

**PLANNING COMMISSION REPORT**  
**Regular Agenda – Action Item**

**ITEM NO. 5A:           COMPREHENSIVE PLAN AMENDMENT TO *HORIZON 2020***  
**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. 23<sup>rd</sup> 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.

**STAFF RECOMMENDATION:** Staff recommends approval of this comprehensive plan amendment to Horizon 2020, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 14, and the Southeast Area Plan, to expand the Community Commercial Center to incorporate this proposed area.

**STAFF RECOMMENDATION:** If appropriate, approve and authorize the Chair to sign Planning Commission Resolution PCR-18-00552.

**KEY POINTS**

1. The subject parcel has been undeveloped since *Horizon 2020’s* Future Land Use map was adopted in 1998.
2. *Horizon 2020* identifies the intersection of E. 23<sup>rd</sup> Street and O’Connell Road as a future Community Commercial Center (CC200) node.
3. The property included in this request is located on the southwest corner of the E. 23<sup>rd</sup> Street and O’Connell Road intersection (southwest quadrant of the node).
4. The amendment is requested by the applicant to expand the CC200 district west of O’Connell Road with associated zoning restrictions to mitigate the impact on the adjacent residential development.
5. Other Community Commercial (CC200) designated land is located immediately east of the proposed request.
6. This property was included in the development application requests in 2003 that included annexation and rezoning.
7. Proposal could have an effect on the timing of development for other entitled, but undeveloped, CC200 zoned land on the east side of O’Connell Road.
8. The CO district has a corresponding comprehensive plan designation of Office or Office-Research per Section 20-201 of the Land Development Code.
9. The City is engaged in the final steps of preparing and adopting an updated comprehensive plan that will have impacts on commercial zoning districts in the future.

The applicant has requested an amendment to:

- 1) *Horizon 2020: Chapter 6, Commercial Land Use*, to change the designation from Higher Density Residential to expand the Community Commercial Center.

- 2) *Chapter 14, Specific Plans: Southeast Area Plan* to expand the plan boundary to include the southwest quadrant of the E 23<sup>rd</sup> Street and O'Connell Road node and to revise the future land uses designations from higher-density residential to commercial use.

**Applicant's Statement:** *The proposed amendment would extend the community commercial zoning (CC200) from the southeast corner of E. 23<sup>rd</sup> Street and O'Connell Road to the southwest corner see Map 6-1). The Fairfield Farms West Addition No. 2 would require rezoning from CO to CC200. For the Southeast Area Plan, Map 3-1 would extend the community commercial zoning (CC200) from the southeast corner of East 23<sup>rd</sup> Street and O'Connell Road to the southwest corner. Under Commercial (page 3-4); Applicable Aras, of Section 3.11 Land Use Descriptions will be revised to read:*

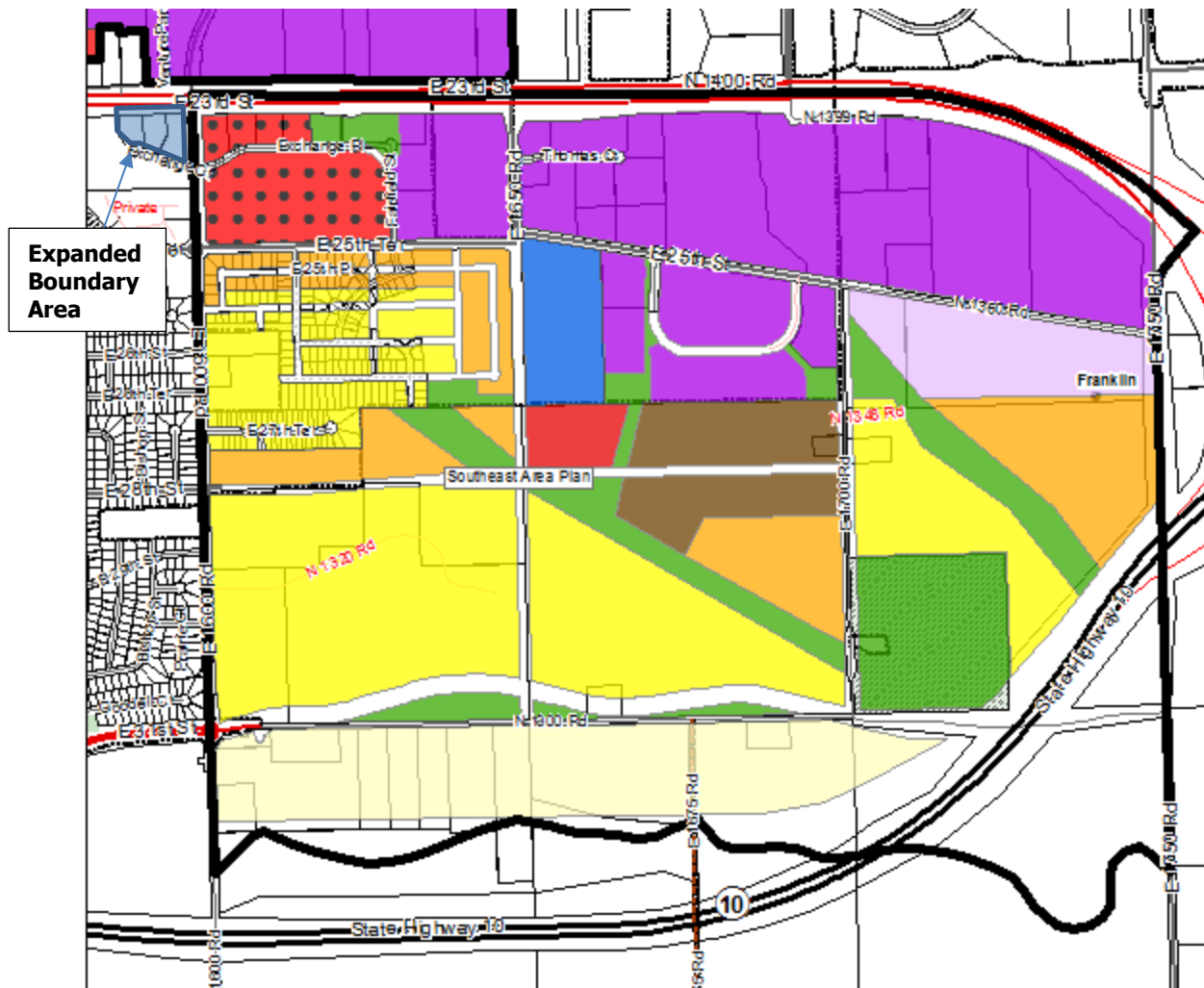
*"Areas southeast and southwest of the intersection of E. 23<sup>rd</sup> Street and O'Connell Road. (Community commercial Center)."*

## SUMMARY

The applicant has requested an amendment to *Horizon 2020*: Chapter 14: Specific Plans, amending the *Southeast Area Plan* to revise the Future Land Use Map (Map 3-1) at the southwest corner of O'Connell Road and E. 23<sup>rd</sup> Street. The reason for this comprehensive plan amendment is to request the incorporation of the currently zoned CO (Office Commercial) District to CC200 (Community Commercial Centers) District, as requested by the Zoning Map Amendments application Z-18-00364. This amendment proposes expanding the current boundary of the *Southeast Area Plan* to parcels on the north side of Exchange Court, incorporating them formally into the designated node, designating them as Community Commercial land use in the sector plan's future land use map. This would then permit the rezoning of the parcels currently addressed as 2110, 2120, and 2130 Exchange Court to CC200 (Community Commercial Centers) District or another compatible zoning designation.

Currently, *Horizon 2020* designates this intersection as a potential location for a new CC200 center (p. 6-21). To expand the CC200 zoning to the southwest quadrant of the intersection, *Horizon 2020* notes that, "A nodal plan shall be completed before a proposal for a Neighborhood Commercial Center goes before the Planning Commission." (p. 6-33) The *Southeast Area Plan* currently contains a plan for this recommended commercial node, and this amendment would expand the node and the Sector Plan boundary to encompass this other quadrant. At this time, the northern portion of this intersection is part of the *Farmland Industries Redevelopment Plan*, which is also incorporated into Chapter 14: Specific Plans.

The request is for an amendment to *Horizon 2020*, Chapter 6: Commercial Land Use, to revise Map 3-2 "Lawrence Future Land Use" from High Density Residential to Office or Commercial. The reason for this Comprehensive Plan Amendment is to bring [Horizon 2020](#) into alignment with the requested rezoning.



**Figure 1: Existing Boundary - Southeast Area Plan**

Items related to this Comprehensive Plan Amendment include:

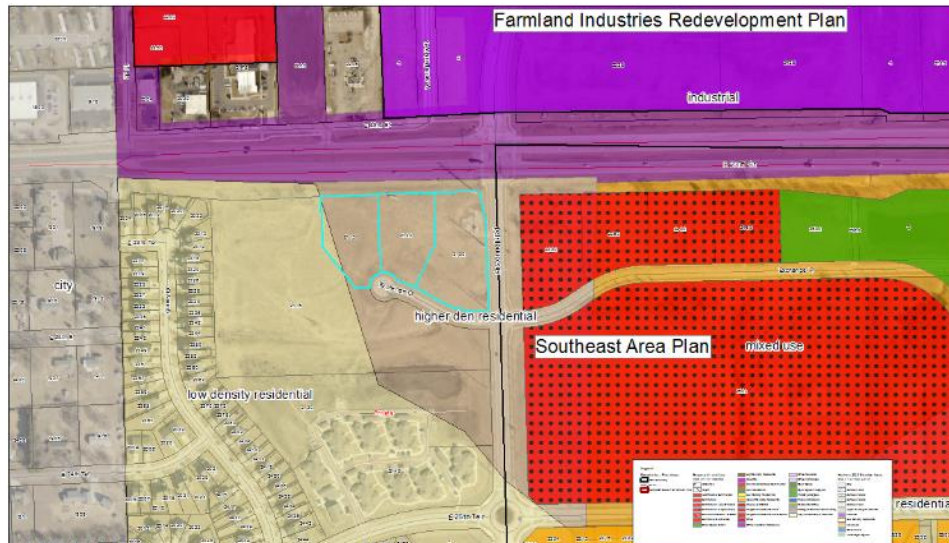
- **Z-18-00364:** Consider a request to rezone approximately 4.31 acres from CO (Office Commercial) District to CC200 (Community Commercial) District, located at 2110, 2120 & 2130 Exchange Ct. Submitted by CFS Engineers, for Eastside Acquisitions LLC, property owner of record.

### **STAFF REVIEW**

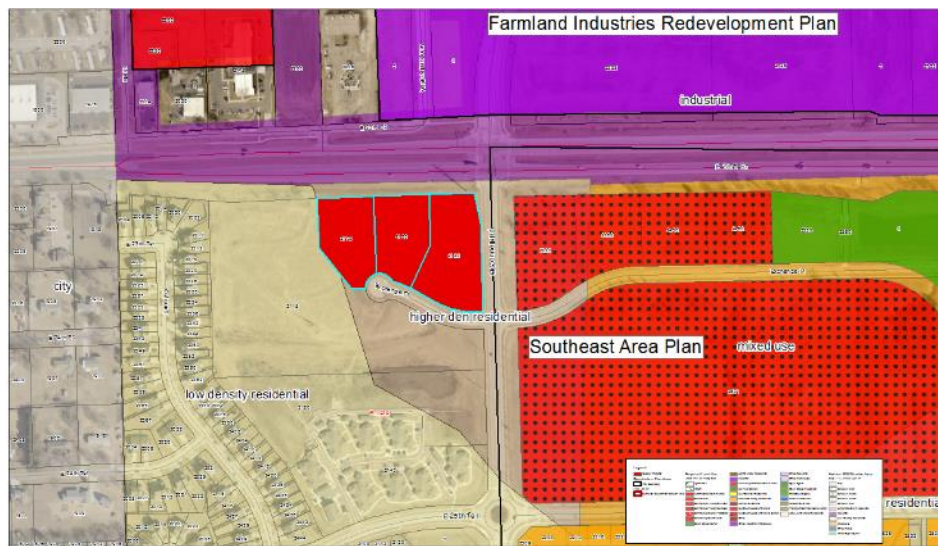
The applicant is requesting revisions to Chapter 14: Specific Plans to include this quadrant of the node be incorporated into the Southeast Area Plan. The request would allow for expansion of higher-intensity commercial zoning along Exchange Court. At this time there is no specific development request; however, the applicant will be required to seek further development specific approvals. This request affects the commercial node designation for the intersection of E. 23<sup>rd</sup> Street and O’Connell Road. *Horizon 2020* designates this intersection as a future community Commercial Center (CC200). Specific land use recommendations are not included for the node. The *Southwest Area Plan* provides specificity only for the southeast quadrant of the node. The *Farmland Industries Redevelopment Plan* governs the northwest and northeast quadrants of the node.

The proposed request would facilitate the extension of the existing Community Commercial zoning to the west along E. 23<sup>rd</sup> Street and across O’Connell Road. *Horizon 2020* defines types of

commercial uses in Chapter 6. The following figures generally show the existing and proposed boundary.



**Figure 2: Currently Adopted *Horizon 2020*: Future Land Use Map 3-2**



**Figure 3: Proposed Modification to *Horizon 2020*: Future Land Use Map 3-2**

The total land area included in the request is 4.3 acres, excluding the adjacent right-of-way. The property is platted into lots with basic infrastructure available making the property “development ready”.

Staff reviewed this amendment based upon the Comprehensive Plan Amendment review criteria listed below and 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: Yes. The fact that only the SE corner is zoned CC200 was a completely arbitrary submission on the part of the developer in the mid-2000s. In other words, there was no planning reason that the designation was only on one corner instead of both. The developer thought at the time (a few years before the recession) that there was sufficient demand in the market to fill all the office availability on the SW corner and all of commercial availability on the SE corner. Nearly 15 years later, there has not been a single user on either corner.*

Staff's response: At the time of Map 3-2 adoption in 1998 ([Ordinance 6990](#)) there were different market forces and considerations than those at work today. Staff agrees with the applicant that significant land use considerations have been made since the adoption of future land use maps for the area.

- Adopted area plans include; *The Southeast Area Plan* and *Farmland Industries Redevelopment Plan*.
- The South Lawrence Trafficway has opened and provides improved transportation circulation in and around the community.
- The area to the west and southwest are developing with residential uses.
- The property immediately surrounding the request is currently vacant and zoned RM15 (Multi-Dwelling Residential) District. A development application for the adjacent property has been submitted for medium-density residential development and is being processed.

A significant investment in economic development is being made on the northeast corner of E. 23<sup>rd</sup> Street and O'Connell Road as part of the Lawrence Venture Park. The construction of phase 1 of VanTrust is expected to generate employment in the area<sup>1</sup>.

Since the original adoption of the Future Land Use Map 3-2 the demand for office zoning has not performed per community expectations as evidenced by the lack of building permits for this land and the lack of applications for new CO zoning. The increase in permit activity within this node and the residential subdivisions in the southwest and southeast quadrants of the node, bolster an argument that this proposed land use designation could provide conveniences and services for the expanding employment and residential uses in the area. The following graphic show the land area included in a recent development application that expanded the commercial zoning to accommodate redevelopment of a site that is being developed as a *Hotel Use*.

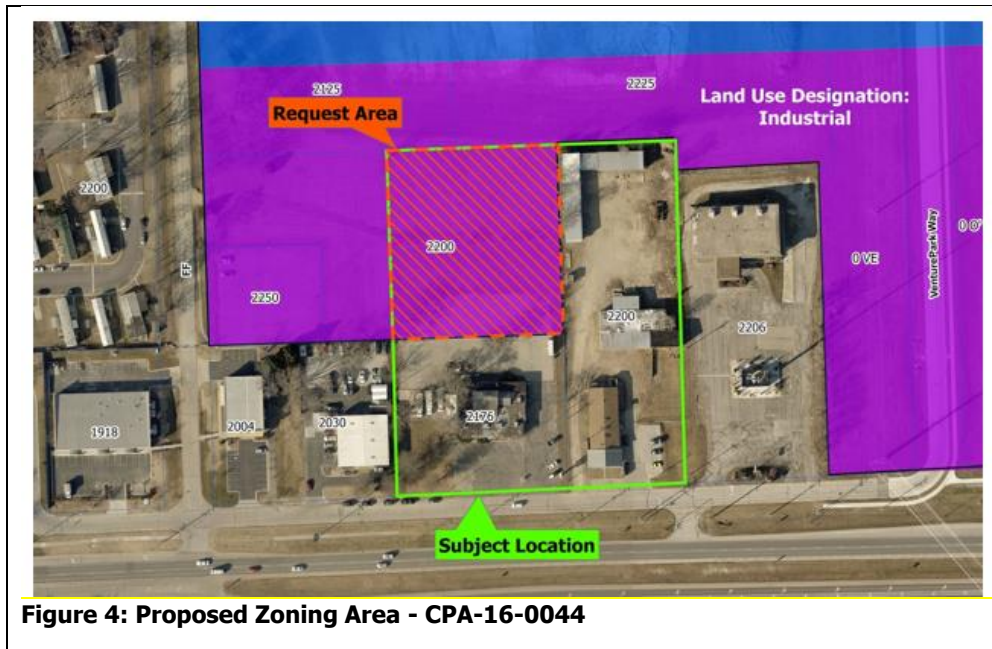
An excerpt from that staff reports stated:

The existing *Farmland Industries Redevelopment Plan* noted that, "Limited commercial should be allowed to support the needs of the workers in the area. Commercial of a neighborhood, community, or regional nature shall not be allowed. Commercial shall not be permitted along the frontage of K-10 Highway as the Plan discourages strip commercial development along K-10." However, the commercial that is adjacent to VenturePark was already zoned and used for commercial uses prior to the plan's adoption. [CPA-16-00443 Staff Report Excerpt]

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<sup>1</sup> Additional detail regarding the VanTrust project is available in the 2017, annual Economic Development Report. <https://assets.lawrenceks.org/assets/ecodev/2017-ed-report-05-31.pdf>





The change squared up the parcel of land creating a lot that could be more efficiently developed with little or no harm to the purpose or intent of the larger planning area. This application is similar in intent to expand the commercial opportunity to the southeast quadrant of the node.

*Horizon 2020* anticipated medium-density residential development to occur and occupy transitional locations between single-family neighborhoods and office/commercial areas. The plan also anticipated compatibility with existing land uses, which include use, building type, density, and intensity of use, architectural style, scale, access, relationship to the neighborhood, and the amount and treatment of screening and open space. These site and architectural design facets will be considered as part of a specific development request through the site plan review process.

*Horizon 2020* identifies E. 23<sup>rd</sup> Street and O'Connell Road as a node appropriate for a future Community Commercial Center (page 6-21). This amendment would revise the *Southeast Area Plan* to include the lots along the north side of Exchange Court as part of that Area Plan Boundary. This change is a refinement of the node and absorbs the remaining commercial zoned undeveloped lots into a specific area plan.

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

*Applicant's response: Yes. The owner has been in talks with the City to ensure that any future development in the area is beneficial to all parties involved and to allow for more development options.*

Staff's response: The adjacent area to the west and south of this site is designated and/constructed with medium-density and low-density residential development. One of the stated features of *Horizon 2020* is to support "infill development and redevelopment that will provide a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas." The subject properties are part of the larger nodal development. Appropriate land uses include development that serves the growing residential and employment land uses that are also part of, and adjacent to, the node.

The subject parcels are part of an area currently designed for “Higher Density Residential land use” in *Horizon 2020*. Another stated feature of *Horizon 2020* is to provide a progression of land uses to help achieve a transition in land use and intensity levels, and to help avoid major or abrupt changes in density and building type.

The proposed amendment would expand the *Southeast Area Plan* boundary. The amendment completes the land use planning for the only unplanned quadrant of this designated community commercial node. The benefit to the amendment is that it would provide clear development expectations to this designated commercial node. Instrumental to this compatibility will be the base zoning district designation and subsequent development application reviews to ensure compatibility with the surrounding neighborhood instead of what would be possible by-right in a higher intensity commercial zoning district

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

*Applicant’s response: Yes. We believe that by extending the CC200 zoning west to incorporate Fairfield Farms West Addition No. 2; the developer will have more options to meet the City’s goals of developing this intersection.*

Staff’s response: Staff acknowledges the changing market preferences for office developments throughout the community. The applicant’s response is narrowly focused to a specific intent and expectation. The question to be answered is how this change relates to the goals and policies for Community Commercial Center development and Nodal Development. Specifically, Policy 3.8 in Chapter 6: Commercial Residential Land Use encourages the progression of land uses between low-density residential development and higher intensity commercial development through land use transitions. This goal may be implemented through the designation of specific zoning districts, as well through site design.

The comprehensive plan supports infill development and redevelopment that provides a range of residential, commercial, office, industrial, and public uses within these parcels that is consistent and compatible with the established land use pattern in surrounding areas.

Below are goals and policies from *Horizon 2020*:

*Goal 2: Encourage compatible transition from commercial development to residential neighborhoods and other less intensive land uses.*

*Policy 2.1: Use appropriate Transition Methods.*

This policy addresses physical development such as site orientation, building relationships, landscape buffering and similar techniques to *minimize adverse impacts on adjacent residential areas.*

The criteria for locating commercial development is listed in Goal 3 and the following policies. Key among these criteria are providing scaled development to meet community needs. Commercial development shall occur in nodes at major intersections such as E. 23<sup>rd</sup> Street (arterial) and O’Connell Road (collector). Additionally, *commercial nodes shall be located where they can efficiently utilize local resources, where there adverse impacts on adjacent uses are minimized, and where they will effectively provide the community with desired products, services, and employment opportunities.* Policy 3.1 F.

Specific policies pertaining to development criteria for Community Commercial Centers are included in policy 3.8 A – M. Generally, these criteria seek to establish a framework to help mitigate the impacts based on the size of either individual commercial locations or the combined commercial space for the entire node/area.

“New or existing CC200 Centers shall not encroach or expand into surrounding residential or lower-intensity uses.” (Policy 3.8 G).

*Horizon 2020* previously designated the intersection of E. 23<sup>rd</sup> Street and O’Connell Road as a “Future Community Commercial Center”. Not all four quadrants of these nodes are intended to be devoted to commercial uses (page 6-7). Other uses such as “office, employment-related uses, public and semi-public uses, parks and recreation uses, multi-family residential etc.” can and should make up other corners. This is reflected in the alignment of the future land uses as designated in both the *Southeast Area Plan* and the *Farmland Industries Redevelopment Plan*. The expectation is that a range of uses, serving multiple neighborhoods, are accommodated within these community commercial centers. The node must include multiple zoning districts to implement these policies. When the community commercial center/node interfaces with the lower intensity land uses appropriate transition techniques are deployed through zoning and design regulations.

The premise of many of these policies strives to create and preserve neighborhoods as a fundamental community building block. The healthiest neighborhoods include services that are conveniently located in proximity to homes as well as to places of employment, designed to integrate into the neighborhood fabric. The proposed request to expand the planning boundary as defined in the *Southeast Area Plan* is consistent with goals and policies of the plan.

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

*Applicant’s response: No, There has been no change in public policy. However, these 3 lots have garnered zero interest from the market in 15 years, in spite of being professionally marketed by four different Lawrence and Kansas City brokerage firms.*

Staff’s response: At present, there has not been a change in public policy. The policies to ensure adequate consideration and design of transitional features is a key component of *Horizon 2020* and are implemented through the Land Development Code. Policy changes are expected to be discussed by various commissions as part of their deliberations on the draft of *Plan 2040*. The application of nodal commercial concepts is not expected to change. This request does not propose a change to this policy only to more clearly define the parameters of an already designed Community Commercial Center.

Site design criteria, such as the location and size of open areas, sensitive land preservation, and utilizing architectural design to mitigate building heights, and intensity transitions will be considered. There is no specific development application associated with this request. Specific site analysis for this proposal will be completed as part of a development plan application and other subsequent planning review processes.

**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: No. A previous drainage study and downstream sanitary sewer analysis were performed with this property zoned as commercial. A change from CO to CC200 would have no effects on storm, sanitary sewer or other facilities.*

Staff's response: Site-specific infrastructure development will be required as individual lots are developed and connected to the existing infrastructure serving this node. Further analysis, regarding details of traffic impacts and infrastructure capacity will be addressed with future site development applications. Basic infrastructure is available to the property. The lots included in the request are developable regardless of changes to the comprehensive plan or zoning district.

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

*Applicant's response: Yes. The property to the east of O'Connell is already zoned CC200. The change from CO to CC200 keeps the land commercial and would provide flexibility in development options at this site. It would also provide commercial options to serve the growing eastern Lawrence community.*

Staff's response: The property is immediately adjacent to medium-density residential zoning to the west and south. Existing CC200 zoning is located to the east across O'Connell Road. These lots are platted with direct access to Exchange Court. This street terminates in a cul-de-sac that also provides access to the adjacent residential property. The southwest corner of O'Connell Road and E. 23<sup>rd</sup> Street is an integrated unit separate from the southeast corner of the same intersection.

Necessarily, intensity of development for the southwest quadrant of the node would need to transition to a more neighborhood-scale development pattern and intensity to be compatible with the adjacent residential uses. Inclusion of the property as part of the Community Commercial Center does not assume a particular zoning designation, though is most often considered a CC, (Community Commercial Centers) District. The *Southeast Area Plan* also notes that other commercial zoning districts may be compatible with this land use designation, such as CN2 (Neighborhood Commercial Center District) or PD (Planned Development Overlay). (*Southeast Area Plan*, p. 3-4)

The southwest quadrant of the node is unique in its exclusion from both of the Sector Plans adopted for the other three quadrants of this node. Because it is generally smaller in geographic area, and given the development activity occurring in other portions of this node, it has the potential to be compatibly developed in a way that is consistent with both the commercial node and the existing residential development. This would be carried out through the application of the base zoning district designation and through the site planning process to ensure reasonable and appropriate land use relationships are created.

**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: Yes. The owner of the land has been working closely with City staff to ensure that the site is developed with the interests of the citizens of Lawrence and Douglas County as a top priority.*

Staff's response: This proposed amendment could provide expanded commercial services for the community, conveniences for the developing and existing neighborhoods, and for employment uses in the surrounding vicinity.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020*, and forwarding that recommendation to the Lawrence City Commission to amend Chapter 14, and the *Southeast Area Plan*, to expand the Community Commercial Center to incorporate this proposed area.