

ITEM NO. 5A COMPREHENSIVE PLAN AMENDMENT TO H2020; OREAD WEST RESEARCH PARK (SLD)

CPA-17-00135: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapter 7, to amend the boundary of the Oread West Research Park, related to rezonings Z-17-00079 & Z-17-00080 for the undeveloped properties north of Legends Drive and in the 1100 block of Biltmore Drive and Research Park Drive. Submitted by BG Consultants.

ITEM NO. 5B IBP TO RS7; 25.4 ACRES; 1100 BLOCK BILTMORE DR & RESEARCH PARK DR (SLD)

Z-17-00079: Consider a request to rezone approximately 25.4 acres from IBP (Industrial/Business Park) District to RS7 (Single-Dwelling Residential) District, located in the 1100 Block of Biltmore Dr. and Research Park Dr. Submitted by BG Consultants, for WE1929, LLC, property owner of record.

ITEM NO. 5C IBP TO RM12D; 10 ACRES; 1100 BLOCK BILTMORE DR & RESEARCH PARK DR (SLD)

Z-17-00080: Consider a request to rezone approximately 10.0 acres from IBP (Industrial/Business Park) District to RM12D (Multi-Dwelling Residential) District, 1100 Block of Biltmore Dr. and Research Park Dr. Submitted by BG Consultants, for WE1929, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented items 5A-5C together.

APPLICANT PRESENTATION

Mr. Jason Hoskinson, BG Consultants, said this was the perfect opportunity for infill and met the Comprehensive Plan.

PUBLIC HEARING

Mr. Tiraz Birdie, 5005 Legends Dr, expressed concern about townhomes built on Legends Drive becoming rundown and lowering the property value of the neighborhood. He wanted assurance of quality of construction.

Ms. Kristen Salmans, 1024 Summerfield Way, opposed the change in zoning. She said the greenspace was utilized every day by the neighbors and maintained by the residents.

Mr. Don Drickey, 1308 Morgan Ct, said he had maintained the pipeline easement along his property and enjoyed the greenspace. He wanted the greenspace preserved along the area to act as a buffer.

Mr. Charles Timmons, 1021 Biltmore Dr, said he was told by his real estate agent when he purchased the home that there was a 100' easement to the south. He expressed concern about the buffer being reduced and felt it would be a detriment to his property value. He felt the City would be going back on what he was promised 20 years ago regarding the 100' greenspace easement.

Ms. Jeanne Drickey, 1308 Morgan Ct, expressed concern about greenspace being lost.

APPLICANT CLOSING COMMENTS

Mr. Hoskinson said he had gone through an extensive process to engage the public. He said he notified the surrounding neighbors and held a public meeting in February to present concepts and ideas. He said he was trying to be as transparent as possible. He said the quality of home building would be similar to Oregon Trail and slightly better than the surrounding neighbors. He said the townhomes would all be owned and the

Homeowner Association would be set up to maintain that. He said he was looking to maintain some sort of buffer around the perimeter and that the development would also address some stormwater issues. He said the rezoning was the first step in the process and he would like to work further with the neighbors.

COMMISSION DISCUSSION

Commissioner Kelly asked staff to respond to the 100' easement that was "promised" to the neighborhood.

Ms. Day said she did not know of any recorded or dedicated easement for that space. She said she thought at one time Mr. Bob Billings may have met with property owners and neighbors about the expectation of streets connecting and what the industrial development would do. She stated there was never a plan or subdivision plat submitted. She said all of those conversations were verbal. She stated the old Code would have required a 40' setback, not 100'.

Commissioner Kelly asked how wide the pipeline easement was.

Mr. Hoskinson said 66'.

Ms. Day said the City owned a little piece of the easement on the south side of Stone Creek Drive. She said it was typical that those types of easements would be transferred either as a tract or pedestrian easement to continue the connectivity.

Commissioner Sands asked if the stormwater main in the area could support the requested zoning.

Ms. Day said that would be part of the applicant's requirement, to submit a sanitary sewer and drainage study. She said if there were downstream improvements that needed to be made it could be part of this development as well.

Commissioner von Achen said Venture Park catered to heavy industry and was not a substitute for West Oread Research Park. She said this area was zoned industrial in 2003 and she was not in favor of changing it to residential just because it hadn't been developed fully. She said there was a recession and they were on the cusp of coming out of that recession. She did not want them to swander the property with residential when there could be a good research park in this area. She felt it would be hard to find another piece of property like this and she would not support the proposal. She said maybe in 10 years if it hasn't developed yet then they could look at residential but felt it was a short-sided move at this time.

Commissioner Sands referred to the Golden Factors and felt all were except satisfying the neighborhood. He stated that an industrial area could present issues to the neighbors as well. He said an industrial area could potentially limit the walkability of the neighborhood. He said the land had been vacant a long time and he wasn't sure if it was more appropriate to deny the rezoning and hope something else would come along or approve the rezoning to allow development now.

Commissioner Butler thanked the neighbors for their input. She expressed concern about the neighbors talking about being promised things and maintaining a space they did not own. She stated property owners had the right to develop their own property and she felt the rezoning was appropriate. She asked staff what uses could currently be built on the property under the industrial zoning.

Mr. McCullough said there were four zoning categories that had industrial in the name. He said Venture Park was in addition to and not a replacement of industrial. He said this site was an important development as well and slow to absorb. He said staff analyzed how much land that was left in the area versus the absorption rate. He said the lot inventory for single family was starting to decrease over time. He said the question was if they want to start replacing some of the commercial or industrial land for the higher absorbing rate of residential use with infill development.

Commissioner Willey said her initial reaction was that they should value industrial zoning but that this was a transition area in one way or another. She stated this was private property and had the right to develop. She said buffering could be looked at during the platting phase. She was in favor of rezoning as long as a portion of the industrial was retained.

Commissioner Kelly asked if there had been conversations with the school district about capacity.

Ms. Day said no.

Mr. Hoskinson said he had not had direct conversations with the school district.

Commissioner Kelly inquired about the setback for IBP zoning.

Mr. Hoskinson said IBP required a 40' setback and RS7 required a 30' setback.

Commissioner Kelly asked if they were talking about a difference of 10' on the setback.

Ms. Day said yes.

Commissioner Kelly said there was no record of a 100' easement.

Mr. Drickey said his neighbor had a copy of a document stating a 100' easement was promised.

Commissioner Kelly said he was supportive of the idea of more residential and keeping some IBP. He felt the developer had some rights. He said he struggled with vacancy and developing property just because it was vacant, such as Bauer Farm. He asked if the applicant was interested in providing a planned overlay district.

Mr. Hoskinson said regarding the question regarding working on some type of use in the boundary. He said Parks & Recreation was not interested in taking on the maintenance of more open space. He said he was in favor of working with staff and neighbors to find a good solution to meet concerns as best possible during the platting stage.

Commissioner Britton said changing the Comprehensive Plan required heightened scrutiny and if a change needed to be made there needed to be a compelling reason to do it. He stated industrial was tricky and they did not know where a business would want to locate. He said although they have Venture Park this site was a unique option for industrial in the community and he would hate to see it disappear in a short-sighted decision. He was hesitant to jump at something in front of them that could prevent them from getting something more valuable to the community as a whole in the future. He stated industrial could potentially be worse for the neighbors. He asked how long this site had been identified as industrial in the plan.

Commissioner von Achen said 2006 was when the property was designated as IBP.

Commissioner Britton said he was leaning toward finding that this was not compelling enough to change the Comprehensive Plan.

Commissioner Willey inquired about future land use maps.

Ms. Day said she did not know what the school district would have been planning for land use in this area. She said the applicant was requesting about 35 acres which would included approximately 120-130 total households.

Commissioner Carpenter said comparing this to Venture Park was not comparable.

Ms. Day said uses found in other office/commercial districts have found their way into the IBP district.

Mr. McCullough showed the future land use map on the overhead.

Commissioner Carpenter said if he were a resident living in that neighborhood he would gamble with residential over industrial. He said back when the plan was created the neighborhood was opposed to industrial and wanted residential.

Mr. McCullough said the KU's Master Plan designates a research park that could relieve some of the tension in this area.

Commissioner Britton said if there was continued demand for residential stock he preferred infill versus sprawl.

Commissioner Kelly inquired about a planned overlay district.

Mr. McCullough said staff did not see the need for a planned development overlay. He said it could be an option to mitigate concerns but it was really an applicant decision to start over with a planned overlay.

Commissioner Culver said he struggled with this and was thinking about the long-term impacts. He said there was some advantages to allowing this to move forward and he could see it being a good long-term fit. He said he was conflicted but felt there was an opportunity for the applicant and neighbors to come together with a suitable solution. He said he was not opposed to changing the Comprehensive Plan in this scenario.

Commissioner Struckhoff said the applicant was willing to address some of neighbors concerns about buffer greenspace. He said he could support the application overall.

Commissioner Sands said he was leaning in favor of supporting this. He asked staff to mandate an additional 10' of setback.

Mr. McCullough said the setbacks would come with the plat.

Commissioner Willey said she was not interested in further erosion of industrial lots after this. She said she was marginally in favor of the rezoning.

Commissioner Kelly encouraged the applicant to bring a plat forward fast. He said he supported infill versus sprawl. He said he was hesitantly leaning in favor of this.

ACTION TAKEN on 5A

Motioned by Commissioner Sands, seconded by Commissioner Butler, to approve the Comprehensive Plan Amendment to Horizon 2020: Chapter 7: Industrial and Employment-Related Land Use revising Map: 7-1 Existing Industrial & Employment-Related Land Use, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.

Commissioner Britton said he would vote against the motion because he would like City Commission to see there were concerns and hesitations with this. He felt if they change the plan they need to have a compelling reason to do so. He did not want to let this land sit vacant for very long. He hoped City Commission would bring their better sense of economic environment to this situation.

Motion carried 7-3, with Commissioners Britton, Carpenter, and von Achen voting in opposition.

ACTION TAKEN on 5B

Motioned by Sands, seconded by Commissioner Butler, to approve the request to rezone approximately 25 acres from IBP (Industrial/Business Park) District to RS7 (Single-Dwelling Residential) District less that area adjusted to retain IBP zoning at the northwest corner of Research Park Drive and Legends Drive, subject to the submission and approval of a preliminary plat based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Willey asked if the area designated as IBP had boundaries.

Ms. Day said yes. She said it would tweak a little with the plat.

Commissioner Willey wondered if they should amend the motion to say the area of IBP should not be less than 5 acres.

Motioned by Commissioner Sands, seconded by Commissioner Butler, to amend the motion to include language of 5 acres:

to approve the request to rezone approximately 25 acres from IBP (Industrial/Business Park) District to RS7 (Single-Dwelling Residential) District less that area, ***of approximately 5 acres***, adjusted to retain IBP zoning at the northwest corner of Research Park Drive and Legends Drive, subject to the submission and approval of a preliminary plat based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Britton said he would vote against the motion but did like the idea of 5 acres dedicated to industrial.

Motion carried 7-3, with Commissioners Britton, Carpenter, and von Achen voting in opposition.

ACTION TAKEN on 5C

Motioned by Commissioner Sands, seconded by Commissioner Butler, to approve the request to rezone approximately 10 acres from IBP (Industrial/Business Park) District to RM12D (Multi-Dwelling Residential) District less that area adjusted to retain IBP zoning at the northwest corner of Research Park Drive and Legends Drive, approximately 5 acres, subject to the submission and approval of a preliminary plat based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval

Motion carried 7-3, with Commissioners Britton, Carpenter, and von Achen voting in opposition.