2020* states, "Encourage site availability, site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development." The existing electrical substation, and subsequent utility easements, creates a space that is delineated by utility uses and the eastern edge of right-of-way for the South Lawrence Trafficway/K-10.

At this application's first hearing on June 23rd, 2014, staff found that changing the designation of the Westar Substation and westerly adjacent land to Office/Research to be compatible with the *K-10 & Farmer's Turnpike Plan* goals and policies, and consistent with the prevailing economic conditions. However, staff did not agree with the applicant's request for the designation of Low-Density Residential on the west side of E. 902 Road north of the subject property. Staff recommended that the designation of Residential/Office remain to provide a compatible stepping down of intensity, and also to ensure that the remaining higher-intensity Residential/Office to the west of the applicant requested land would not be isolated from the closest road connection, which is E. 902 Road. Staff found this request to be inconsistent with

the adopted policies of the K-10 & Farmer's Turnpike Plan Residential Land Uses, Section 3.1.2.2.1, and Industrial/Office/Research Land Uses, Section 3.1.2.5.2.

With the modifications presented by the applicant, they have addressed many of the major Sector Plan concerns that staff had with the initial application. Staff still finds that changing the designation of the Westar substation and westerly adjacent land to Office/Research to be compatible with the Sector Plan, and consistent with the prevailing economic development conditions.

Consideration should also be given to the weight and importance of the nearby W. 6<sup>th</sup> Street and K-10 interchange as a gateway to the community. The location designation of industrial/warehouse land uses does potentially allow for other uses beyond the proposal by the applicant. The [West of K-10 Plan](#) (See Figure 3) is the principal planning document for this key intersection, but the land between I-70 and W. 6<sup>th</sup> Street to the north is accounted for within the *K-10 & Farmer's Turnpike Plan*. This stretch of land between the I-70 & K-10 interchange and the W. 6<sup>th</sup> Street/US-40 & K-10 interchange will serve as a visual entry gateway for visitors arriving to the community. While architectural design guidelines for industrial development are outlined within the [Community Design Manual](#), the potential expansion of other uses in the future is a consideration that should be considered within this proposal. Consideration should also be given to the applicable 50-foot buffer that will be required as part of the South Lawrence Trafficway (SLT) Overlay District, which is implemented to, "create an aesthetically pleasing corridor along the South Lawrence Trafficway, in keeping with the SLT policy of providing a park-like setting." (Lawrence Land Development Code, § 20-307(a)(1))

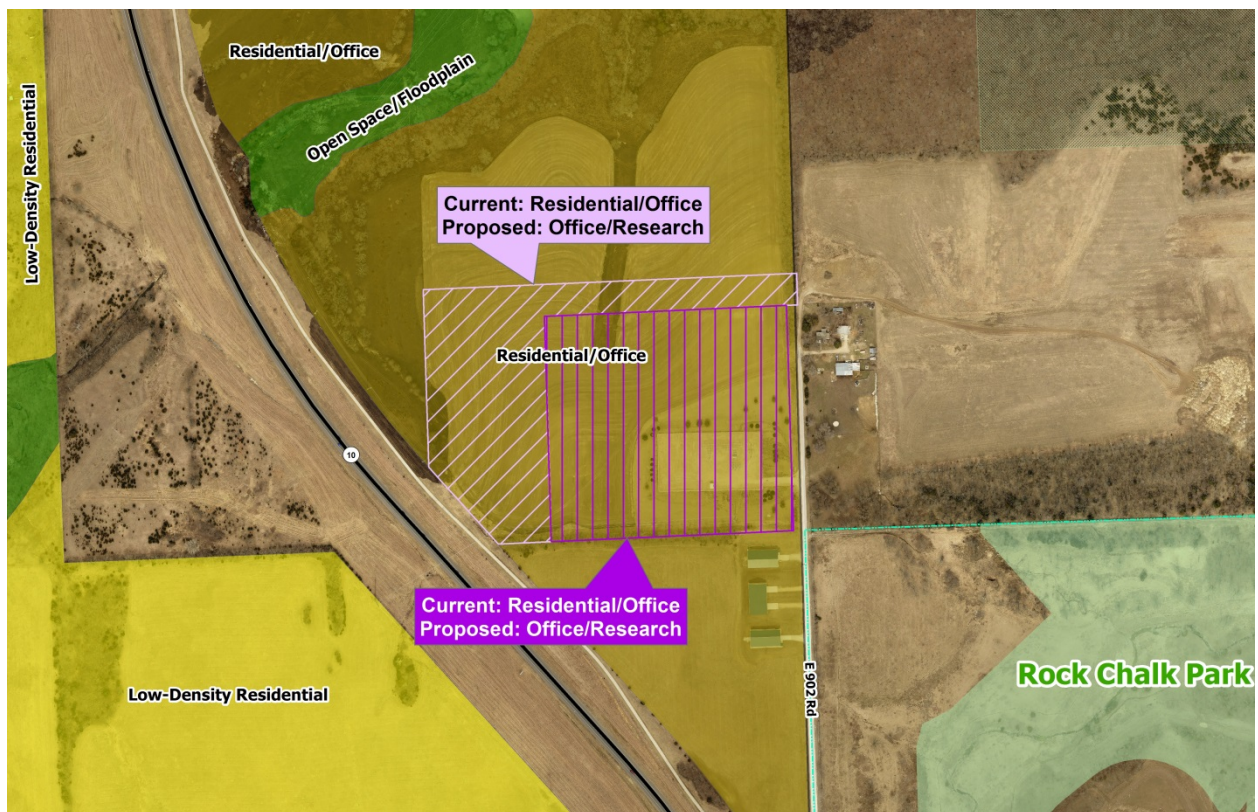


Figure 5: Existing Future Land Use Map with Proposed Amendments.





Figure 6: View of Potential Mini-Warehouses location from K-10, facing north.



Figure 7: Existing Overhead power lines presently on-site, facing north.

## COMPREHENSIVE PLAN AMENDMENT REVIEW

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

*Applicant Response: Yes, the existing Westar substation was noted in the existing land use but the future land use map did not address that use. Westar has plans to expand the existing substation and construct additional overhead power lines in this area. KDOT has recently proposed construction of an additional 2 lanes on K-10 and placing a toll plaza adjacent to this property.*



*Staff's Response:* *Horizon 2020* anticipates changes and additions to the document over time. The construction of Rock Chalk Park and Sports Pavilion Lawrence were not anticipated at the time of the last revision of the pertinent sections of *Horizon 2020*. The expansion of the existing Westar Substation has significantly altered the potential development pattern in the surrounding area; therefore, Planning Staff is recommending amending the Future Land Use map to designate this recent expansion, which affects future land uses for the adjacent proposed location. While the proposed expansion project for the South Lawrence Trafficway (K-10) could affect this location, the timeframe for the construction and opening of the additional lanes has yet to be determined.

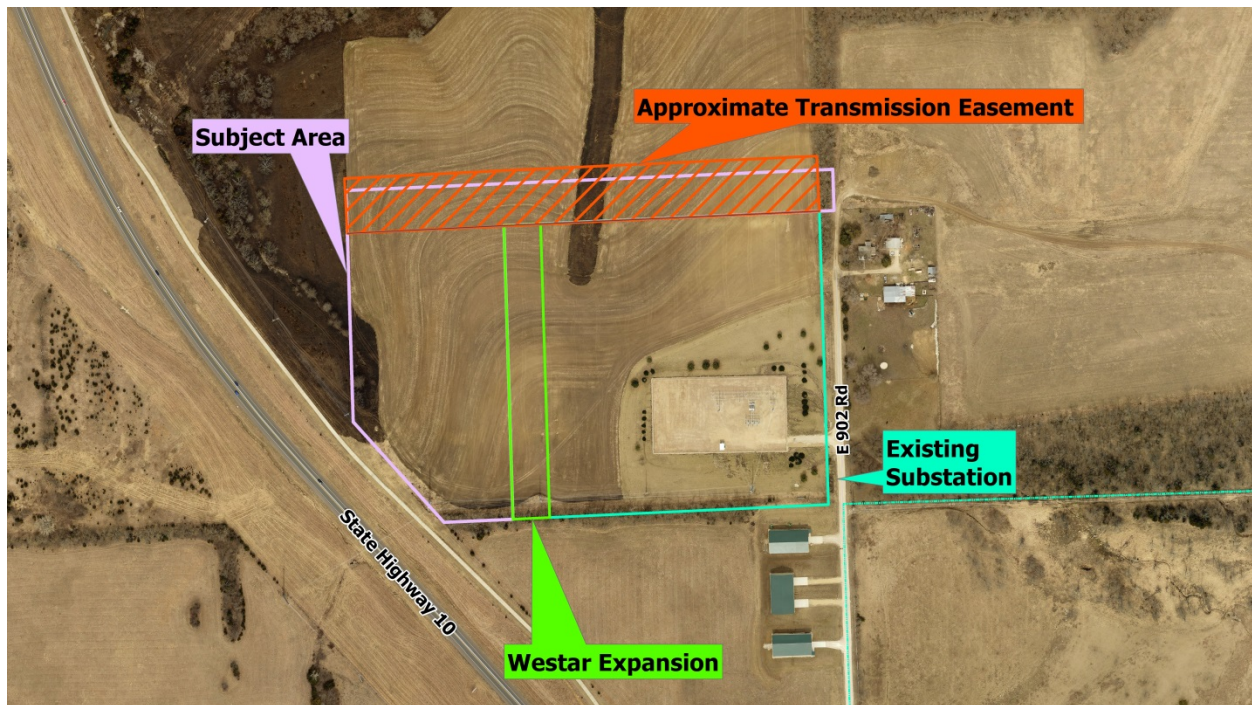
**B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?**

*Applicant Response:* *Yes, there is a need for an Office/Research use and a buffer adjacent to the existing Westar substation and the future K-10 four lane expansion and toll plaza area. Yes, the amendment is consistent with Section 3 of the K-10 and Farmer's Turnpike Plan.*

*Staff's Response:* The modified proposal by the applicant is consistent with the goals and policies outlined in *Horizon 2020* and the *K-10 & Farmer's Turnpike Plan*. As outlined, the applicable planning documents envisioned this area as a mixture of uses. The *K-10 & Farmer's Turnpike Plan* currently identifies the subject properties as Residential/Office. This land use balance is still maintained to be consistent with the community vision for this portion of the planning area, and to help mitigate potential conflicts and potential isolation of the Residential/Office land uses.

Staff initially recommended modifying the applicant's 2014 request by retaining the already adopted Residential/Office land use property located west of E. 902 Road and north of the Westar Substation. Staff's initial concern with reclassifying the entire portion as a low-density, residential-only use was because this would have isolated the remaining Residential/Office land use that is due west of the requested portion from the roadway network, principally E. 902 Road. This could have isolated the remaining Residential/Office from E. 902 Road, requiring traffic to and from a higher-intensity designated area to travel through the residential-only, lower-intensity, neighborhood.

In this request, the applicant is proposing to maintain the Residential/Office land use, ensuring compatibility with the balance of the *K-10 & Farmer's Turnpike Plan* Future Land Use Map, while accounting for the electrical infrastructure development anticipated on the easterly adjacent site. The acquisition of additional land, and a 150 foot wide easement running along the northern portion of the proposed amendment, provides a limitation to the future development to the north of this portion of the land. This also has the effect of creating a "buffer" between this established utility use and the proposed mini-warehouse use, and any future development that could be proposed to the north of this site in the future. To further ensure the integrity of the gateway entry to the community, staff also would recommend the condition that no exterior storage shall be permitted within the Office/Research or Residential/Office designated areas included within this proposal. This will strengthen the gateway entry policies of both the *K-10 and Farmer's Turnpike Plan* and the *West of K-10 Plan* sector plans.



**Figure 8: Staff Illustration of Land Considerations.**

*K-10 and Farmer's Turnpike Plan* delineate an Office/Research land use as, "businesses involved in technology, research and scientific-related activities and/or office, office research activities that are designed in a campus like setting." This would translate to City zoning districts that are associated with this use including IBP (Industrial and Business Park District), IL (Limited Industrial District), and PD (Planned Development Overlay). However, as this property is not proposed for annexation into Lawrence and will maintain the existing Douglas County A (Agricultural) District, the requested use of mini-warehouses is consistent with the existing A Zoning District, requiring a Conditional Use Permit to be approved by the Planning Commission and Douglas County Board of County Commissioners prior to construction. If the property is annexed into the City of Lawrence, the most fitting zoning would then be the plan enumerated IBP (Industrial and Business Park District) or IL (Limited Industrial District). Given the existing substation use, and the proposed mini-warehouse use, both would be more consistent with the *K-10 and Farmer's Turnpike Plan* if designated as Office/Research instead of the current Residential/Office.

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

*Applicant's Response:* Yes. The approval of Rock Chalk Park and the Lawrence Recreation Center was an unanticipated change.

*Staff's Response:* Public policy has not changed regarding increasing the available industrially classified land. As the applicant has noted, the construction of Rock Chalk Park/Sports Pavilion Lawrence, coupled with the expansion of the Westar substation, have both modified the potential course for growth and development within this portion of the planning area. Overall, the potential development within this portion of the *K-10 & Farmer's Turnpike Plan* was envisioned to be contingent on the availability of City utility services.

Public policy also has not changed regarding growth management and industrial land uses. Development potential would need to be consistent with both the goals and policies of *Horizon 2020* and *K-10 & Farmer's Turnpike Plan*.

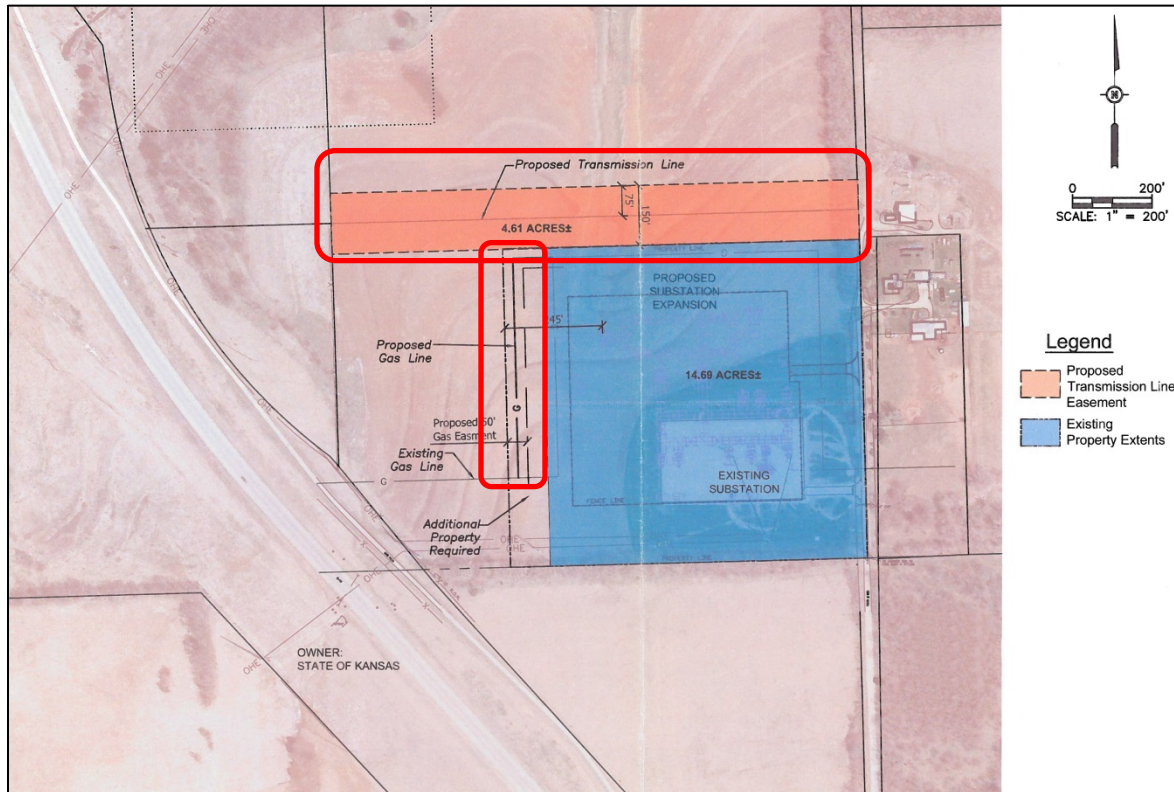


Figure 9: Westar Substation Easement Locations

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

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

*Applicant's Response:* The proposed amendment will not have an effect on existing or planned facilities and services as it is a minor change from the existing plan.

*Staff's Response:* The properties are currently not being served by existing City services. Further review would be completed as part of the Conditional Use Permit review and approval process to address future service issues when the property is served.

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

*Applicant's Response:* Yes. There is a small area where office/research is adjacent to residential/office but it will be separated using a green space buffer and the residential/office will "back up" to the office/ research.



*Staff's Response:* As initially proposed in 2014, the application would have an intensity conflict with the potential placement of residential directly adjacent to the Office/Research (utility/industrial) uses. However, the revised submission is seeking to place Residential/Office adjacent to the Office/Research uses, which would be more compatible given the development and uses potential for each specific district.

Staff finds this proposal would meet Goal 2 in Chapter 6 of *Horizon 2020*, ensuring a compatible transition between the higher-intensity development and less-intensive uses. Staff's initial recommendation introduces a green space buffer to mitigate potential conflicts, while ensuring the preservation of utility easements also present within this portion of the area. The applicant has incorporated a similar buffer into their concepts based on the previous Planning Commission discussion in 2014. With the location of a 150 foot-wide overhead electric line easement running east to west to the proposed substation expansion, and a 50 foot-wide gas line easement between the Office/Research requested portions, both easements will provide a clear separation and buffering potential from future adjacent land uses.

**C. 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:* Yes. The proposed plan will provide opportunities for tax base expansion and diversification. It will also provide a higher use for an area designated residential/office that is not desirable for that use.

*Staff's Response:* The expansion of available industrial land would specifically permit the mini-warehouse use, but could permit available land in this area to potentially attract other types of industrial uses in the future. This can be considered an advancement of the interests of the citizens of Lawrence and Douglas County if the potential is realized.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of this Comprehensive Plan Amendment to *Horizon 2020*, including the *K-10 & Farmer's Turnpike Plan*, to change a portion of the designated land use from Residential/Office to Office/Research uses, subject to the condition that no exterior storage shall be permitted within the Office/Research designated areas, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission and Douglas County Board of County Commissioners with a recommendation for approval.

The associated changes are reflected on pages:

- Cover: Amendment Date
- Page 3-3: 3.1.2.5: Industrial/Office/Research Land Uses
- Page 3-4: 3.1.2.7: Gateways
- Page 3-8: 3.2.1.5: Residential/Office
- Page 3-9: 3.2.1.7: Office/Research
- Page 3-11: Future Land Use Map