

**ITEM NO. 13 REZONING 5.046 ACRES FROM PCD-2 TO PCD-2; 2210, 2240, 2270 WAKARUSA DR (MKM)**

**Z-19-00044:** Consider a request to rezone approximately 5.046 acres from PCD-2 (Planned Commercial Development) District to PCD-2 (Planned Commercial Development) District with revised use restrictions, located at 2210, 2240, and 2270 Wakarusa Dr. Submitted by Tim A Herndon Planning & Design on behalf of Off-Piste Inc, property owner of record.

**STAFF PRESENTATION**

Mary Miller presented the item.

**APPLICANT PRESENTATION**

Tim Herndon, Tim A. Herndon Planning & Design, agreed with the staff report. He stated the only change from the previously approved plan was to remove the previously approved convenience store and replace it with five finished-to-suit spaces of retail office with five residential apartments above it.

**PUBLIC HEARING**

Gary Stussie said he was not in favor of having another level, especially residential, on top of any buildings at the site. He said the topography of the area would allow light pollution into his home. He expressed concern about property value and marketability of his home. He did not want the site to become like the intersection of 6<sup>th</sup> Street & Wakarusa.

JP Guilfoyle, 2233 Killarney Ct, said the back of his house looks at a green belt. He expressed concern about property value, structure height, privacy, noise, and stormwater. He did not want the design to encroach on his property.

Donna Osness said she was representing 51 units at Parkway 6000. She expressed concerned about decreased property value, the height of the project, and the impact to the view.

**APPLICANT CLOSING COMMENTS**

Herndon said in 1998 when the property was rezoned to PCD the design was for a 4-story 40,000 sq. ft. office building with ground floor retail and office above. He said the market changed and the project did not move forward. He said the property ownership changed hands and in 2006 the current project was proposed, which included a convenience store with canopy and fuel pumps. He said the current zoning allowed for a 4-story building but he was only proposing 2-story. He said the traffic generation would be reduced by 30% by removing the convenience store. He said the change would de-intensify the property. He said the site area the homeowners were referring to was an area not being changed and already had an approved plan.

**COMMISSION DISCUSSION**

Sands inquired about the trash enclosure for lot 1

Herndon said the currently approved plan for a convenience store had the trash enclosure back closer to the neighbors. He said it would be moved to the west side of the building so it could be screened better. He said the access to the dumpster and circulation of the site was not changing. He stated the only change relative to traffic was that it would be reduced by 30%.

Commissioner Sands asked if there would be a fast-food tenant at the site.

Herndon said no, it was suited for a drive-thru coffee shop or dry cleaner, for example.

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Commissioner Sands inquired about lighting mitigation.

Herndon said the City lighting ordinance dictates zero candlepower at the property line. He said the site would include some light shields. He said the location had a 100' wide drainage easement separating the developments.

Commissioner Ashworth asked staff about the lighting.

Mary said the lighting Code required pole mounted lighting to be full cutoff fixtures so the light would not glare to offsite properties. She said occasionally when there are topography differences additional shielding may be required after the fact.

Commissioner Carpenter asked about the next steps.

Miller said if the rezoning was approved the applicant would then submit a revised preliminary development plan that would show the entire project.

McCullough said the site had an extension of the existing site plan. He said the previous plan was approved under the former Land Development Code so it was possible it may need to be brought up to the standards of the current Code.

Commissioner Willey inquired about the landscaping buffer.

Miller said staff would look at buffering and screening with the plan. She said evergreen hedges could be used instead of a wall but it was up to the applicant on the type of screening.

McCullough said the Preliminary Development Plan would come to Planning Commission with notice to the neighbors. He said the site had some buffering that other properties do not. He said the existing residential uses did not allow enough buffering. He stated lighting wasn't always known until the lighting was in place but that there were ways to mitigate the light with shields.

Commissioner Willey suggesting putting the future preliminary development plan at the beginning of the agenda for the neighbors. She said she was in favor of the rezoning because it was a less intense use and added economics to the property for it to develop.

Commissioner Struckhoff said he was generally in favor of the rezoning.

Commissioner Sands said he was in favor of the rezoning. He asked the applicant to mitigate lighting with landscaping.

#### **ACTION TAKEN**

Motioned by Commissioner Butler, seconded by Commissioner Struckhoff, to approve the rezoning request, Z-19-00044, for approximately 5.046 acres from PCD-[Stoneridge Plaza] PCD-2 to PCD-[Stoneridge Plaza] PCD-2 with revised uses subject to the following conditions:

1. Uses permitted in the revised PCD zoning shall be limited to the following:  
*Multi-Dwelling Structures, Non-Ground Floor Dwellings*, Uses permitted in the following use groups from the 1966 Zoning Ordinance: Use Groups 7, 8, 9, 9A, 11, and 12 (with the exception of *Pawnshops*), and *Athletic Club* included in Use Group 15.

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2. The maximum area of commercial/retail use permitted in the district is limited to 12,700 square feet with the balance of the project to be residential and office uses.

Motion carried 9-0. Commissioners Ashworth, Butler, Carpenter, Carttar, Paden, Sands, Struckhoff, Weaver, and Willey voted in favor of the motion.

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