PLANNING COMMISSION REPORT
Regular Agenda – Action Item

PC Staff Report
9/26/16

ITEM NO. 7: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 14 (JSC)

CPA-16-00309: Consider a Comprehensive Plan Amendment to *Horizon 2020:* Chapter 14: Specific Plans (*Oread Neighborhood Plan*) to the Future Land Use Map, located at the Northeast Corner of Illinois Street and Fambrough Drive. Submitted by Landplan Engineering, Inc., for STADPKG L.L.C., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of this Comprehensive Plan Amendment to Horizon 2020: Chapter 14: Specific Plans, and the *Oread Neighborhood Plan* to revise the Future Land Use map from Low-Density Residential to High-Density Residential for the parcel located at the northeast corner of Illinois Street and Fambrough Drive, with the inclusion of narrative into the *Oread Neighborhood Plan* that this particular property shall only serve as parking for the University of Kanas/HERE Kansas project, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.

ALTERNATIVE RECOMMENDATIONS: The Planning Commission does have options available when considering this item. The Planning Commission could also:

1. Recommend not approving the requested comprehensive plan amendment, thereby maintaining the existing Low-Density Residential as currently indicated on the *Oread Neighborhood Plan*'s Future Land Use map, but support the rezoning request to accommodate the surface parking lot. This conveys the desired building intensity of the site at Low-Density, but resolves an issue for this HERE Kansas project to provide parking for the mixed-use project.

2. Recommend denying the requested Comprehensive Plan Amendment, thereby not supporting the rezoning request to accommodate the proposed surface parking lot.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution PCR-16-00379.

KEY POINTS

1. Location is currently designated for Low-Density Residential land use. Proposed amendment would change to High-Density Residential land use to accommodate a parking lot, not a multi-dwelling residential building.
2. The parcel is an existing surface parking lot, which would not change use under the associated development applications.
3. The block was identified as currently being a High-Density Residential level within the neighborhood plan.
4. The request would allow for the required parking associated with the application for the HERE Kansas project to be constructed.
5. The request would permit the realignment of 11th Street / Fambrough Drive at Mississippi Street as sought by both the University of Kansas and the City of Lawrence.
6. This application adds the parcel to the current boundary of High-Density Residential.
7. The amendment does not modify the definitions or standards for either Low-Density Residential or High-Density Residential within the neighborhood plan.

SUMMARY

The applicant has requested an amendment to *Horizon 2020:* Chapter 14: Specific Plans, amending the *Oread Neighborhood Plan* by revising the Future Land Use Map at the northeast corner of Illinois Street and Fambrough Drive. The reason for this Comprehensive Plan Amendment is to request changing the current designation from Low-Density Residential land use to High-Density Residential land use to accommodate the development of an off-site surface parking lot for HERE Kansas, which is located at 1111 Indiana Street. The reason for this request is to provide the required amount of parking to accommodate the capacity of the structure after the bankruptcy of the initially specified parking system, allowing for the complete utilization of both the commercial and residential spaces of the building.

The proposed amendment is a request to align the existing *Oread Neighborhood Plan*, which is incorporated into Chapter 14: Specific Plans of *Horizon 2020*, with the rezoning request to RM32-PD to accommodate a parking lot. The Land Development Code establishes the requirement that off-site parking must be located in a base zoning district that is equal to, or greater, in use intensity to be considered for the off-site parking use. This amendment would adjust the Future Land Use map to include this existing surface parking lot into the High-Density Residential, which would permit the rezoning application to move forward.

Items related to this Comprehensive Plan Amendment include:

- **Z-16-00310:** Consider a request to rezone approximately .918 acres from RM32 (Multi-Dwelling Residential) District and U-KU (University of Kansas) District to RM32-PD (Multi-Dwelling Residential with Planned Development Overlay) District, located at 1029 & 1031 Mississippi St and 0 Illinois St. Submitted by Landplan Engineering PA on behalf of 1029 Mississippi LLC, RGAPTS LLC, and KU Endowment Association, property owners of record.

- **PDP-16-00311:** Consider a Preliminary Development Plan for HERE @ Kansas, located at 1029 Mississippi, 1031 Mississippi, and 0 Illinois St. Submitted by Landplan Engineering PA on behalf of 1029 Mississippi LLC, RGAPTS LLC, and KU Endowment Association, property owners of record.

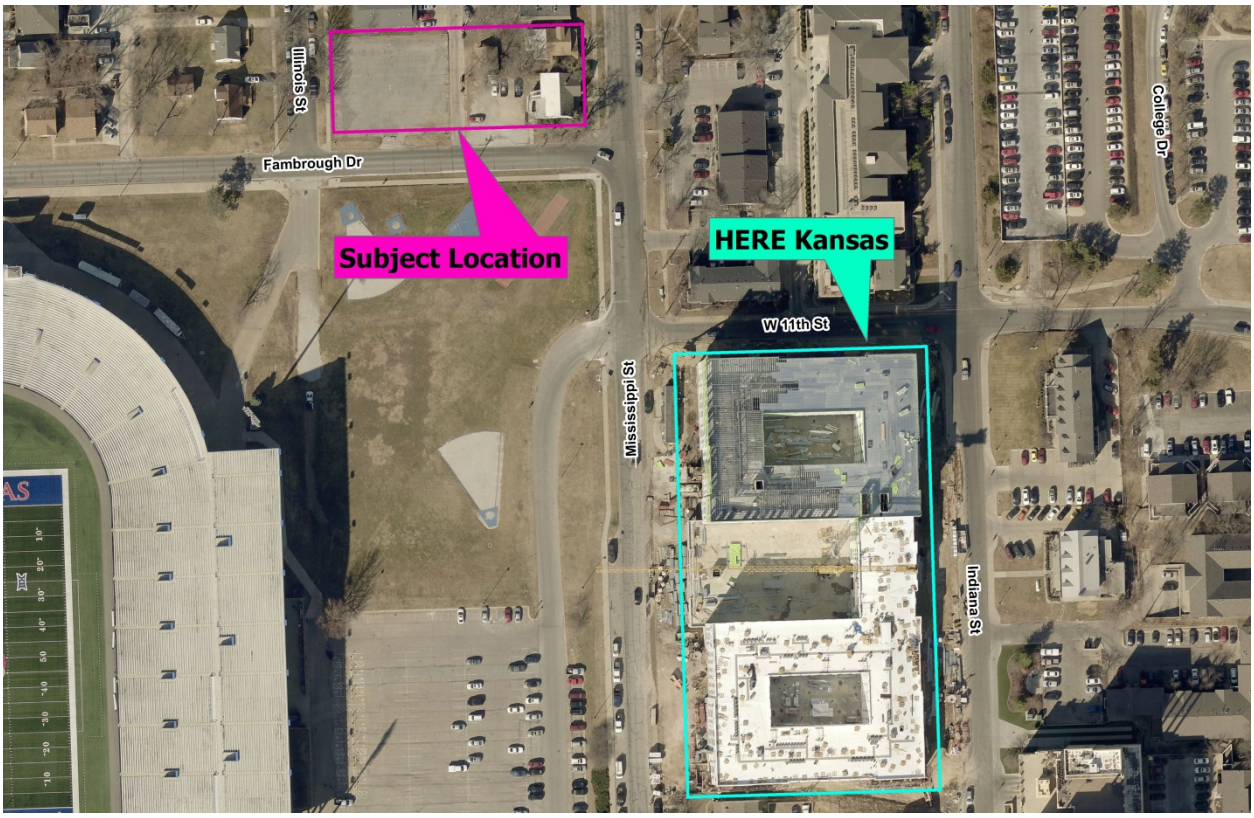

Figure 1: Subject Locations

STAFF REVIEW

The applicant is requesting to revise Map 4-1: Future Land Use to change the northeast corner of Illinois Street and Fambrough Drive from the current Low-Density Residential land use designation to the High-Density Residential land use designation.

Presently, the proposed rezoning would not comply with Section 20-909(d), which states, "shared and off-site parking areas require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared or off-site parking area." For the zoning to be consistent with *Horizon 2020*, a modification to the *Oread Neighborhood Plan* is necessary. The parcel's current designation as Low-Density Residential permits 6 or fewer dwelling units per acre. To comply with Section 20-909(d) requirements, the property would need to be zoned to RM32, which is listed as a High-Density Residential land use within the neighborhood plan to meet the Land Development Code requirement and to match the existing designation for the other two parcels that are part of this development proposal. This section of the Land Development Code does not require that residential development occur on this site, only that is has the same zoning designation, or greater, to the site that it serves.

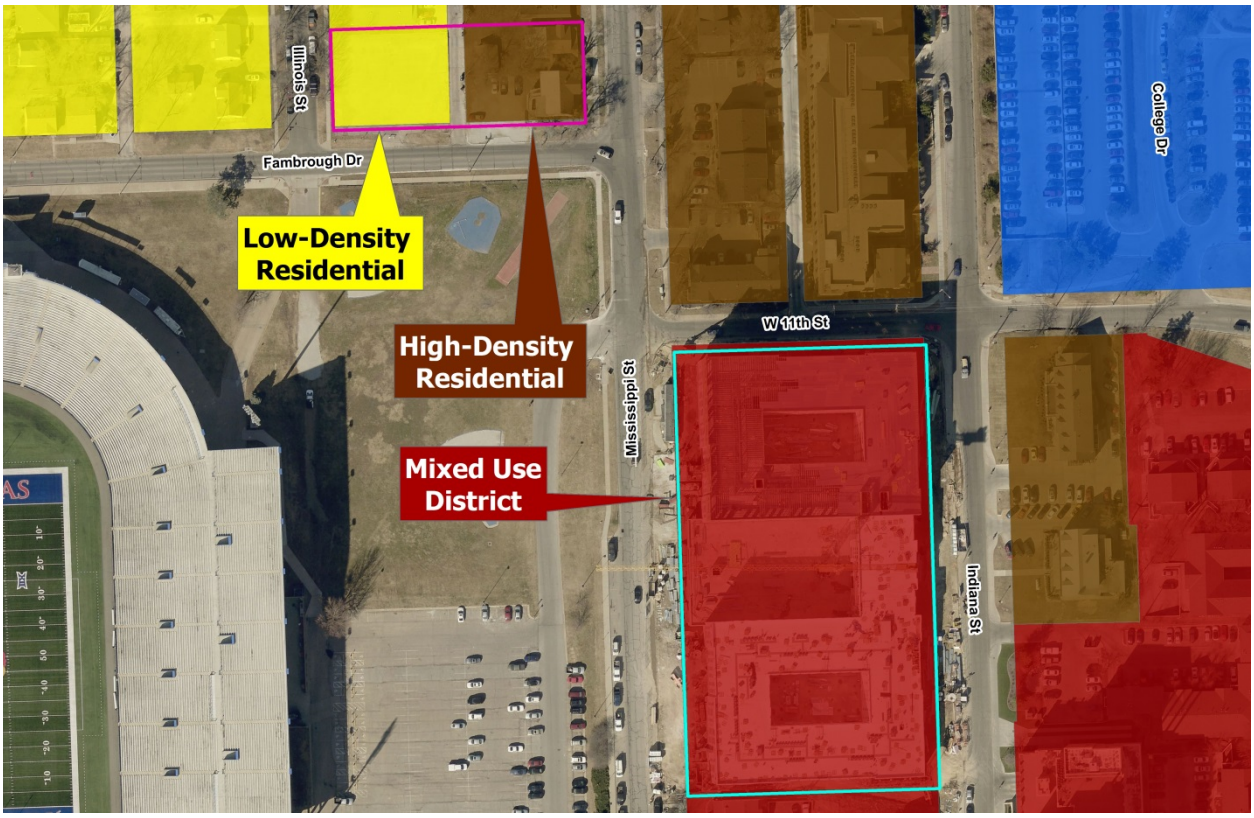

Figure 2: ***Current Oread Neighborhood Plan*** **Future Land Use Designations**

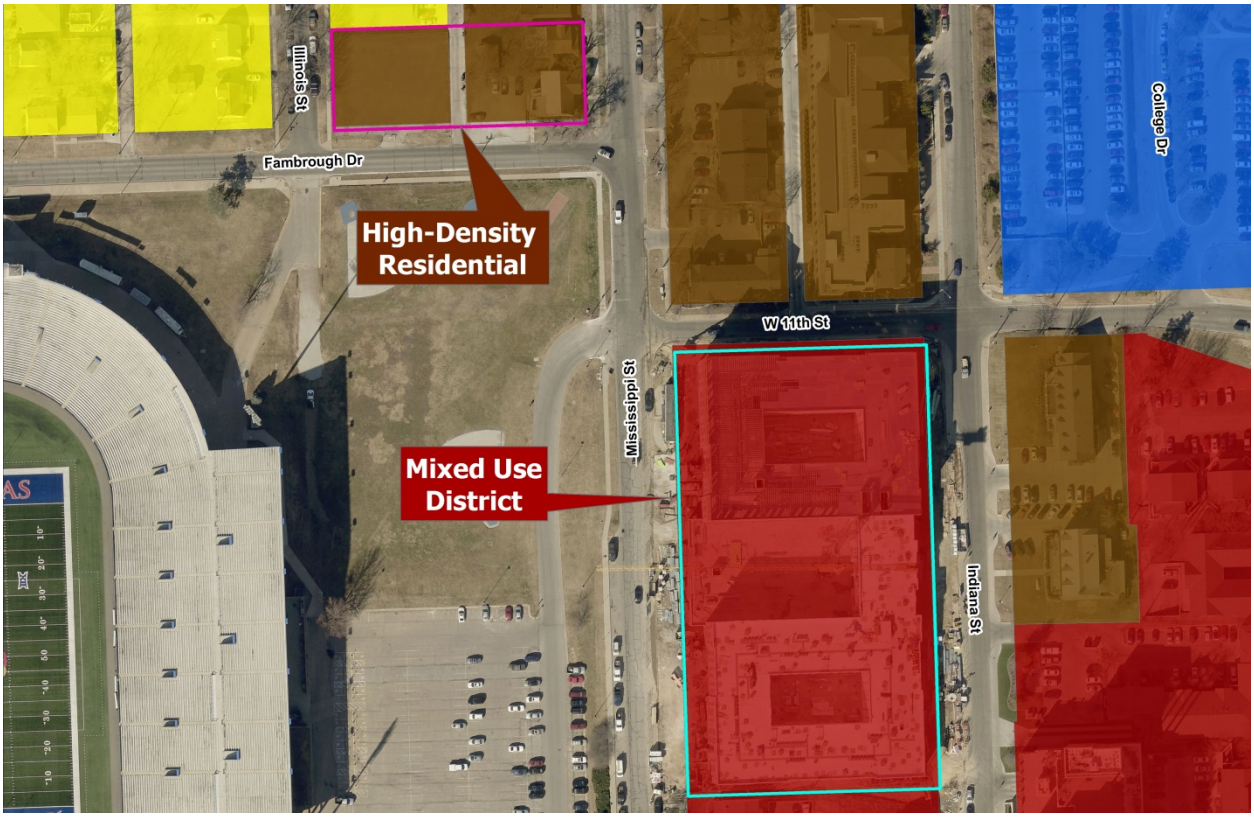

Figure 3: Proposed Future Land Use Amendment

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: To be clear, the proposed text amendment results directly from the need to create an offsite off-street parking lot for the HERE @ Kansas mixed-use development. It is a fact that both the Oread Neighborhood Plan and the existing zoning designations already allow the development of a parking lot on the subject site. It is also a fact that half of the subject site already features (and has for decades) an off-site off-street parking lot to serve the occasional needs of the university. However, to redevelop this same property into a code-compliant parking lot which would serve the needs of the nearby HERE @ Kansas project requires this proposed text amendment. Based on Section 20-909(d) of the City of Lawrence Land Development Code, "shared and off-site parking areas require the same or a more intense zoning classification than that required for the most intensive of the uses served by the shared or off-site parking area." Based on the density of the residential uses within the HERE @ Kansas development, which this parking lot is proposed to serve, the off-site parking area must be zoned RM32. The subject site proposed for this parking lot straddles two different future land use districts per the Future Land Use Map of the Oread Neighborhood Plan. The eastern half of the site is located within a future high density residential district and thus is eligible for RM32 zoning. However, the western half of the site (which ironically features a longstanding off-site parking serving KU's Memorial Stadium) is designated for low density residential uses and thus, per the language of Comprehensive Plan, is incompatible with a RM32-zoned off-site parking lot.

Certainly the development of the HERE @ Kansas project was unforeseen at the time the Oread Neighborhood Plan was adopted in 2010. That version of the plan provides for a Mixed Use District at the southeast corner of Mississippi and 11th Streets (which is where the HERE project is located) and then transitions down to High Density Residential and then Low Density Residential to the north and northwest. For the area around the subject site, that plan followed existing land use patterns and did not anticipate the need for future off-site parking.

To be fair, the parking shortfall currently plaguing the HERE project was also unforeseen to its developers when the project applied for its initial entitlements nearly 3 years ago. The developers certainly did not initially plan for their project to include insufficient parking. The project is the victim of a bankruptcy by one of its subcontractors who was retained to provide a robotic parking system. Without that system, the project is left with a garage that can only accommodate 88% of its residential parking requirement. And thus, as the construction of the building wraps up and students prepare to move in, the developers are still seeking a creative solution to provide those last required parking stalls.

The proposed solution, as depicted in the accompanying Preliminary Development Plan, would not be possible without the partnership of the University of Kansas and the KU Endowment

Association (KUEA). Development of this parking lot will happen in concert with the realignment of Fambrough Drive so as to create a new 4-way intersection with 11th and Mississippi Streets. This street realignment is recommended in KU's 2014-2024 Campus Master Plan. KU's latest master plan is more recent than the Oread Neighborhood Plan and thus this street realignment was not contemplated at the time of its adoption in 2010. The partnership between KU, KUEA and the HERE development team will allow both the street realignment and parking lot construction to happen in concert. Both projects provide tangible public benefits to the University and the Oread Neighborhood. However, they cannot happen together at this time without this amendment to the Comprehensive Plan.

Staff's response: The *Oread Neighborhood Plan* was adopted in 2010 and, "outlines future land uses for the planning area to be used as a long-term guide for urban development and redevelopment." (p. 1-1) At the time of the plan's adoption, it was anticipated and expected that some consolidation and redevelopment would be occurring within the High-Density Residential District as illustrated in Map 4-1, "Future Land Use." This map shows the existing layout of the streets and parcels at the time of adoption, and does not reflect the realignment of Fambrough Drive. However, given the recent developments within this district and with the adoption of the 2014-2024 University of Kansas Campus Master Plan (Figure 3-9, p.136) the realignment of Fambrough Drive has been included in campus master planning since at least the 1973.

The exact development and project scope for HERE Kansas could not have been anticipated at the time of the *Oread Neighborhood Plan*'s adoption. While the density and location were identified within the plan, the exact design and configuration of the property were items that could not be predicted in 2010. The plan did anticipate high-density development at that location and along Mississippi Street. The plan's vision was to provide some capacity to allow higher density development along the gateways to the University of Kansas.

This higher-density development was planned for along Mississippi Street from W. 10th Street to W. 11th Street/Fambrough Drive. However, the alley between the parcels fronting Mississippi Street and those fronting Illinois Street was the planned boundary between the Low-Density and High-Density Residential that exists on the Future Land Use map as adopted. Additionally, the existing residential density at the time of the plan's adoption found that the eastern side of the 1000 Block of Illinois Street was already at a density that would be considered high density (Map 2-2), which was defined as 16 or more units per acre. (p. 2-3)

While the realignment has been included in plans for many years, the reconstruction of the roadway has not been a funded project for either the University of Kansas or the City of Lawrence. With the recent redevelopment of the HERE Kansas project, this has facilitated the realignment project as part of this development proposal.

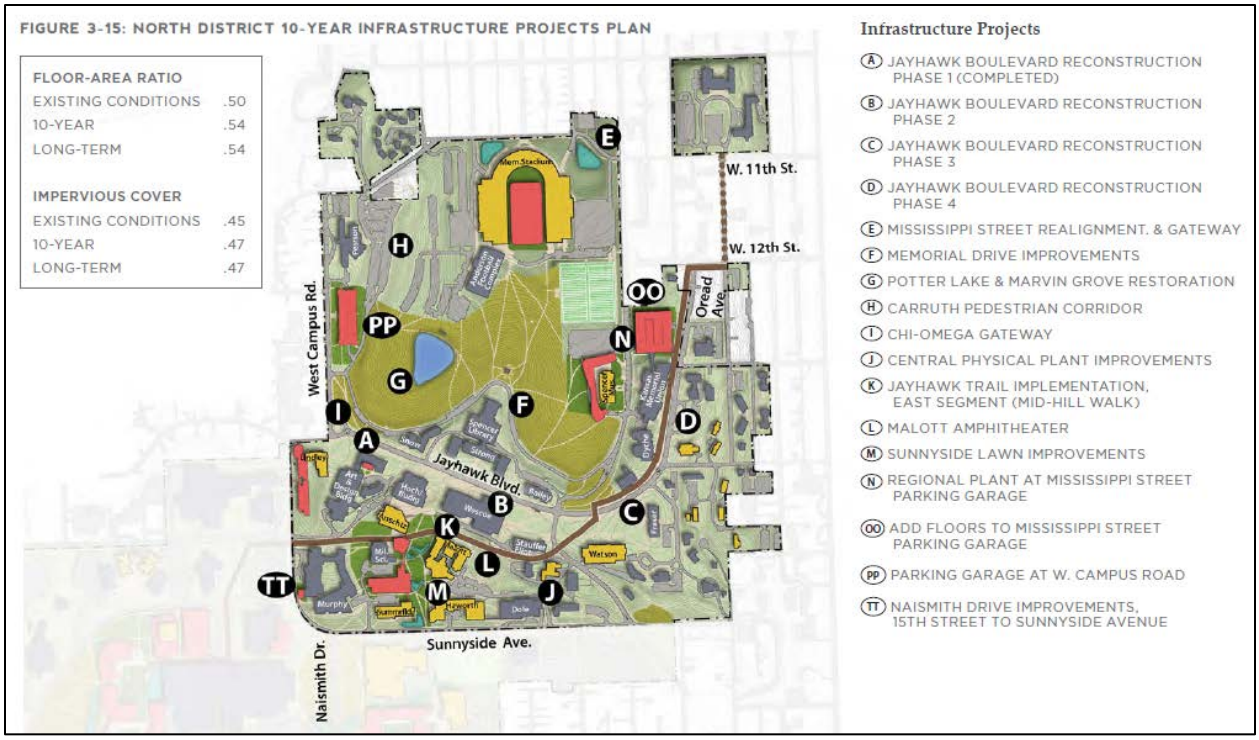

Figure 4: KU North District Master Plan: Infrastructure Projects Plan

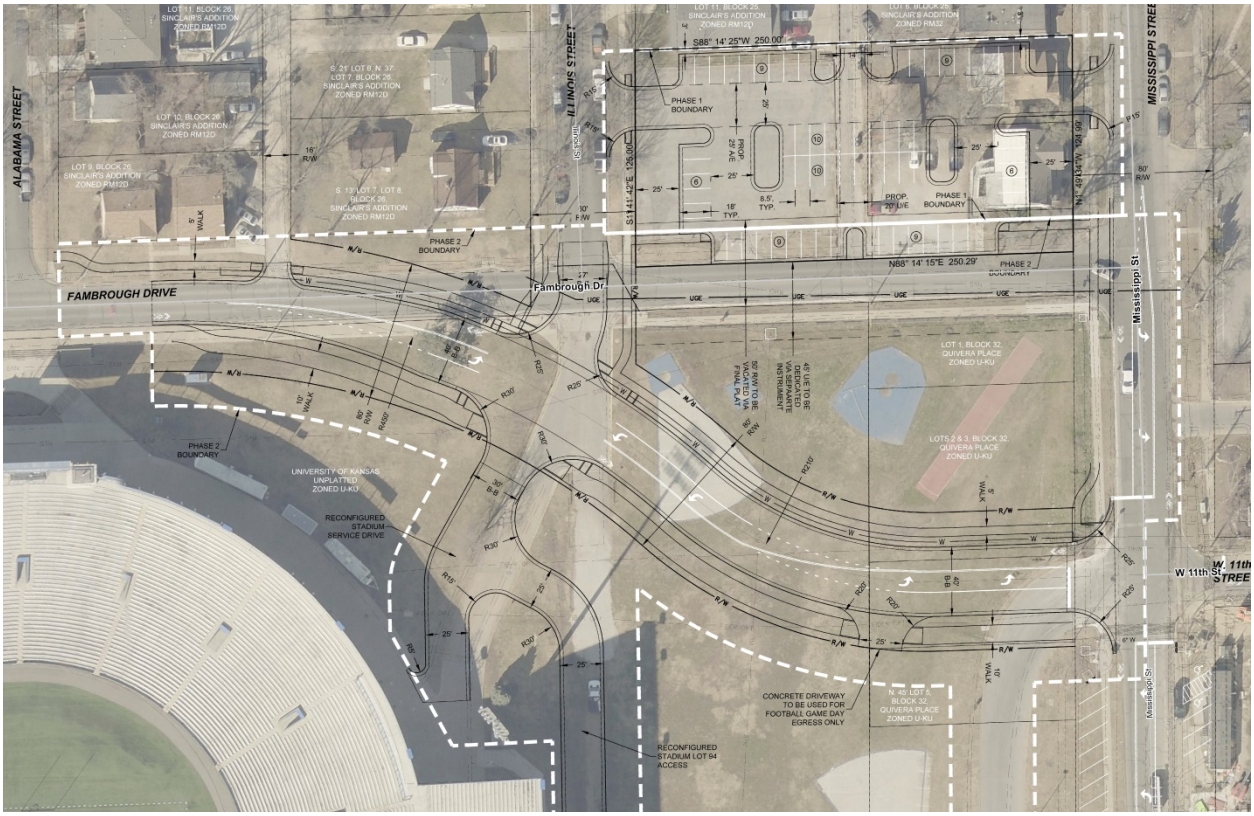

Figure 5: Proposed Realignment for Fambrough Drive

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

Applicant's response: The proposed CPA would facilitate the development of additional off-street parking in the Oread Neighborhood as well as the realignment of Fambrough Drive. Parking demand within the Oread Neighborhood has outpaced the supply provided on streets and in alleys for many years. Development of this parking lot would ensure that the HERE project does not further contribute to this problem. The realignment of Fambrough Drive will create a new 4-way intersection with 11th and Mississippi Streets and will reduce traffic congestion in this portion of the neighborhood by eliminating a dog-legged intersection. The improvements will also include new sidewalks and bike lanes where none previously existed. Ample green space will remain north of the new intersection which KU anticipates developing into a gateway feature in the near future.

Staff's response: Amending the designation from the current Low-Density Residential to the proposed High-Density Residential presents opportunities and challenges. One of the challenges is eroding the distinction presently drawn in the Future Land Use map defining a clear separation of the Low-Density Residential from the High-Density Residential that is anticipated along Mississippi Street. However, the anticipation that the existing surface parking lot at the northeast corner of Illinois Street and Fambrough Drive would redevelop into the Low-Density Residential would seem unlikely given its history and long-standing existing condition.

The realignment of Fambrough Drive would advance a distinct public purpose to help solve the misalignment of the streets that has existed since this portion of Lawrence was platted between 1865 and 1909. This would correct a long-standing misalignment of the intersection that has existed since at least 1937.

Figure 6: 1937 Aerial Photograph

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

Applicant's response: The proposed CPA is consistent with multiple policies laid out in the Oread Neighborhood Plan. That plan encourages "creative ideas to deal with parking congestion in the neighborhood that address commuter parking and issues with parking for uses that lack appropriate off-street parking" (Policy 3.1.1.1 (C)). This request is made expressly to facilitate development of new parking infrastructure which would address the needs of the HERE @ Kansas project. The plan also recommends that "streets and sidewalks be maintained and repaired on a regular basis" and that "sidewalk gaps be identified and included in plans to complete them." (Policies 3.1.3.1(A) and (C)). This request will facilitate significant street and sidewalk improvements to Fambrough Drive and Mississippi Street, both of which are collector streets that serve motorists, cyclists and pedestrians, living in or passing through the Oread Neighborhood.

Staff's response: As previously noted, the realignment of Fambrough Drive is a public improvement that has been planned for a few decades. The proposed amendment creates the potential for the realignment to be undertaken as part of this proposed development plan.

Staff does not view altering this designation of the parcel's future land use as erosion into the Low-Density Residential portion of the neighborhood plan at this time. The unique, existing use and condition of the lot, and the block's current residential density, show a presence that is consistent with the plan's High-Density defined designation. The request would incrementally increase the existing amount of land designated High-Density Residential on Map 4-1: Future Land Use; however, the proposal is maintaining the present use on this parcel, while providing improvements that would be consistent with the Land Development Code standards and consistent with the policies and goals of the *Oread Neighborhood Plan*.

In some respects, this requested amendment and the proposed development plan are consistent with the *Oread Neighborhood Plan*'s policy to find creative solutions to help assist with parking throughout the neighborhood. While the solution is driven by the need to solve a problem for the associated project, this proposal could additionally address some of the infrastructure issues that exist within this area, such as sidewalk maintenance and ADA improvements.

Given the recent projects within the vicinity, the amendment does work with the stated policies and goals of the *Oread Neighborhood Plan*, and does provide some public benefit while providing required elements for the associated development project.

On the balance, the comprehensive plan amendment could allow for the public benefit that realigning Fambrough Drive would provide for the neighborhood and larger area. The details and requirements of which would be outlined in the associated development plans. The change in designation of the subject parcel would result in an agreement with the current and future use of the parcel, while creating an option for the creation of a benefit for the applicant and for the community through the infrastructure improvements associated with the realignment. It is important to note that an amendment to *Horizon 2020* and the *Oread Neighborhood Plan* does not constitute an entitlement in respects to the Land Development Code.

Table 1: *Oread Neighborhood Plan* Land Use to Zoning Designations

Oread Neighborhood Plan: Residential Land Use				
Intensity	Base Zoning District	Low-Density	Medium Density	High-Density
Low	RS40			
	RS20			
	RS10			
	RS7			
	RS5			
	RS3			
Medium	RSO			
	RM12			
	RM12D			
	RM15			
	RM24			
	RM32			
	RMG			
High	RMO			

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

Applicant's response: Please see the response to question #1. In general, this proposed CPA focuses on finding a creative solution to an unintended parking dilemma facing the HERE @ Kansas project. The solution makes use of a subject site which already features (and has for many years) an off-site parking lot and thus would not dramatically change the land use pattern in this portion of the neighborhood. The new parking lot would be developed in conjunction with the realignment of Fambrough Drive thus providing significant street and sidewalk improvements to this area. While this CPA will certainly benefit the HERE @ Kansas project, it proposes numerous benefits to the University of Kansas as well as residents of the Oread Neighborhood.

Staff's response: There has not been change in public policy. The proposal does not require an amendment to Chapter 5 of *Horizon 2020*, nor does it modify the overall boundary of the existing neighborhood plan. The proposed amendment is a request to align the existing *Oread Neighborhood Plan*, which is incorporated into Chapter 14: Specific Plans of *Horizon 2020*, with the rezoning request to RM32-PD to accommodate a parking lot. The Land Development Code establishes the requirement that off-site parking must be located in a base zoning district that is equal to, or greater, in use intensity to be considered for the off-site parking use. This amendment would adjust the Future Land Use map to include this existing surface parking lot into the High-Density Residential, which would permit the rezoning application to move forward. The proposed amendment aligns the *Oread Neighborhood Plan* with the proposed land use for this location. This proposal would not introduce a new land use at this location.

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: The proposed CPA would facilitate significant public improvements to streets and sidewalks in this portion of the Oread Neighborhood. The applicant has held multiple meetings with KU and City staff to discuss these matters. An accompanying Preliminary Development Plan depicts these improvements.

Staff's response: Infrastructure in this area is adequate to support this type of development. Further analysis regarding the specifics related to traffic impacts and infrastructure capacity will be addressed in the subsequent rezoning (Z-16-00310), preliminary development plan proposal (PDP-16-00311), and approval of a final development plan.

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

Applicant's response: Yes, the proposed CPA will facilitate the development of a surface parking lot which will provide a land use transition buffer between low density residential to the northwest, high density residential to the northeast, mixed use development to the southeast and KU to the southwest. It should also be noted that this CPA results in minimal changes to the existing land use pattern in this area since half of the subject site is already a surface parking lot.

Staff's response: The portion of land that the proposed amendment would revise is presently a surface parking lot that is utilized in this capacity incrementally throughout the year. The other half of the proposed new surface parking lot is currently designated as High-Density Residential within the *Oread Neighborhood Plan*, which is consistent with the corresponding rezoning request. This comprehensive plan amendment, as recommended by staff, would align the *Oread Neighborhood Plan* with the site's existing and proposed future intended use, while precluding high-density building development. It would also provide a buffer from Memorial Stadium and the realigned Fambrough Drive for the present apartment building that would be northerly adjacent to the proposed amendment request.

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: The proposed CPA will facilitate the realignment of Fambrough Drive to create a new 4-way intersection with 11th and Mississippi Streets, thereby eliminating an existing dog-legged intersection and reducing traffic congestion in this part of the Oread Neighborhood. The street realignment will include significant improvements to pedestrian and bicycle infrastructure and benefit pedestrians and cyclists living within or passing through the

neighborhood. The street realignment will also create a pocket of green space north of the new intersection slated for the development of a gateway feature for the university.

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. The principal benefit that would arise as a byproduct of this Comprehensive Plan Amendment is that it would allow for consideration of the other aspects of this development proposal, including the realignment option. While this amendment is necessary to begin the process to move toward this benefit, it would not directly lead to its development.

PROFESSIONAL STAFF RECOMMENDATION

The requested amendment is prompted by Section 20-909(d) of the Land Development Code requiring shared and off-site parking areas to be zoned the same, or a more intensive zoning classification than that required for the most intensive of the uses it serves. The requested RM32-PD zoning designation requested in Z-16-00310 would achieve this Land Development Code requirement, except it would not be consistent with *Oread Neighborhood Plan's* current designation. The associated development plan also addresses parking to help mitigate potential on-street parking issues and a long-standing street misalignment.

Staff recommends approval of this Comprehensive Plan Amendment to Horizon 2020: Chapter 14: Specific Plans, and the *Oread Neighborhood Plan* to revise the Future Land Use map from Low-Density Residential to High-Density Residential for the parcel located at the northeast corner of Illinois Street and Fambrough Drive, with the inclusion of narrative into the *Oread Neighborhood Plan* that this particular property shall only serve as parking for the University of Kanas/HERE Kansas project, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.

Alternatively, The Planning Commission does have options available when considering this item. The Planning Commission could also:

1. 1.Recommend not approving the requested comprehensive plan amendment, thereby maintaining the existing Low-Density Residential as currently indicated on the Oread Neighborhood Plan's Future Land Use map, but support the rezoning request to accommodate the parking lot. This conveys the desired building intensity of the site at Low-Density, but resolves an issue for this HERE Kansas project to provide parking for the mixed-use project.

2. Recommend denying the requested Comprehensive Plan Amendment, thereby not supporting the rezoning request to accommodate the proposed surface parking lot.