

**PLANNING COMMISSION REPORT**  
**Regular Agenda - Public Hearing Item**

PC Staff Report  
02/27/2012

**ITEM NO. 2A      Z-18-00505 from IG (General Industrial), CS (Commercial Strip) and OS (Open Space) Districts to CD-PD (Downtown Commercial - PD Planned Development Overlay) District; 16.116 acres (SLD)**

**STAFF RECOMMENDATION:** Staff recommends approval of 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.

**Reason for Request:** *In lieu of producing a complicated set of design guidelines for the area, the applicant along with the planning director, agree that a planned development is more appropriate for this project. Rezoning the property is required for this process.*

**KEY POINTS**

- The request includes multiple parcels and multiple owners.
- Property owners included in request represent both public and private groups and individuals.
- The Planning Commission considered and approved a development request for CD (Downtown Commercial) District on February 27, 2012, subject to conditions.
- The City Commission approved the rezoning on May 1, 2012, subject to revised conditions including the submission and approval of design guidelines for the project.
- Guidelines were not approved and a zoning ordinance was not published. The CD zoning was not made effective.
- The related Comprehensive Plan Amendment was also approved but not published. (CPA-11-08-11). This application includes the reaffirmation of the previous approval for the amendment.
- The rezoning requests from 2012 have been consolidated and combined into a single request.
- The proposed development application includes a specific development plan. The 2011 application request only included a concept plan.
- The proposed PD (Planned Development Overlay) District designation is intended to replace the need for separately adopted design guidelines.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

- CPA-11-08-11; amendment to Chapter 6 of *Horizon 2020*.
- Publication of zoning ordinance.
- Subdivision approval including preliminary and final plats.
- Public improvement plan approval for infrastructure.
- Site plan and/or development plan approval as applicable.
- Local floodplain development permits as applicable.
- Historic review for portions of the property within the environs.

**Previous zoning cases:** Approved but not published;

- Z-12-29-11: 1.38 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 401 & 415 North 2<sup>nd</sup> Street.

- Z-12-30-11: 2.14 acres from IG (General Industrial) to CD (Downtown Commercial), located at 0 & 100 Lincoln Street and 151 & 100 Perry Street.
- Z-12-32-11: .83 acres from IG (General Industrial) and CS (Commercial Strip) to CD (Downtown Commercial), located at 409 & 501 North 2nd Street.
- Z-12-33-11: OS & CS TO CD; .34 acres from OS (Open Space) and CS (Commercial Strip) to CD (Downtown Commercial), located at 300, 311, & 317 North 2nd Street.
- Z-12-34-11: 1.61 acres from IG (General Industrial) to CD (Downtown Commercial), located at 139 Perry Street, 505 North 2<sup>nd</sup> Street & 141 Maple Street.
- Z-12-35-11: .55 acres from IG (General Industrial) to CD (Downtown Commercial), located at 133 Perry Street.
- Z-12-36-11: 1.38 acres from IG (General Industrial) to CD (Downtown Commercial), located at 600 North 1<sup>st</sup> Street, Block 3.

**PLANS AND STUDIES REQUIRED**

- *Traffic Study* – Refer to Preliminary Development Plan.
- *Downstream Sanitary Sewer Analysis* – Refer to Preliminary Development Plan.
- *Drainage Study* – Refer to Preliminary Development Plan.
- *Retail Market Study* – Refer to CPA-11-08-11 for discussion of retail market study.

**ATTACHMENTS**

1. Ownership graphic
2. North Lawrence Drainage Study Build-Out Scenario Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- None received

**Project Summary:**

Proposed request is for a mixed-use development seeking to capitalize on the recreational component of the Kansas River. The applicant is requesting CD zoning to accommodate development reflecting a similar and complementary development pattern to the downtown area with regard to building heights, setback, and mixed uses. This request is submitted concurrently with a preliminary plat and a preliminary development plan. The preliminary plat will consolidate the land area including vacating existing public right-of-way and establishing new easements and interior access. The preliminary development plan is submitted as a master plan for the entire development, including near-term and full build-out dependent upon the attainment of necessary infrastructure and access.

The river and levee along the west and the railroad and N. 2nd Street along the east define the property. The project includes multiple properties, property owners, and existing rights-of-way. Property owners include the City of Lawrence and the Douglas County Kaw Drainage District.

A development request was made in 2011 including multiple rezoning applications, a comprehensive plan amendment, and a concept plan. The rezoning and comprehensive plan were approved subject to conditions. The rezoning was specifically conditioned upon the submission and approval of applicable design guidelines. This application is being updated and submitted as a commercial zoning district with a PD overlay. The PD overlay will replace the design guidelines for this project. This review assumes the approval of the previous comprehensive plan amendment.

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Applicant's Response: *This area is already zoned commercial. We feel that by doing a Planned Development, the City has greater oversight in the process and will be able to review the proposed development in more detail.*

*Horizon 2020* recognizes N. 2<sup>nd</sup> /N. 3<sup>rd</sup> Street as an existing commercial area within the community. *Horizon 2020* describes this area as:

The Comprehensive Plan recommends N. 2nd Street and N. 3rd Street play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence. This corridor is considered an *Existing Strip Commercial* area. The Comprehensive Plan identifies the intersection of the N. 3rd Street and I-70 as a possible location for an Auto-Related Commercial Center.

Marginal, obsolete, and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service, or retail uses. New development and redevelopment shall include improved parking, signage, and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with landowners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area.

Historically, the North Lawrence area including the N. 2<sup>nd</sup> and N. 3<sup>rd</sup> Street corridor has had repeated floodwater and stormwater problems. The Comprehensive Plan recommends that a comprehensive drainage study be completed as soon as possible and before any additional new development occurs along the N. 2nd Street and N. 3rd Street corridor.<sup>1</sup> The study shall be a joint project between the city and private property owners. The drainage study shall provide a plan for addressing existing flooding and stormwater problems.

### **Existing Horizon 2020 – Chapter 6 Commercial Land Use:**

A key principal stated in *Horizon 2020* regarding the development and maintenance of commercial land use areas is:

- Support Downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, sale, and location of mixed-use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.

The plan also supports polices that:

- Encourage infill development and/or redevelopment of existing commercial areas within an emphasis on Downtown Lawrence and existing commercial gateways. Sensitive to the form of site layout and design considerations shall be given to important architectural or historic elements in the review of development proposals.

These statements address the importance of Downtown to the community and the applicability of appropriate and sensitive infill and redevelopment projects. The development and application of design guidelines for the subject property can be required to assure community appropriate context of development.

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<sup>1</sup> The North Lawrence Drainage study was completed in 2005.

Both the Downtown area and the N. 2<sup>nd</sup> and N. 3<sup>rd</sup> Street areas are identified in *Horizon 2020* as existing commercial areas. The N. 2<sup>nd</sup> and N. 3<sup>rd</sup> Street areas are classified as existing strip commercial development on page 6-14 of *Horizon 2020*. The plan recognizes the need to “upgrade” these commercial areas to remain viable in the marketplace, (pg. 6-12).

The plan supports the need and use of overlay districts, and development standards for redevelopment, based on a redevelopment plan. The design is subject to review and approval of a preliminary and final development plan and subject to compliance with historic design guidelines.

**Proposed Horizon 2020 – Chapter 6 Commercial Land Use:**

CPA-11-8-11 includes new language supporting the proposed area as an extension of the Downtown Area. This report assumes the approval and adoption of the revised language in *Horizon 2020* with regard to this area. The revised Downtown Commercial Center includes the North Mass Development as part of the historic commercial core of Lawrence, but as a secondary activity area along with and similar New Hampshire and Vermont Streets flanking Massachusetts Street today.

Development of the area is expected to include “mixed use, multi-story buildings” as a common building form. The plan recommends the maximum footprint for an individual store is limited to 50,000 gross square feet within this portion of the district. This limitation will be included as part of the development plan.

**Staff Finding** – The proposed rezoning assumes approval of the comprehensive plan amendment. The maximum footprint of an individual store shall not exceed 50,000 gross square feet. Additionally, specific design guidelines will be implemented through a combination of the applicable historic design requirements and the development plan. The proposed rezoning is consistent with the comprehensive plan with conditions.

**2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING**

Zoning is summarized as if this application were one contiguous parcel of land.

Current Zoning and Land Use:	IG (General Industrial) District (11.21 acres), CS (Commercial Strip) District (1.23 acres) and OS (Open Space) District (7.92 acres) and FP (Floodplain Management Regulations Overlay District); Existing Development includes Mobile homes, Johnny’s Tavern, KP&L tower, parking lots, residential and storage uses and commercial uses.
Surrounding Zoning and Land Use: To the West:	OS (Open space) District and FP (Floodplain Management Regulations Overlay District); Riverfront Park and the Kansas River
To the South:	OS (Open space) District River Front Park and River

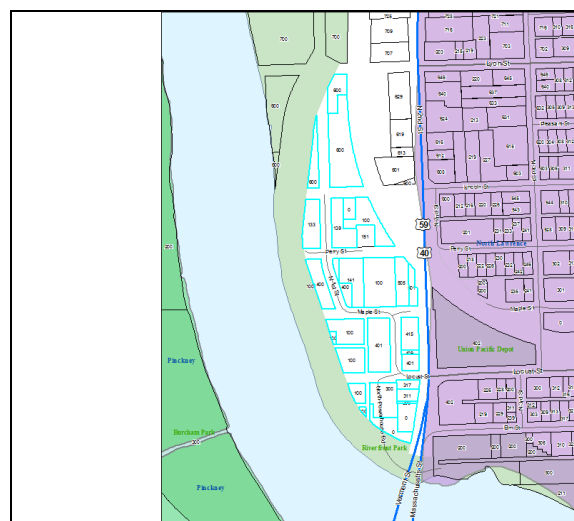
To the East: East of Railroad	IG (General Industrial) District east of bridge; city parking lot. GPI (General Public and Institutional) District east side of N. 2 <sup>nd</sup> Street; <i>Union Pacific Depot</i> (City Visitor Center).  IG (General Industrial) District and CS (Commercial Strip) east of railroad and FP (Floodplain Management Regulations Overlay District); Mixed commercial and industrial business between railroad and N. 2 <sup>nd</sup> Street.
To the North: North of Lyon Street	OS (Open Space) and IG (General Industrial) District; <i>Riverfront Park</i> (Passive Recreation) and Union Pacific Railroad right-of-way.

**Staff Finding** – The subject property is surrounded by commercial and industrial zoning along the N. 2<sup>nd</sup> corridor and confined by the river to the west and the railroad to the east. The project terminates at the north end at Lyon Street. City Park property is located to the north.

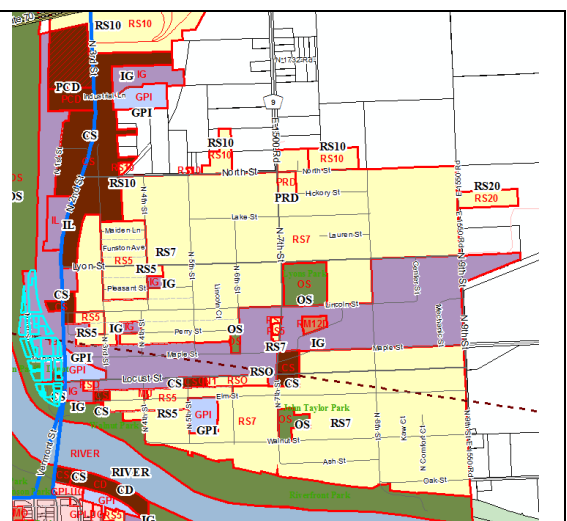
**3. CHARACTER OF THE NEIGHBORHOOD**

Applicant’s Response: *This area is currently home to a long-time Lawrence bar/restaurant, as well as other retail establishments. It also houses a few residential structures. In addition to this, there is a the levee trail that is utilized by many citizens for walking and biking.*

This property is part of the North Lawrence area but technically outside of the described neighborhood boundary. This area is characterized by a mix of residential, commercial, and industrial uses. N. 2<sup>nd</sup> Street and N. 3<sup>rd</sup> Street are acknowledged in *Horizon 2020* as a primary gateway to the community.



**Figure 1: Portion of North Lawrence Neighborhood (purple)**



**Figure 2: Neighborhood Zoning**

This neighborhood includes a wide range of uses. Non-residential uses are located along N. 2<sup>nd</sup> and N. 3<sup>rd</sup> Streets and along the railroad corridor parallel to Locust Street. Residential uses are located interior to the neighborhood east of N. 2<sup>nd</sup> and N. 3<sup>rd</sup> Streets. The subject property is located

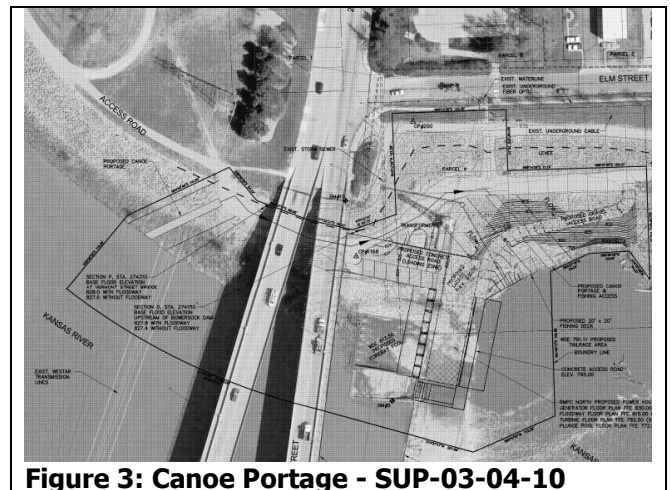
within the portion of the neighborhood that is commercial and industrial in nature. The subject property includes two small mobile home parks and a few detached residential units.

The bulk of the North Lawrence neighborhood is zoned for low-density residential zoning. The neighborhood includes two small parks and an elementary school. The neighborhood does not include any areas designated for multi-dwelling residential uses or mixed use development.

The neighborhood is bounded by the Kansas River and levee. This area provides recreation uses to the community and includes the Riverfront Park area and multi-use path along the levee. Riverfront Park includes a total of 994 acres along the Kansas River. The park began as a restoration and re-vegetation project according to City website information. Much of the park is forested up to the riverbank. The portion of the park nearest the Vermont Street/Massachusetts Street Bridge narrows with little tree growth within the park area between the riverbank and the top of the levee. This area provides direct viewing of the river from the recreation path.

Improvements to the Bowersock Dam included a canoe portage for additional access to the river. This portage is located at the south end of the proposed redevelopment area.

Single story buildings on smaller lots characterize the western portion of the North Lawrence neighborhood. The proposed change would facilitate an increased building height from 45 feet in the CS district and 75 feet in the IG district to 90 feet in the CD district. Physical elements addressing area height, bulk, and massing are being considered by the Historic Resources Commission given the proximity of the project to the Union Pacific Depot environs and as part of the preliminary and final development plans.

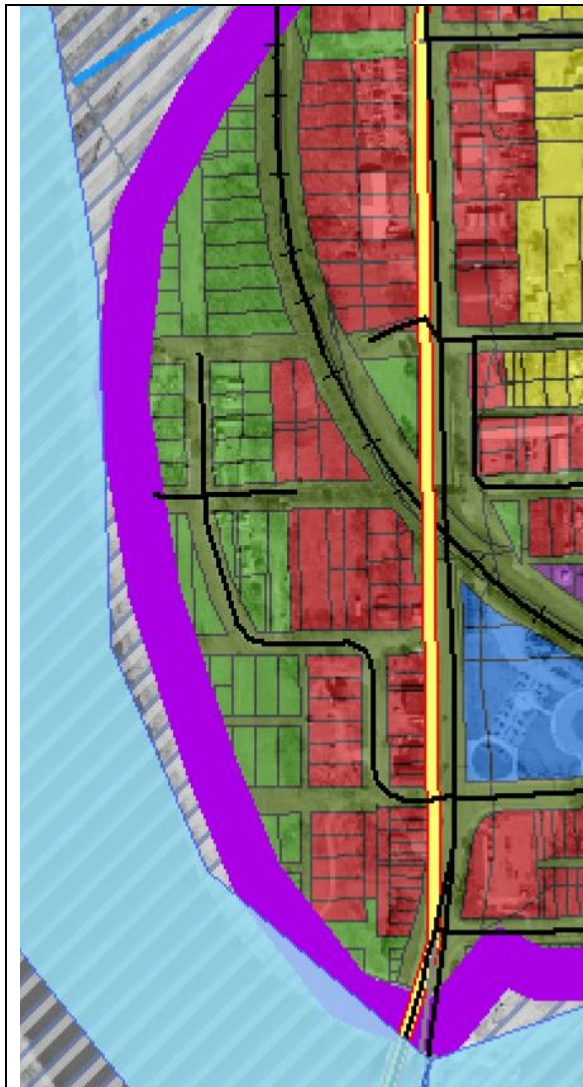


**Staff Finding** – The proposed request consolidates the base-zoning district and provides an extension of the downtown north of the river. The bulk of the existing neighborhood is zoned residentially with intensive commercial and industrial zoning located along the railroad right-of-way and along the N. 2<sup>nd</sup>/ N. 3<sup>rd</sup> Street corridor. The proposed change retains the ability to redevelop the property with mixed uses and expand multi-dwelling residential housing choices within the neighborhood.

#### **4. PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY**

A neighborhood plan was completed in 1981 for this area. The plan has not been updated and has not been incorporated into *Horizon 2020*. In 2005, the City of Lawrence completed the North Lawrence Drainage Study. The subject property is located within the boundary of this study. The plan included a "Build-Out Scenario Map." The map was based on adopted land use polices for the projection of land uses and stormwater calculations.

This study included land use assumptions that included the subject property. Land uses within the boundary of the request were identified or projected as commercial and open space uses. The arrangement of these uses is non-specific within the Drainage Study. The study was not intended to convey a specific zoning designation.



**Figure 4: Land Use Map - 2005 Drainage Study**

*The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area.*

Section I of the Executive Summary

A copy of the plan is available on line at: [https://assets.lawrenceks.org/assets/public-works/N\\_Law\\_Drainage\\_Study\\_2005/N\\_Law\\_Drainage\\_Study\\_2005.htm](https://assets.lawrenceks.org/assets/public-works/N_Law_Drainage_Study_2005/N_Law_Drainage_Study_2005.htm)

The 2011 staff report included only a concept plan. Since the original application, more details are available regarding the specific development intent. Amendments to the *Horizon 2020* specifically address this area as an extension of Downtown Lawrence. As stated previously, the proposed request is consistent with the land use recommendations included in the associated comprehensive plan amendment. The City is engaged in the development of an updated masterplan for the downtown area. The plan will include comments and narrative of the property included in this application.

**Staff Finding** – The review of this application assumes the approval of the amendments to the comprehensive plan to extend Downtown to this area. If approved, the request is consistent with planned redevelopment of this area.

## **5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS**

Applicant's Response: *The proposed uses are not going to change with the rezoning of the property. The only change will be the process in which the property will be developed.*

The property is currently zoned IG, CS, and OS. The OS district represents the existing Riverfront Park property and other parcels owned by the City and Drainage District. A portion of the area zoned OS is included in the proposed development. The applicant has been working with the City to acquire excess land in this area to facilitate the development. The City agreed to the sale with conditions as discussed at the City Commission meeting on October 8, 2008. The approval will expire in spring of 2019 unless extended or amended.

Several residential uses were located within the IG portion of the property. Residential uses are not permitted uses in the IG Districts other than a mobile home park. The existing mobile home park use is being discontinued. Residents previously living in the area have relocated any remaining residents will be relocated as the development progresses. The existing CS district includes *Eating and Drinking Establishments* and *Retail Sales uses*. These uses are permitted by right in the CS District and would be permitted in the CD District.

The Gas Light Tavern is, by Code, a *Bar or Lounge* use. This use is not permitted in the CD district. Approval of the request will make this use non-conforming. Non-conforming uses are permitted to remain with only limited changes permitted per Article 15 of the Land Development Code.

Assuming the development is approved and land transactions are completed the OS district would not be suitable for commercial uses. The CS district represents approximately 1.05 acres. A significant portion of this area is dedicated right-of-way. The parcels are generally small and difficult to redevelop in the current configuration. These parcels also represent the existing commercial uses within the boundary of the request. The remaining area is zoned IG. This is an intensive industrial district developed with residential uses in the form of mobile home parks, parking lots, and storage uses. The area is generally isolated by the levee and park property on the west and the railroad on the east. Streets in this area are substandard to the City's current design specifications and are not adequate to support intensive industrial activity.

If approved, a mobile home park would not be a permitted; however, multi-dwelling residential uses would be allowed. This change provides more residential options in the neighborhood than currently exist.

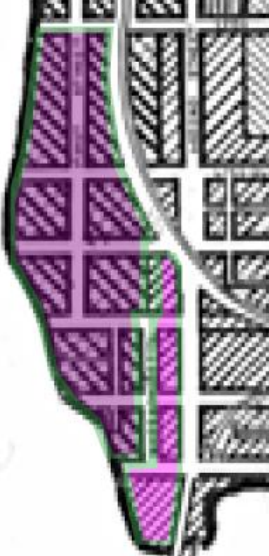
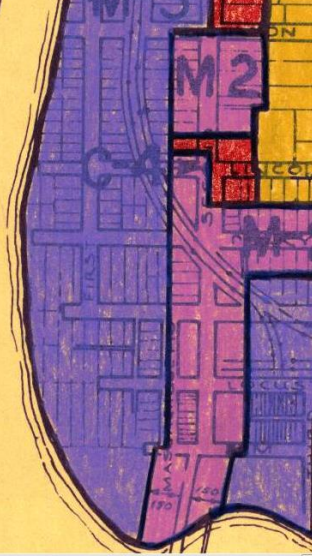
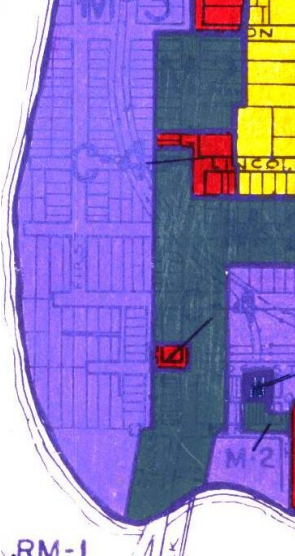

**Staff Finding** – The current OS and IG zoning districts do not accurately reflect the existing or proposed uses or this area. Staff concurs with the applicant's statements that the industrial zoning is not suitable for this area. Commercial and open space zoning is appropriate for this area. The rearrangement of the parcels and zoning district would facilitate redevelopment.

## **6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED**

Applicant's Response: *The property is not vacant.*

The subject area includes both developed parcels and vacant land. The current zoning has been in place since the adoption of the Land Development Code in 2006. Zoning prior to that included M-2 (General Industrial) District, M-3 (Intensive Industrial) District, and C-4 (General Commercial) zoning. The following table shows the progressive zoning changes in the area.



1966	1977	1997	2005
 <p data-bbox="186 798 406 871">Heavy Industrial Light Industrial</p>	 <p data-bbox="495 798 755 871">Intensive Industrial General Industrial</p>	 <p data-bbox="836 798 1104 892">Intensive Industrial General Industrial General Commercial</p>	 <p data-bbox="1161 798 1429 871">Intensive Industrial General Industrial General Commercial</p>

**Staff Finding** – The subject property includes both developed and vacant land. The zoning districts have remained generally consistent since 1966 with the infiltration of a small area for commercial uses at Locust Street and N. 2<sup>nd</sup> Street. This property is unique in its location and physical proximity to both the river and railroad. The area has a historically been underutilized. The small lot size and lack of public street improvements are contributing factors to this condition. The prevailing underutilization of the property, as zoned, implies the zoning may not be appropriate for the area. The proposed change would facilitate redevelopment of this area.

**7. EXTENT TO WHICH APPROVING THE REZONING WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

Applicant’s Response: *We feel that rezoning the area to a Planned Development will give the neighboring properties more involvement in the project and the process. WE see this as a benefit to the surrounding property owners.*

This is a constrained development area given the location of the river and railroad tracks. Immediate properties would not be physically affected by the redevelopment of the site. Wider impacts related to adequate public facilities are assessed through the traffic study, assessment of the sanitary sewer and water capacity, and other basic municipal services. These elements are discussed in detail with the subdivision plat and the development plan staff reports.

As part of this rezoning request a retail market study was required. Staff reviewed the retail study and a discussion of the study is included in the staff report for CPA-11-8-11. A significant consideration of this analysis is the proposed development is intended as a regional attraction by virtue of the river relationship and pedestrian access to the downtown core. The proposed redevelopment is intended to complement the historic downtown area. Recent trends in commercial development are less speculative than in the past with one or more known tenants being identified prior to development. The development is expected to have a “regional draw that results in a more favorable” pull of non-local shoppers to the area, thus benefiting the overall community.

Establishment of the base zoning district is key to providing a framework for redevelopment of the site. Several parcels of land included in the redevelopment boundary are currently owned by the City. This project was discussed by the City Commission in October 2008 (*refer to on-line minutes for October 7, 2008*). The City Commission indicated support for selling the land for a redevelopment project, but retained the levee, levee rights-of-way, and necessary easements to access the levee, stormwater drainage, public utilities, and infrastructure. As development applications are submitted these elements will be rigorously reviewed to assure continued protection of public interests. Applicable development agreements between the City and the developer are required.

Appropriate phasing, building size, height, and massing of development construction addressing infrastructure, traffic access and circulation, and occupancy will protect nearby properties and the community at large. The execution of design guidelines that address physical aspects of the development are coordinated through the Historic Design Review and through the development plan process as a measure to ensure compatibility with existing development in the area and the community.

**Staff Finding** – As a planned development, the proposed zoning will not detrimentally affect surrounding properties.

**8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION**

Applicant's Response: *We feel that a planned development offers a more transparent process for the public and the city as a whole. We feel that this is beneficial to the public. Their insight is appreciated and we look forward to improving the area for more public use.*

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

At the heart of this request is a plan to reinvest in an area of the community that is underutilized. Redevelopment would provide an economic opportunity in the North Lawrence area that does not exist today and to protect and enhance existing historic community resources. This redevelopment as proposed provides a large-scale opportunity to utilize the Kansas River as an attraction-destination, as well as a linkage to downtown. These actions benefit the community with some risk as discussed in the retail market study. The current industrial zoning is not suitable for the existing uses and the proposed future redevelopment. This area, while part of the industrial inventory, lacks the necessary lot consolidation and highway access to be desirable for an employment-related use. With regard to industrial areas within the Union Pacific Railroad Corridor, *Horizon 2020* states:

*"...Efforts to discourage non-residential traffic in other parts of the neighborhood are highly encouraged. It is also recommended that consolidation of industrial sites occur whenever possible to remove those residential and incompatible commercial uses located within predominantly industrial development land use patterns in a concentrated effort to minimize those impacts and conflicts between incompatible land uses. When the industrial usage of a particular property cases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood commercial uses."*(pg 7-4)

This portion of the corridor is not developed with industrial uses. Denial of the request would hinder the redevelopment efforts for this area by limiting the mix of uses and density associated with the current zoning districts.

**Staff Finding** – The proposed request for the CD district allows for a mix of commercial and residential uses along with area, bulk, and height regulations accommodating a variety of development options. Denial of the request would not guarantee a gain to the public health, safety, and welfare but would hinder the planned redevelopment for this area. Approval of the request facilitates the redevelopment and allows for reinvestment in the area. Approval of the request with the requirement to develop appropriate design guidelines through the development plan process will protect the public interest and the community.

## **9. PROFESSIONAL STAFF RECOMMENDATION**

When approached by the applicant and their desire to plan for a mixed-use development, staff and applicant discussed various zoning district options to accommodate the development proposal. Comparisons of the MU and CD Districts were discussed. The applicant determined the CD district provided the most flexibility to develop residential units since the CD district is not limited by code. The 2011 zoning applications for CD zoning were approved. This request is modified from the original by including the PD overlay. The PD overlay is proposed in response to unsuccessful attempts to develop applicable design guidelines for the project that was conceptual at that time.

The CD district does not include a maximum density, permits a maximum building height of 90 feet, and does not require off-street parking. The existing CD District is also subject to a specific set of design guidelines applicable only to the area described in those guidelines. They would not extend to this expanded CD District. The density and dimensional standards also allow development in the CD district with zero lot line setbacks. Appropriate transitions and incorporation of applicable easements and levee setback standards are implicit in development of the area.

For this project, a percentage of the development should require residential development as a mixed-use project.

- The current industrial zoning does not allow residential uses, which are integral to a mixed-use development.
- The CD district does not allow detached, attached, or duplex dwellings.
- The CD district allows Multi-Dwelling Structures, Non-Ground Floor Dwelling, and Work/Live Units.

Non-Residential land uses allowed in the CD district are similar to those allowed in the CS with some notable exceptions.

- *Bars and Lounges* in the CD district are required to derive from the sales of food for the consumption on the premises not less than 55% of all the gross receipts for a calendar year from sales of food and beverages on such premises.
- *Gas and fuel sales* is not allowed in the CD district, but is allowed in the CS district. Most of the *Vehicle Sales and Services* uses are not permitted in the CD district.
- *Fast Order Food Drive-in* uses are not permitted in the CD district.
- *Retails Sales, Large* is a use defined as "An establish engaged in retail sales, where the aggregate of retail uses within a building is 100,000 or more gross square feet of floor a that may or may not include ancillary uses within internal access from the principal building."

A large format “big box” retail use would not be permitted; however, retail buildings less than 100,000 square feet could be considered. These generally auto-centric uses are not appropriate in a CD district.

Section 20-901 (f) of the Land Development Code addresses off-street parking and specifically exempts uses in the CD district from the requirement to provide off-street parking. The exemption exists to maintain the urban form of downtown and because the city provides parking in this district. Development at the scale and intensity planned for the subject site will not function without appropriate off-street parking. The site is too far from the existing defined downtown to be served by city-provided parking, in staff’s opinion. For these reasons, staff recommends the subject area provide the appropriate parking; however, through the review of the design guidelines, the parking ratios of certain uses and the ability to use on-street parking could be considered. Parking is discussed in detail as part of the development plan staff report.

Special attention to landscaping, transition areas along the periphery of the redevelopment area, access, and treatment of the levee and railroad right-of-way are necessary to assure compatibility with the surrounding area and retention of the integrity of the neighborhood and the existing historic downtown core.

### **CONCLUSION**

This request represents an opportunity to reinvest in an area of the community currently underutilized. With appropriate design guidelines and a balance of restrictions, this area can be complementary to the existing downtown and the surrounding neighborhood. Redevelopment of the area is subordinate to the overarching value of the levee and necessary limitations to assure the levee is protected. The preliminary development plan will establish the maximum building size and address design guidelines specific to the project to ensure expectations for development, adequate public infrastructure, and parking are provided in a manner complementary to the community.

As a planned development, conditions are not required for this project.