

**ITEM NO. 2A REZONING 16.116 ACRES FROM OS, CS, IG TO CD-PD; 311, 317, 401, 409, 415, 501, 505 N 2<sup>ND</sup> ST (SLD)**

**Z-18-00505:** Consider a request to rezone approximately 16.116 acres from OS (Open Space) District, CS (Strip Commercial) District, & IG (General Industrial) District to CD-PD (Downtown Commercial with Planned Development Overlay) District, and to affirm the findings for publication of PCR-1-1-12 and CPA-11-8-11 expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, & 505 N 2<sup>nd</sup> St. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

**ITEM NO. 2B PRELIMINARY PLAT FOR NORTH LAWRENCE RIVERFRONT ADDITION; 311, 317, 401, 409, 415, 501, 505 N 2<sup>ND</sup> ST (SLD)**

**PP-18-00504:** Consider a one-lot Preliminary Plat for North Lawrence Riverfront Addition, located at 311, 317, 401, 409, 415, 501, & 505 N 2<sup>nd</sup> St for mixed use development including residential and commercial uses. Variances related to block length and right-of-way dedication for N. 2<sup>nd</sup> Street as a principal arterial. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

**ITEM NO. 2C PRELIMINARY DEVELOPMENT PLAN FOR NORTH LAWRENCE RIVERFRONT; 311, 317, 401, 409, 415, 501, 505 N 2<sup>ND</sup> ST (SLD)**

**PDP-18-00506:** Consider a Preliminary Development Plan for North Lawrence Riverfront, located at 311, 317, 401, 409, 415, 501, & 505 N 2<sup>nd</sup> St. The project includes multiple phases and mixed residential and commercial development. Submitted by Paul Werner Architects on behalf of Abfield Investments LLC, City of Lawrence, Douglas County Kaw Drainage District, D&D Rentals of Lawrence LLC, Exchange Holdings LLC, HDD of Lawrence LLC, Kaw River Estates LLC, Patience LLC, Loosehead Investments LLC, and Riverfront Properties of Lawrence LLC, property owners of record.

**STAFF PRESENTATION**

Sandra Day presented items 2A-2C together.

**APPLICANT PRESENTATION**

Paul Werner, Paul Werner Architects, discussed the vision of the project and showed pictures on the overhead. He said he agreed with the staff report but wanted a few minor tweaks made to the conditions. He said he was motivated to get the parking correct. He stated there was plenty of land to deal with parking if it were to become a problem. He said he would like to tweak condition 1(d) in the Preliminary Development Plan staff report. He asked that the condition only apply to the four buildings within 250' of the train depot instead of the entire project. He discussed access points and parking.

**PUBLIC HEARING**

Ted Boyle, North Lawrence Improvement Association, spoke in favor of the project. He spoke about stormwater issues in North Lawrence. He felt the buildings on N. 2<sup>nd</sup> Street should look like the depot.

Ron Renz spoke in favor of the project. He felt the project would help the local economy.

Michael Almon expressed concern that the project was presented as an extension of downtown. He felt having downtown parking zoning without the benefits was a problem. He felt the minimum parking requirements needed to be lowered to increase multi-modal transportation. He said people needed incentives to walk and bicycle. He felt the Metropolitan Planning Organization staff should be present at the meeting. He expressed concern about a second entrance and felt circulation needed to be looked at further.

Randy Warren, 216 Lincoln, spoke in favor of the development. He said the site needed bicycle and pedestrian access. He suggested a bridge to create pedestrian/bicycle connection.

### **APPLICANT CLOSING COMMENT**

Werner said Ted Boyle was correct, stormwater was a huge concern. He said he submitted a stormwater study to City Engineer Matt Bond. He said the boardwalk would not have cars and would be a great place for bicyclists and runners. He said he would like to work with the Kansas Department of Transportation (KDOT) in improving the bridge. He said more progress could be made once the plan was approved by the City.

### **COMMISSION DISCUSSION**

Commissioner Butler asked the applicant about the minor tweaks to the staff report condition.

Werner suggested the following changes to the Preliminary Development Plan, PDP-18-00506, staff report condition 1(d):

Provision of a note on the face of the preliminary development plan that states, "Prior to the submission approval of a final development plan for any phase of the development the site project buildings within the environs of the Depot shall demonstrate compliance with applicable conditions for building height, massing, and scale as approved by the Historic Resources Commission."

Commissioner Butler inquired about parking spaces and asked if the only entrance was at the intersection.

Werner said the only full access entrance was at the light. He said there was a right-out heading south and an emergency access. He said the traffic study included buildings 1-7 and a 150 room hotel and the intersection worked. He also said an expensive soil study was conducted for the site. He said the Corps of Engineer wanted to know how viable the project was before reviewing it.

Sands inquired about the process of getting approval with the railroad for at-grade access.

Werner said the railroad's number one criteria for an at-grade crossing was that there were no other options.

Commissioner Sands asked if it would be an emergency access only.

Werner said he would like for it to be an option for emergency access, construction entrance, and ultimately a third access option to the site.

Commissioner Willey inquired about bicycle and pedestrian access.

Werner said there was an argument too much parking was being provided and not incentivizing people to use other transportation methods. He said it was a fair point to be more aware of bicycle paths. He said he could look at more ways for how bicycles could enter the site. He said a bicycle and pedestrian path across the river would be great.

McCullough said the area has been included in the Downtown Master Plan process. He said access from downtown to North Lawrence was a necessary discussion item. He said the process could identify issues and

provide some solutions and options. He stated this was a large project and would take multiple steps of review to get where it needs to be.

Commissioner Kelly asked about the garage parking.

Werner said the garage parking would be for the residents.

Commissioner Kelly asked if there was enough residential parking for the residents.

Day said she would need the correct base number to know. She said by the time the Final Development Plan was submitted she would know.

McCullough said it would have CD zoning but would not enjoy the benefit of the public providing the parking. He said there was enough land area to supply adequate parking. He said parking was best addressed at the Final Development Plan stage when the uses would be known since there were a range of parking calculations to apply.

Sands asked staff to speak about the controls with the overlay district.

McCullough said this was an important location. He said the planned overlay was the first step and provided protection. He said anything that changes in the plan goes back through the full public hearing process.

Willey asked if the public improvement would include stormwater.

Day said all the studies were being submitted and looked at by staff. She said there would be information provided with the Preliminary Plat. She said the technical design of each plan would be submitted with the final plat.

Sands asked about why the comprehensive plan amendment needed to be reaffirmed.

McCullough said procedurally it made sense since it had been seven years but that a full presentation was not necessary. He said the comprehensive plan amendment expanded the downtown area of the comprehensive plan.

Sinclair asked if Planning Commission had what they needed to be able to reaffirm what was previously approved was true today.

McCullough said with the original application the applicant was required to submit the comprehensive plan amendment to take advantage of the CD district. He said Planning Commission and City Commission supported it but it was not made effective. He said the Downtown Master Plan shows it as part of downtown based on that approval. He said it was project specific and it lays the foundation for the zoning today.

Kelly said it seemed they needed to either look at the comprehensive plan amendment all over again and vote on it or say the comprehensive plan amendment now applies to the project. He said he was conflicted on the idea that it sort of applied and Planning Commission should confirm it so the entire conversation doesn't have to happen again.

McCullough said in seven years nothing had changed what Planning Commission voted on. He said a retail market study would be published soon.

Commissioner Willey asked if the decision from 2011 would stand.

McCullough said it was not published into the comprehensive plan because it had a pending rezoning related to a specific project.

Commissioner Kelly asked how confident staff was that the comprehensive plan amendment addressed the new version of the project.

McCullough said staff was confident it supported the project.

Sands said he read the previous minutes and Downtown Lawrence Inc., the Chamber of Commerce, and several others had comments. He said all the folks who had comments then were not here now to provide comment. He said the comprehensive plan amendment passed by City Commission in 2012 did not effect vacancy rate. He wondered once the project was built out if there would be an effect.

McCullough said the item was published as an agenda item. He said the staff report from 2011 showed the language that was approved by the governing body to support this project at that time.

Kelly said it didn't speak to the zoning of the area, just included it as part of the downtown. He said in that way he was comfortable.

McCullough said it basically described the area and said it should be considered as an extension of downtown but didn't get into the details that were before Planning Commission tonight.

Commissioner Kelly struggled with the idea of reaffirming something that was already done but not published because the project wasn't there.

McCullough said page 80 of the packet was the meat of the criteria that was approved which is being reflected in the plan.

Commissioner Willey wished the comprehensive plan amendment had been a separate item with its own discussion but she did not have a problem with reaffirming the work that previously had a full public process.

Commissioner Sands said Planning Commission could vote for the comprehensive plan amendment as a separate item. He said he was comfortable reaffirming the comprehensive plan amendment.

Commissioner Carpenter asked the applicant what he needed to proceed with the railroad about the third access point.

Werner said a preliminary plan approved by Planning Commission and City Commission.

Commissioner Willey said she liked the topic of the shared parking.

Commissioner Sands read Planning Commission minutes from 2012. He said there were many published articles about removing parking minimums.

McCullough said staff would be bringing a comprehensive rewrite of parking code in a few months to Planning Commission.

Commissioner Carttar inquired about the timing of the Downtown Area Plan and the anticipated timeline of this project. He expressed concern about the externalities around the circulation of cars, cyclists, and pedestrians.

McCullough said the Downtown Master Plan should be complete by the end of 2019. He said this project would be a multi-year project. He said anything in the Downtown Master Plan that is a capital item would need to be in

a Capital Improvement schedule. He said he hoped the applicant and the City could talk about improvements and enhancements to the area. He said there was more work to be done.

Commissioner Carttar expressed concern about the final plan and the circulation of pedestrians, bicyclists, and automobiles. He felt limited access points needed to be clearly signed so that private automobiles and rideshares have clear ideas of where they can go in and out.

McCullough said the final development plan would be administratively approved and Planning Commission would not see it.

Commissioner Sands expressed concern about a bus drop-off for public transit and how it would work with the site.

McCullough said some of the questions had not been answered yet because there was work to be done with the transit system. He said it would be part of the overall process.

Commissioner Willey felt this would be a great addition to downtown and she would like to see it move forward.

#### **ACTION TAKEN ON ITEM 2A**

Motioned by Commissioner Sands, seconded by Commissioner Carpenter, to approve the request to rezone approximately 16.116 acres, from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD-PD (Downtown Commercial - Planned Development Overlay) District and to affirm the findings for publication of PCR-1-1-12 and CPA-11-8-11 expanding the identified boundaries of Downtown Lawrence, located at 311, 317, 401, 409, 415, 501, & 505 N 2<sup>nd</sup> St., based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Commissioner Kelly said he would reaffirm the comprehensive plan amendment with hesitation. He said he would have liked to have considered the comprehensive plan separately first.

Commissioner Sinclair said for the same reason he would oppose the reaffirmation of the comprehensive plan amendment.

Commissioner Carpenter shared reservation.

Commissioner Struckhoff said he would support reaffirming the comprehensive plan amendment with reservation. He said the site needed a bus stop that would not impede traffic.

Motion carried 9-1, with Commissioner Sinclair voting in opposition. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

#### **ACTION TAKEN ON ITEM 2B**

*Item deferred.*

#### **ACTION TAKEN ON ITEM 2C**

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve Preliminary Development Plan, PDP-18-00506, North Lawrence Riverfront, based upon the findings of fact presented in the body of the staff report and forwarding a recommendation for approval to the City Commission subject to the following conditions, with an amendment to condition 1(d):

1. The applicant shall provide a revised preliminary development plan drawing with the following notes and changes:
  - a. Provision of a note on the face of the preliminary development plan that states, "Off-street parking shall be required and approved for all uses per the approved preliminary and final development plans for this development."
  - b. Provision of a note on the face of the preliminary development plan that states, "Prior to the development of buildings, IX, X, or XI the developer shall submit a revised preliminary development plan for review and approval per Section 20-1304 of the Land Development Code."
  - c. Provision of a note on the face of the preliminary development plan that states, "Provision of a local floodplain permit is required for review and approval for phases that impact levee and regulatory floodplain and shall be submitted concurrently with an application for a final development plan."
  - d. Provision of a note on the face of the preliminary development plan that states, "Prior to the [submission approval](#) of a final development plan for any phase of the development the site project shall demonstrate compliance with applicable conditions for building height, massing, and scale as approved by the Historic Resources Commission."
  - e. Provision of a revised plan showing building footprints comply with the maximum 25,000 square feet standards per Section 20-210.

Approved 10-0. Commissioners Butler, Carpenter, Carttar, Kelly, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor of the motion.

