

PC Minutes 11/14/18

ITEM NO. 5A COMPREHENSIVE PLAN AMENDMENT TO H2020, CHAPTER 6, COMMERCIAL LAND USE (SLD)

CPA-18-00365: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapter 6, Commercial Land Use, and to Chapter 14 Specific Plans, to amend the Southeast Area Plan to include the southeast corner of the intersection of E. 23rd Street and O'Connell Road related to development located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

ITEM NO. 5B REZONING 4.31 ACRES FROM CO TO CC200; 2110, 2120, 2130 EXCHANGE CT (SLD)

Z-18-00364: Consider a request to rezone approximately 4.31 acres from CO (Office Commercial) District to CC200 (Community Commercial) District excluding and prohibiting specific uses within the CC200 District, located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

STAFF PRESENTATION

Sandra Day presented items 5A-5B together.

APPLICANT PRESENTATION

Bill Newsome said the ownership group purchased the property in 2003 and that there had not been one viable interest in the property. He said the current zoning was not of interest to the market. He felt the CC200 zoning was consistent with the commercial land use plan but staff did not agree with that. He said he held a neighborhood meeting and zero land owners attended. He said one of the allowed uses in CC200 is a hotel/motel use and is a viable use for the tract. He said he was disappointed with the staff recommendation and respectfully disagreed. He asked Planning Commission to approve the comprehensive plan amendment and the staff recommendation zoning. He said as the process for the new comprehensive plan takes course he would want a hotel/motel use on the site to be part of the approved uses. He said if he gets a contingent contract on the site the CN2 zoning would provide more marketing sizzle. He said if he receives a contract he would come back to request a zoning change. He felt the site was the perfect location for a hotel/motel use. He said a hotel was not necessarily a destination use. He said it would keep dollars in Lawrence.

PUBLIC COMMENT

No public comment.

COMMISSION DISCUSSION

Commissioner Kelly said they were between Horizon 2020 and Plan 2040. He asked staff for a recommendation with Plan 2040.

McCullough said that was what steered some of the staff analysis. He said there were clear differences in land use patterns on each section of the node. He said the southwest corner was developed with residential uses. He said Plan 2040 was aspiring to integrate some neighborhood commercial into residential areas. He said there was a need for commercial use to serve the area. He said staff was supportive of expanding the commercial node but wanting to be respectful of the residential area.

Commissioner Sands said the applicant was asking for a more intense zoning with restrictions. He wondered how it was different than conditional zoning.

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McCullough said if Planning Commission felt the neighborhood commercial zoning was appropriate in this context then it provided more process and analysis to look at some of the uses in the CN2 zoning district through the Special Use Permit process than just striking certain uses from the CC200 zoning. He said the applicant felt the hotel use would be viable. He said the hotel use was not permitted in the CN2 zoning district but would be permitted in CC200. He said it boiled down to what was appropriate at the intersection that would be both commercial minded and residential minded. He said there was plenty of CC200 not developed in the area.

Commissioner Sands said the applicant intended to ask for rezoning for a hotel/motel use. He wondered if that was an appropriate use to border multi or single-family residential with no transition. He asked about the approximate density of the RM15 area.

Day said it would probably hit 14-15 units per acre. She showed the concept plan on the overhead. She said the landscaping would be the only buffer.

Commissioner Willey asked about the proposed building height for the multi-dwelling project.

Newsome said two-story.

Commissioner Willey said the existing CC200 zoning to the east of E 1600 Rd/O'Connell Road and south across 25th Terrace was single family with no transition.

Day said some of the uses in CC200 were fairly intensive for the site.

McCullough said the current CC200 was not built out so there were alternatives.

Commissioner Carttar said the rezoning was contingent on the comprehensive plan amendment. He asked staff to clarify the contingency.

McCullough said staff operated on the concept of nodal development for commercial uses versus stripping it out. He said part of the analysis was whether the Southeast Area Plan should be expanded to include this corner. He said the Southeast Area Plan, as proposed by staff, would expand it to a CC200 node with limitations. He said many sector and nodal plans call out the different quadrants that serve different needs.

Carttar asked if this was an artifact of the fact that this was essentially undeveloped land when the plan was developed.

McCullough said O'Connell Road was a natural ending point to the plan because much of it had been developed residential on the west side.

Day said there were other factors. She said the city had adequate services up to O'Connell Road but jumping that road was a significant planning concern that had to incorporate how services would be extended east. She said the boundary had to be somewhere. She said that was before there was focus on nodal design concepts that have been embraced over the last 10 years. She said the plan did not look at the node because it was focusing on what was happening on the north side of 23rd Street.

Commissioner Willey said it seemed a CN2 zoning designation was safe. She said she was not convinced that the uses allowed in CC200 would be inappropriate since it was industrial on the north side of the node and already CC200 on the east side of the node. She said there was already close proximity between CC200 and

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single-family in the area plan. She said it did not bother her to make that transition from RM15 to CC200 in that area.

Commissioner Carttar agreed with Commissioner Willey. He said this was a major thoroughfare and seemed appropriate.

Commissioner Kelly said if that's not the place for commercial where is the commercial neighborhood district for that area.

Commissioner Carpenter said this type of intersection does suggest a neighborhood commercial. He said it would eliminate conditional zoning. He said multi-family housing was not a buffer to single-family anymore because the new Plan 2040 would incorporate all types of housing in the same neighborhood. He said he was leaning toward the staff recommendation. He felt it met the goals of what they were discussing.

Commissioner Sinclair asked if Planning Commission approved the CC200 zoning with restrictions would another zoning request be needed in the future to undo the restrictions.

Day said yes.

Commissioner Willey asked Mr. Newsome if there were other uses allowed under CC200 but not allowed under CN2 zoning that concerned him.

Newsome said he did not have a hotel project in his pocket. He said there were other uses in CC200 that he generally liked, such as farm machinery (ex: John Deere dealership). He said the only reason he focused on a hotel/motel use was because it would be more probable. He said he met with staff and tried to take the uses off the table that were unrealistic. He said between the three lots it was about 4.5 acres and there were some uses in CC200 that could not be on the southwest corner due to the size. He said there was about 1/2 acre of unusable space due to the regulators on site. He said the southeast corner had sat with the current zoning for some time with no development. He said the hotel across the street was doing well.

Commissioner Carttar said Horizon 2020 identified a node for neighborhood commercial south of the Douglas County jail.

Day said that was part of the Southeast Area Plan.

Commissioner Sinclair said it looked like a lot of the uses that would be beneficial for neighborhood commercial were present in the CC200 zoning district also. He said there was the potential for a few other uses they would not want to see.

McCullough said that was true.

Commissioner Sinclair said he did not have a problem with a hotel but liked the idea of having services for the neighborhood. He asked if the owner of the abutting multi-family development was aware.

Newsome said the owner was the same party.

McCullough said one of the approaches is to look at context of uses and if tasked with developing a nodal plan first, how would you designate each corner of the intersection within its context if there was no zoning request. He said staff's approach was to give weight to the residential component of everything that exists west of O'Connell Road.

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Commissioner Kelly said they needed to give neighborhood commercial a chance. He said they were looking forward to spaces where neighborhoods have access to services. He said a hotel was a great use but that it or heavy equipment sales was not something the residents next door would use. He said if they were expecting people to age in place there needed to be services. He said there was opportunity for larger commercial development across O'Connell Road.

Commissioner Butler said the land owner had desires for his property. She said a hotel did not give her heartburn. She said she would support the comprehensive plan amendment and rezoning.

Commissioner Willey agreed with Commissioner Kelly, that they should give the neighborhood commercial a chance.

ACTION TAKEN on 5A

Motioned by Commissioner Carttar, seconded by Commissioner Carpenter, to approve a Comprehensive Plan Amendment, CPA-18-00365, to *Horizon 2020*, Chapter 14 Specific Plans, to amend the Southeast Area Plan to include the southwest corner of the intersection of E. 23rd Street and O'Connell Road related to property located at 2110, 2120, & 2130 Exchange Court, and forwarding the recommendation to the Lawrence City Commission.

Commissioner Struckhoff said in general it was an appropriate location for a hotel but that he agreed with Commissioner Kelly's comment about giving neighborhood commercial a chance. Said he would support the motion.

Motion carried 8-2, with Commissioners Butler and Sinclair voting in opposition. Commissioners Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

Motioned by Commissioner Sands, seconded by Commissioner Struckhoff, to approve and authorize the Chair to sign Planning Commission Resolution PCR-18-00552.

Motion carried 8-2, with Commissioners Butler and Sinclair voting in opposition. Commissioners Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

ACTION TAKEN on 5B

Commissioner Sands said he would staff the staff recommendation of CN2.

Motioned by Commissioner Sands, seconded by Commissioner Paden, to approve rezoning, Z-18-00364, approximately 4.31 acres, from CO (Office Commercial) District to an applicable commercial district based on the lesser change table set out in Section 20-1303(c), recommending approval of CN2 (Neighborhood Commercial Center) District and forwarding the recommendation to the City Commission with a recommendation for approval to CN2.

Motion carried 8-2, with Commissioners Butler and Sinclair voting in opposition. Commissioners Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

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