

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
03/27/2019

ITEM NO. 14A REZONING 21.254 ACRES FROM OS TO GPI; 5100 OVERLAND DR (BJP)

Z-19-00036: Consider a request to rezone approximately 21.254 acres from OS (Open Space) District to GPI (General Public and Institutional) District, located at 5100 Overland Drive. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 21.254 acres from OS (Open Space) District to GPI (General Public and Institutional) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

KEY POINTS

- The subject property is a portion of the property, approximately 29.050 acres, located at the northwest corner of Wakarusa Drive and Overland Drive.
- The preliminary plat application is being considered by the Planning Commission at their March 27, 2019 meeting to create two lots and two tracts. The proposed lots would be used for a future city park (Lot 2) and the City of Lawrence police headquarters facility (Lot 1). This rezoning request includes the tracts and Lot 1. Lot 2 will remain zoned OS (Open Space) District.
- The proposed future city park is a permitted use in the OS District; therefore Lot 1 does not require rezoning and is not included in this request.
- The Land Development Code classifies the GPI District as a "Special Purpose Base District", which is defined as a district established to accommodate a narrow or special set of uses that go beyond conventional residential, commercial, and industrial districts. Government and public institutional uses are examples provided by the Land Development Code for uses that should be included in a special purpose base district. The GPI District is intended to accommodate institutional uses, such as the City of Lawrence police headquarters facility, that occupy a large land area. The district regulations are designed to ensure that the uses developed within the district are compatible with the adjoining land uses.

ASSOCIATED CASES

- PP-19-00034: Consider a preliminary plat for Lawrence Police Headquarters, 2 lots and 2 tracts, located at 5100 Overland Dr. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.
- SUP-19-00071: Consider a special use permit/institutional development plan for Lawrence Police Headquarters, located at 5100 Overland Dr. Submitted by Hoefer Wysocki on behalf of the City of Lawrence, property owner of record.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request and adoption/publication of ordinance.
- Planning Commission approval of preliminary plat, PP-19-00034.
- Planning Commission consideration of special use permit application, SUP-19-00071.
- City Commission approval of special use permit application, SUP-19-00071, and adoption/publication of ordinance.
- Submittal and administrative approval of site plans prior to release of building permits.
- Administrative approval of the final plat.
- Recording of the final plat with the Douglas County Register of Deeds.
- Application and release of building permits prior to development.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment was received prior to the printing of this staff report.

REASON FOR REQUEST

Applicant's Response: *Required for use of property as public safety campus.*

Project Summary:

The project includes the rezoning of approximately 21.254 acres located at the northwest corner of Wakarusa and Overland Drives from OS (Open Space) to GPI (General Public & Institutional). The property is being rezoned and replatted to accommodate the development of the proposed City of Lawrence police headquarters. The proposed use, *Public Safety*, is not a permitted use in the current OS zoning. The purpose of the OS District is to enhance open space and for the development of park areas. Because the property proposed to be rezoned to GPI exceeds ten acres, an institutional development plan approved through the special use permit process is required in Section 20-1307 of the Land Development Code.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *Growth is anticipated to the west. This location is well suited for placement of a police facility.*

A review of the comprehensive plan recommendations follows.

Chapter 10 – Community Facilities

The introduction to Chapter 10 notes that public and semi-public uses are often difficult land uses to project in the future. Needs arise and the community must seek the appropriate locations for such uses dependent upon the populations they will serve.

The plan recommends the location of a police department substation near the western portion of the South Lawrence Trafficway to accommodate population growth occurring to the west.

Policy 1.4: Combine Facilities, recommends grouping of public facilities throughout the community to improve accessibility and promote efficient delivery of services. The proposed rezoning would facilitate the development of the City of Lawrence police headquarters on the south portion of the property. A future public park is planned for the northern portion of the property.

Policy 2.1: General Locational Criteria, states that public facilities that serve the community should be located on arterial, collector, or frontage streets in nonresidential areas. The subject property is located near the northwest corner of Overland Drive and Wakarusa Drive and is adjacent to commercial and community uses to the south and west. The property is also located near

residential uses to the west and southwest; however, the property is not located in a residential area. The *Major Thoroughfares Map of Transportation 2040* identifies Overland Drive as a collector and Wakarusa Drive as a principal arterial.

Staff Finding – The proposed rezoning conforms to *Horizon 2020* policies related to community facilities.

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

GENERAL INFORMATION

Current Zoning and Land Use: OS (Open Space) District; vacant.

Surrounding Zoning and Land Use: **To the north:**
OS (Open Space) District; vacant.

To the south:

RM15 (Multi-Dwelling Residential) District; *Multi-Dwelling Structure*.

OS (Open Space) District; drainage easement.

PCD-[6Wak] (Planned Commercial Development) District;
Retail Sales, General (Wal-Mart).

CO (Office Commercial) District; *Health Care Office, Health Care Clinic*.

To the east:

GPI (General Public and Institutional Use) District; *School* (Free State High School).

To the west:

PRD (Planned Residential Development) District; *Multi-Dwelling Structure*.

Staff Finding – The area contains nonresidential uses to the south, east, and north, and residential uses to the southwest and west. The adjacent residential development consists of multi-family residences. The nonresidential uses consists of retail, a medical facility, a high school, and a future public park.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: *Multi-family and single-family residential located west of the site. Commercial to the south. The high school is located to the east. Open space zoning for park use will remain north of the police facility lot. A substantial amount of the existing mature trees and the existing natural drainage way will be preserved.*

Commercial and community uses are located near the intersection of Wakarusa Drive and Overland Drive; however, the properties to the west and southwest of the subject property are most recognizable as residential with *Multi-Dwelling Structures*. The proposed Lawrence police headquarters facility would be located on the fringe, but not within, a neighborhood.

Staff Finding – The area contains a mixture of residential and nonresidential uses, but the area immediately south and east of the subject property is developed primarily with nonresidential uses. Given this, the character of the neighborhood will not be affected.

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

Staff Finding – The subject property has not been included in a specific area or sector plan. *Horizon 2020* is the guiding plan for this area.

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

Applicant’s Response: *Property is suited for proposed use as a police facility site with the remaining open space reserved for park use.*

The request is to rezone the subject property from the OS District to the GPI District. The intent of the rezoning is to facilitate the development of the Lawrence police headquarters facility, a *Public Safety* use. The *Public Safety* use is permitted in a variety of zoning districts, such as commercial and industrial districts; however, the GPI District is the most suitable zoning district give that the purpose of the district is to accommodate institutional uses located on large land areas.

Below, Table 1 lists the uses which are permitted in the OS and GPI Districts. Uses that are permitted in the GPI District but not the OS District are shown in **bold**.

Land Use	OS	GPI
Attached Dwelling	-	P
Detached Dwelling	-	P
Manufactured Home	-	P
Mobile Home	-	P
Multi-Dwelling Structure	-	S
Assisted Living	-	S
College/University	-	P

Cultural Center/Library	S	P
Detention Facility	-	S
Event Center, Small and Large	-	S
Lodge, Fraternal, & Civic Assembly	-	P
Postal & Parcel Service	-	P
Public Safety	-	P
School	-	P
Temporary Shelter	-	S
Social Service Agency	-	P
Community Meal Program	-	S
Utilities, Minor	P/S	P/S
Utilities and Service, Major	S	P
Community Mental Health Facility	-	P
Extended Care Facility, Limited	-	S
Health Care Office, Health Care Clinic	-	P
Outpatient Care Facility	-	P
Active Recreation	S	A/S
Entertainment & Spectator Sports, General	-	S
Entertainment & Spectator Sports, Limited	S	P
Participant Sports & Recreation, Indoor	-	GPI
Participant Sports & Recreation, Outdoor	-	A/S
Passive Recreation	P	P
Nature Preserve/Undeveloped	P	P
Private Recreation	P	P
Administrative and Professional Office	-	P
Commercial Parking Facility	-	P
Campground	S	-
Maker Space, Limited and Intensive	-	A/S
Light Wholesale, Storage, and Distribution	-	S
Designated Historic Property	S	S
Agriculture, Crop	P	P
Farmer’s Market	S	A
Communications Services Establishment	-	P
Wireless Support Structure	S	A
Table 1: Comparison of uses permitted in the OS and GPI Districts. Uses permitted only in the GPI District are shown in bold .		

Staff Finding – The subject property is suitable for the uses to which it is currently restricted under the OS zoning district. The requested rezoning would facilitate the development of the City of Lawrence police headquarters facility, which is compatible with the surrounding area.

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

Applicant’s Response: *Unknown*.

Staff Finding – The subject was annexed in 1998. The property was vacant at the time of annexation and development has not occurred on the site since that time.

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

Applicant's Response: *No detrimental effect to adjacent properties.*

The proposed GPI District provides safeguards to the abutting residential properties with a 40 foot setback requirement. The associated preliminary plat also proposes tracts along the west and east property lines that will provide further buffering from the adjacent properties. The potential uses in the GPI District are compatible with the existing land uses in the area.

Staff Finding – Rezoning the property to the GPI District will not detrimentally affect the surrounding area.

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: *Improved efficiency of public safety service to the community at large. Denial would require selection of an alternative site for the police facility and result in project delays.*

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.

The proposed City of Lawrence police headquarter facility cannot be developed in the current OS zoning district. The use is compatible with the nearby residential and nonresidential uses. Rezoning to GPI allows the development while providing increased safeguards to the abutting residential properties with the larger setback restriction in the proposed district.

Staff Finding – Approval of the rezoning request will facilitate the development of the City of Lawrence police headquarters facility, which is compatible with the existing uses in the area. There would be no gain to the public health, safety, and welfare through the denial of the rezoning request.

9. PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed request for its compliance with the comprehensive plan, the Golden Factors, and compatibility with surrounding development. The Land Development Code classifies the GPI District as a "Special Purpose Base District", which is defined as a district established to accommodate a narrow or special set of uses that go beyond conventional residential, commercial, and industrial districts. Government and public institutional uses are examples provided by the Land Development Code for uses that should be included in a special purpose base district. The GPI District is intended to accommodate institutional uses, such as the City of Lawrence police headquarters facility, that occupy a large land area. The district regulations are designed to ensure that the uses developed within the district are compatible with the adjoining land uses.

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