

PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
04/21/2014

ITEM NO. 6A PCD TO PCD; 8 ACRES; 4700 OVERLAND DR (SLD)

Z-14-00057: Consider a request to rezone approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive. The zoning application proposes modifying the uses in the PD (Planned Development) from a mix of residential, office, with 14,440 SF of retail space to 45,048 SF retail space, 6,150 SF office space, and no residential use. Submitted by Treanor Architects, for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest] based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. The maximum retail area for the entire PCD-[Bauer Farm Northwest] shall not exceed 50,000 gross square feet.
2. No single retail or commercial building shall be larger than 50,000 gross square feet of space.
3. All residential uses are prohibited.
4. The permitted list of uses shall be included as part of the rezoning ordinance to specifically include:
 - a. Licensed Premises; and Liquor, wine and beer sales for consumption off the premises.
 - b. Hotel and Motel
5. The permitted uses include uses listed on the approved Final Development Plan for Bauer Farm in the following Use Groups, except as specifically prohibited here:
 - a. USE GROUP 7 – COMMUNITY FACILITIES – PUBLIC UTILITIES, are permitted except the following uses are **prohibited**: Halfway house or service-oriented rehabilitation center or residence; Hospital, general, not including animal; Rehabilitation center for persons with disabilities; and Sewage disposal plant, private;
 - b. USE GROUP 9 – PROFESSIONAL OFFICES; are permitted
 - c. USE GROUP 9A – LIMITED SERVICES; are permitted
 - d. USE GROUP 11 – INNER NEIGHBORHOOD COMMERCIAL USES; are permitted
 - e. USE GROUP 12 – RETAIL STORES – PERSONAL SERVICES, are permitted except the following uses are **prohibited**: Automobile service stations; Department store; Food convenience store, including gasoline sales and single bay auto wash; Furrier shop, including the storage of furs; Hat blocking and repair; Pawnshop; Reading room; Surgical and dental supply sales; Similar Uses; and Accessory Uses;
 - f. USE GROUP 13 – AUTOMOTIVE SERVICES; RETAIL SALES; OTHER, are permitted except the following uses are **prohibited**: Aircraft sales, rental, service; Ambulance service; Auction room auctioneer; Automobile service station; Baseball park, commercial; Boat and marine sales, rental and repair; Carnival or circus; Carting, crating, express hauling, moving and storage; Eating establishment, providing only drive up service or no seating facilities; Exterminator, pest; Food

- convenience store, including gasoline sales; Food locker plant, for consumer use; Funeral home, mortuary, or undertaking establishment; Garage or parking for common or public utility vehicles; Glass sales and cutting shop; Linen supply, diaper service, uniform supply; Liquids, flammable, underground storage of; Lumber, limited sales; Media Store (Ord. 7226); Mobile homes, sales and service; Motorcycle sales, service and rental; Photostatting; Sex Shop (Ord. 7226); Sexually Oriented Media Store (Ord. 7226); Taxidermist; Telephone answering service; Theatre, drive-in; Trailer sales and rental; Transit vehicle storage and servicing; Truck rental and sales; Similar Uses; and Accessory Uses; AND
- g. USE GROUP 15 – AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES, are permitted except the following use is **prohibited**: Race Track.

Reason for Request:

The request for rezoning is to amend the retail cap currently in-place for the Bauer Farm Development. Please refer to the Comprehensive Plan Amendment application included with this submittal.

KEY POINTS

- The rezoning request amends a portion of the original PD-[Bauer Farm PCD] to be known as PD-[Bauer Farm Northwest PCD].
- This request is submitted concurrently with a revised preliminary development plan.
- This request removes the mixed use portion of the commercial development proposed in the original development concept.
- Residential density included in the original development concept is relocated to the PRD portion of the development.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- CPA-14-00059; Comprehensive Plan amendment. Concurrent item on this agenda
- **Z-14-00057; Rezoning Request – subject of this staff report**
- PDP-14-00055; Revised Preliminary Development Plan for Bauer Farm and Bauer Farm Northwest. Concurrent item on this agenda.
- PF-14-00054; Final Plat for Bauer Farm 6th Plat – Administrative item that will final plat the balance of the undeveloped commercial land north of Bauer Farm Drive.
- Submission and approval of a Final Development Plan prior to issuance of a building permit.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Not required for rezoning
- *Downstream Sanitary Sewer Analysis* – not required for rezoning
- *Drainage Study* – Not required for rezoning
- *Retail Market Study* – Not required for rezoning

ATTACHMENTS

Attachment A: Area Map
Attachment B: Use Group Tables – 1966 Zoning Code
Attachment C: Existing and proposed use restrictions

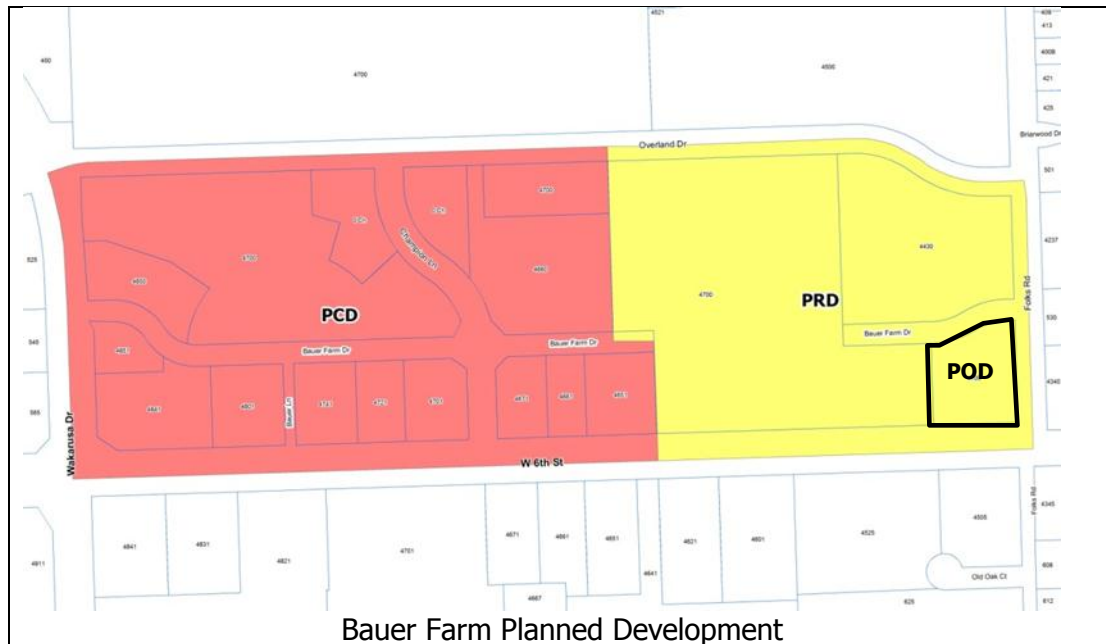
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Letter from Kirk McClure

Project Summary:

This Planned Development (PD) known as Bauer Farm currently includes three distinct zoning districts.

- 31.29 Acres of PCD – Planned Commercial Development
- 21.42 Acres of PRD – Planned Residential Development
- 2.3 Acres of POD - Planned Office Development (pending publication)



The project has been separated into two halves at this time, a commercial half and a residential half. This proposed request is for 8 acres within the PCD portion of the Bauer Farm Development Plan that modifies the existing use and development restrictions. This area will be known as PD-[Bauer Farm Northwest PCD]. The remaining commercial area will retain the original name, uses, and restrictions as PD-[Bauer Farm PCD].

The general history of the Bauer Farm Development is summarized later in this report. This proposed zoning request specifically alters the allowed uses and the amount of retail area within the northwest portion of the Bauer Farm Planned Development. Uses are based on the Use Groups established in the 1966 Zoning Code. A copy of the Use Group tables are attached to this report for reference. Existing Use restrictions established per Z-6-7-07; Ordinance 8359 and are listed in Attachment C. In addition to restricting uses, the ordinance limits the maximum amount of gross square feet of space – 72,000 GSF and no one building shall be more than 50,000 GSF.

The proposed changes increase the retail limitation and propose to permit Hotel and Motel uses. This development was originally intended as a mixed use development. Development conditions have not resulted in a project envisioned by the original approval for this area. One reflection of the change to a more conventional development pattern is the removal of the residential elements within this quadrant of the development. The proposed zoning and development plan retain the limitation on single commercial buildings less than 50,000 SF.

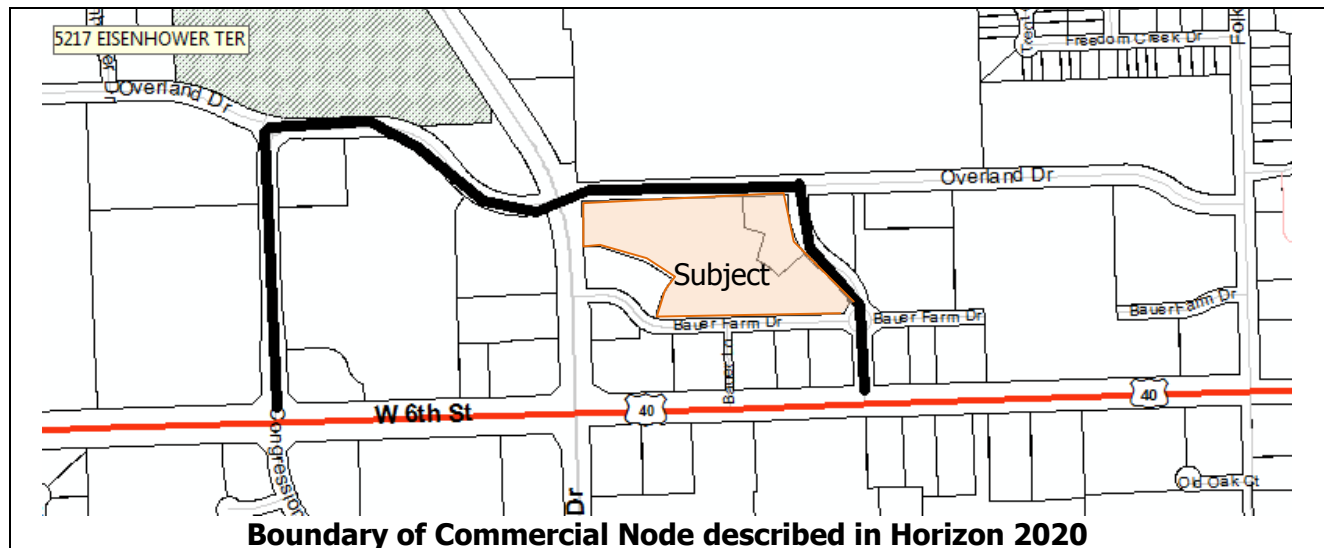
1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: *As stated above (reason for the request), this request includes an application to amend the current retail cap in-place for the Bauer Farm Development. Please refer*

to the comprehensive Plan Amendment application included with this submittal to detail how the increased retail will conform to the Horizon 2020 plan.

This application has been submitted concurrently with a request for a Comprehensive Plan Amendment. *Horizon 2020* provides general commercial strategies in Chapter 6. The plan recommends commercial "development occur in nodes and avoid continuous lineal and shallow lot depth." The plan also encourages infill development and/or redevelopment of existing commercial areas. *Horizon 2020* identifies W. 6th Street and Wakarusa Drive as an existing commercial area (page 6-3).

It should be clear that this rezoning does not amend the boundary of the existing commercial geographic area but does modify the allowed uses and intensity through changes in the allowed uses and amount of retail space of the district. The proposed request does not expand the commercial node beyond Overland Drive. This is consistent with *Horizon 2020* recommendations. The following graphic highlights the boundary of the W. 6th Street and Wakarusa Drive node as described in *Horizon 2020*.

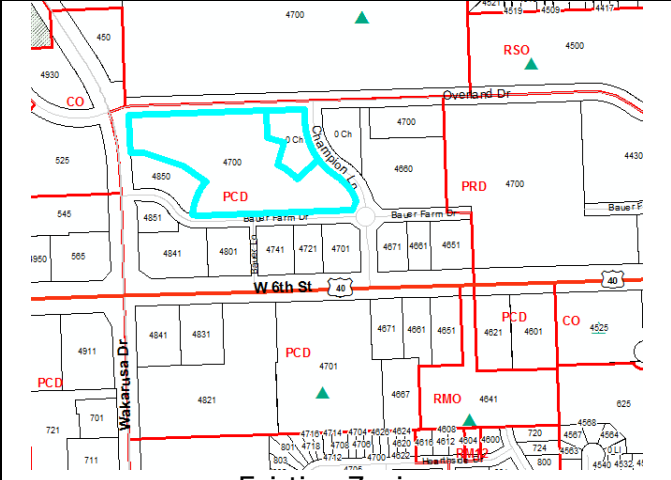
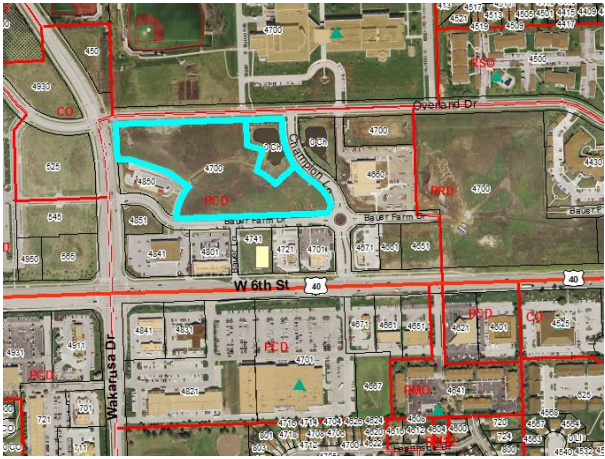


The current language of *Horizon 2020* identifies W. 6th Street and Wakarusa Drive as an existing Community Commercial Center but also recognizes that "the existing node exceeds the commercial gross square footage at the intersection than is recommended for a CC200 Center." (page 6-17) The comprehensive plan is discussed, in detail, in the related CPA report (CPA-14-00059). Approval of the rezoning will allow more gross commercial square footage in this area.

Staff Finding – Approval of this request modifies the intensity of the overall node but does not expand the geographic boundary of the designated commercial area. This request is consistent with the location recommendations of *Horizon 2020* but inconsistent with the current intensity of development. Assuming approval of the proposed Comprehensive Plan Amendment, the proposed change would comply with the intensity of development.

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

GENERAL INFORMATION	
Current Zoning and Land Use:	PD-[Bauer Farm PCD]; developing commercial area between

	Wakarusa Drive and Champion Lane and between Overland Drive and W. 6 th Street.
Surrounding Zoning and Land Use:	<p>To the north: GPI (General Public and Institutional) District on the north side of Overland Drive. Existing Free State High School campus.</p> <p>To the west: CO (Commercial Office) District and PD-[6Wak PCD] along the west side of Wakarusa Drive. Existing undeveloped commercial pad sites.</p> <p>To the south: PD-[Westgate PCD] south of W. 6th street. Existing commercial development.</p> <p>To the east: PD-[Bauer Farm PRD]; developed retirement facility and undeveloped land adjacent to commercial portion of development request.</p>
	
Existing Zoning	Existing Land Use

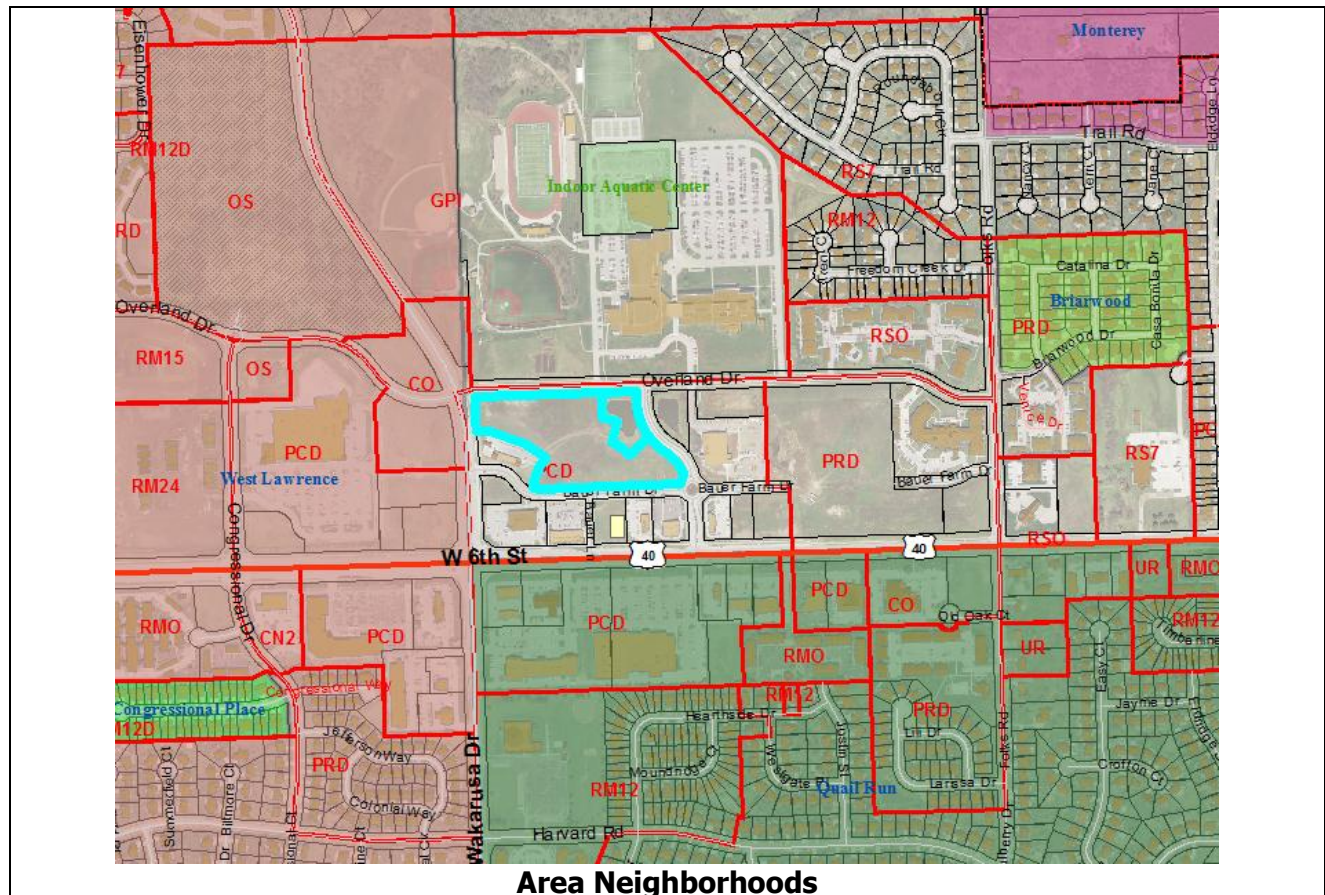
Staff Finding – This property is part of the Bauer Farm Planned Development. The western portion is zoned for commercial uses. The property is surrounded by a variety of non-residential uses including the Lawrence Free State High School along the north side of Overland Drive, retail uses along the south side of W. 6th Street. Undeveloped residential land to the east and undeveloped commercial and office land to the west.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: *The Bauer Farm development is a mixed-use development of retail, office and residential use. Currently, the development has nine (9) structures constructed as well as public infrastructure (storm, sanitary water) utilities. The development also features shared on-site detention.*

This property is not located within a designated neighborhood but is adjacent to the West Lawrence Neighborhood to the west and the Quail Run Neighborhood to the south. This property

is part of the *West 6th Street and Wakarusa Drive Area Plan* discussed later in this report. This rezoning request was submitted concurrently with a revised Preliminary Development Plan that further defines the character of the neighborhood through a proposed the physical development pattern that will result if the rezoning is approved. Portions of the Bauer Farm Planned Development are vacant, including commercial and residential areas.



The Bauer Farm Planned Development is located along the W. 6th Street corridor. It is bounded by Overland Drive to the north, Wakarusa Drive to the west, W. 6th Street to the south and Folks Road to the east. Bauer Farm is a micro-neighborhood area that was designed and planned for a mix of residential and non-residential uses. Auto oriented commercial uses were designed and designated to be located adjacent to W. 6th Street. The original development plan included vertical mixed-use buildings north of Bauer Farm Drive, within the boundary of the proposed zoning change.

The focus of the Preliminary Development Plan review was on the commercial portion of the development and that the cursory review of the residential changes focused on the shift of units from the west side to the east side. Staff has assumed that the total residential units represented is consistent with the PRD-3 zoning maximum density of 25 units to the acre.

Residential Uses in the Neighborhood

To date, the east part of the development plan, identified for residential uses, only includes the retirement facility at the corner of Folks Road and Overland Drive. If approved, the proposed request will modify the residential uses within the Planned Development. The type and orientation of the residential use north of Bauer Farm Drive within the commercial portion of the development

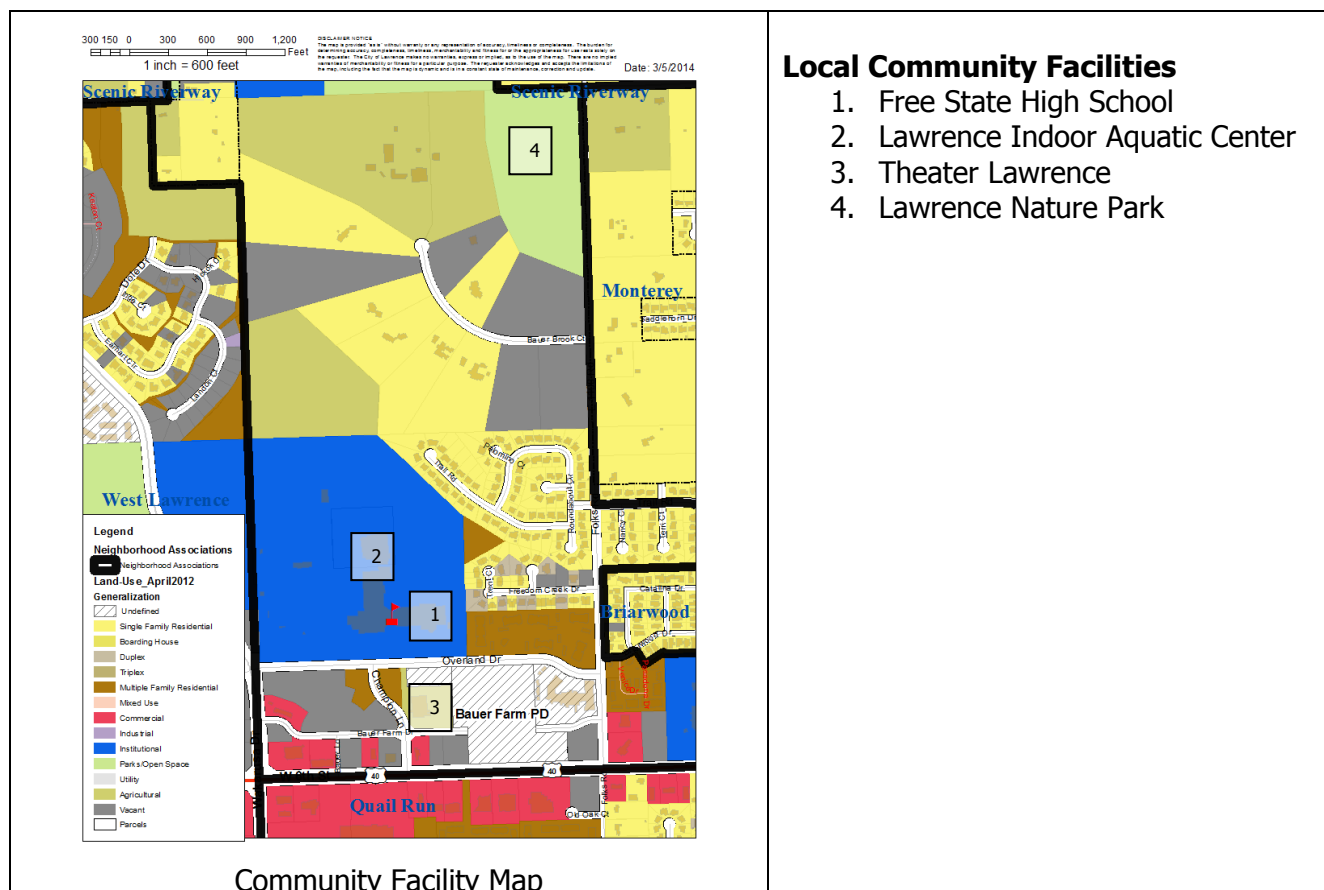
were part of the vertical mixed use form planned for the area. Approval of this request removes the residential element from the commercial area of the Planned Development.

Additional review of the residential configuration will include an analysis and detailed plan for utility extension as well as vehicular access and circulation with a final plat and a final development plan for the residential portion of the development.

Commercial Uses in the Neighborhood

The commercial portion of Bauer Farm is located generally between Champion Lane and Wakarusa Drive but also includes three lots east of Champion Lane along W. 6th Street and Theater Lawrence on the northeast corner of Champion Lane and Bauer Farm Drive. The current PD-[Bauer Farm PCD] is dominated by auto-oriented uses that include a tunnel carwash, a pharmacy with a drive up window, a tire repair store, and three eating and drinking uses with drive-thru/pick up windows along Bauer Farm Drive. Another significant use within the development is Theater Lawrence, a community use, that is not counted in the retail square footage summaries. This use separates the residential from the commercial use within this development area.

The broader neighborhood area east of Wakarusa Drive and north of W. 6th Street includes 60 acres that make up the Lawrence Free State High School campus and a variety of residential uses.



Staff Finding – Bauer Farm PD is a micro neighborhood within a larger neighborhood context. Bauer Farm is also located at the intersection of several neighborhoods and includes or is adjacent to significant community facilities. Much of the land within the Bauer Farm Planned Development is vacant.

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

This property is located within the *West 6th Street and Wakarusa Drive Area Plan*. The subject of this request is in a portion of the commercial node and has remained vacant since the original development approvals were granted in 2003. The Area Plan states:

- *The intensity of uses should step-down as they move away from the immediate intersection.*
- *W. 6th Street/ Wakarusa Drive is anticipated to evolve into one of the more prominent commercial centers of the community.*
- *City Staff was directed to ensure that new development is compatible with existing development located within and adjacent to the intersection areas.*

The plan specifically addresses the area east of Wakarusa Drive as follows:

The Area East of Wakarusa Drive

The area located east of Wakarusa Drive (the northeast corner of the West 6th Street/Wakarusa Drive intersection) is recommended as most appropriate for commercial development of a non-retail focus. As three (3) corners of this intersection are likely to develop as retail centers, it is recommended the remaining corner incorporate less-intensive commercial development. This corner is in closest proximity to the high school complex and indoor aquatic center to the north and adjacent residential neighborhoods to the northeast. It is recommended the existing A, Agricultural, zoning designation be rezoned to PCD-2 with restrictions. The restriction being that the development of this corner of the intersection incorporate some kind of recreational commercial use, mixed-use office-residential activity, public or semi-public/institutional use, or other such use or activity that can be demonstrated as having a less intensive impact on traffic patterns and surrounding land use activities and neighborhoods. It is also recommended that up to 62,000gsf would be permissible for retail commercial use if planned as part of an overall development plan incorporating a mix of uses that are designed to be pedestrian-friendly.

The development plan for Bauer Farm has evolved since the original approval in 2003. The development includes Theater Lawrence in the central portion (part of the Commercial area) of the planned development consistent with the *Plan* recommendation for public/institution/recreational type use.

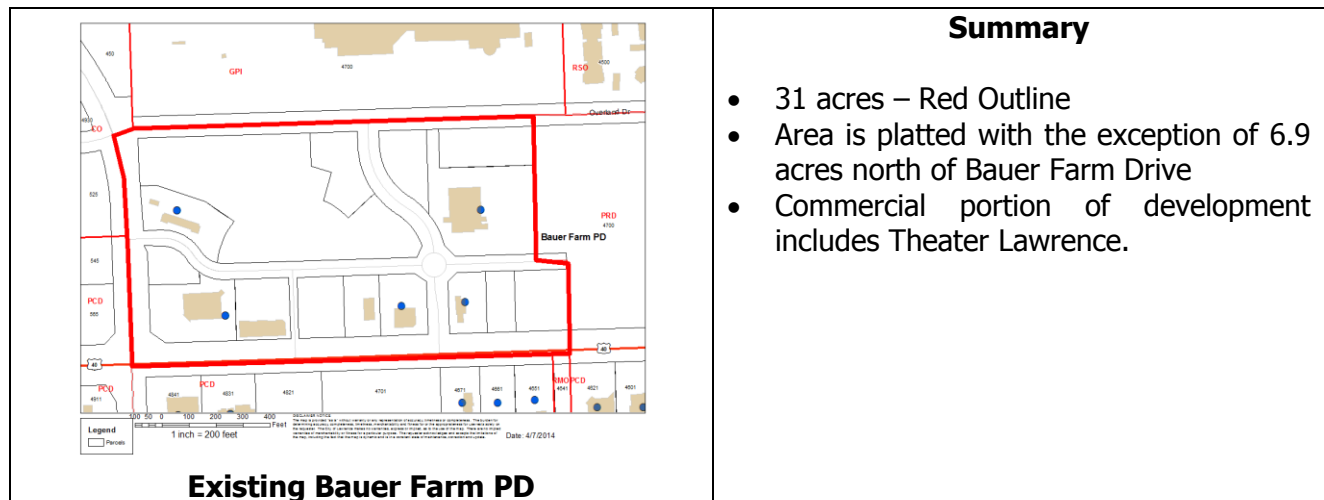
This rezoning request represents an amendment to the existing uses and intensity of development by an overall increase in the total retail area allowed as well as amending the mix of uses within the commercial portion of the Bauer Farm Planned Development. The proposed changes will result in a conventional commercial development typology rather than the mixed-use office-residential activity previously approved through the zoning and development plan for this property.

Staff Finding – As written the proposed zoning, when considered concurrently with the revised Preliminary Development Plan, do not result in the integrated mixed-use development pattern anticipated for this area and described in the area plan.

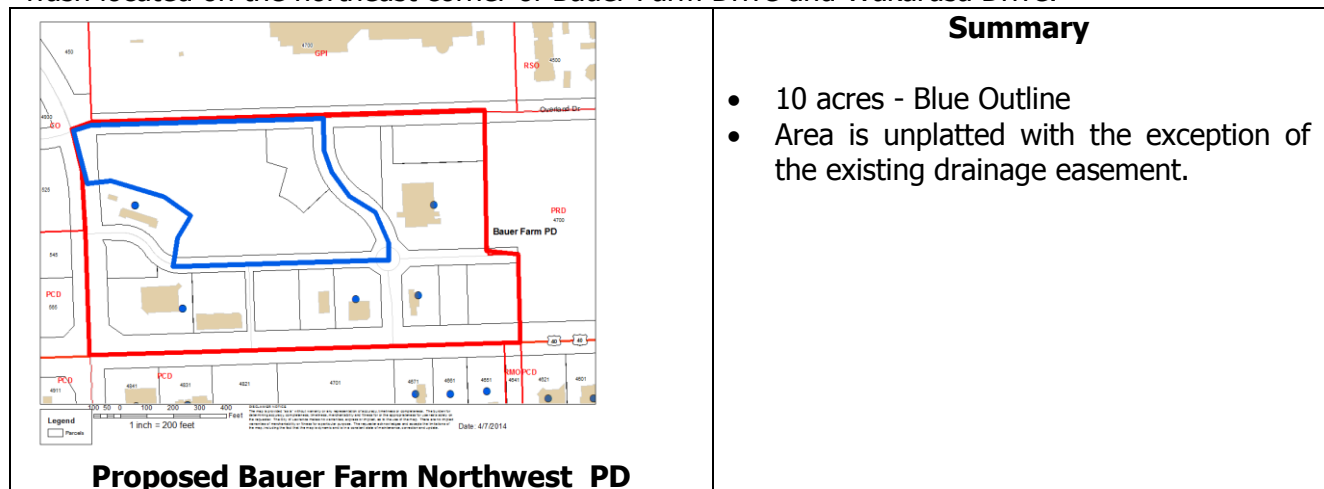
5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

Applicant's Response: *The Bauer Farm development is currently zoned as a planned development (PD) and shall remain unchanged. This zoning request is to amend the retail use/allotment from the current cap of 72,000 SF to 112,000 SF*

This zoning request will establish a separate planned commercial zoning boundary applicable to the northwest portion of the development. The current PCD included 31 acres (including right-of-way). This rezoning request is considered concurrently with the revised Preliminary Development Plan (PDP-14-00055).



The proposed request would rezone only the northwest quadrant of the PCD excluding the car wash located on the northeast corner of Bauer Farm Drive and Wakarusa Drive.



The proposed request would modify the allowed uses specifically to include a hotel/motel use planned on the southeast corner of Overland Drive and Wakarusa Drive and to accommodate an increase in the total retail square footage for the node. The proposed square footage for the proposed PCD is 60,308 SF. Of this total 15,285 SF is designated for a 108 room hotel that is not technically a retail use category per Section 20-1107 of the Land Development Code.

Residential uses within the overall planned development have been relocated to the east half of the planned development. As such, the lot designated as a multi-story multi-family use in the northwest corner of the PC has been revised to a hotel/motel use. Residential uses in the proposed

development pattern, as shown in the revised Preliminary Development Plan, are inconsistent within the developing commercial pattern of the surrounding properties. Residential uses are not recommended in this revised configuration.

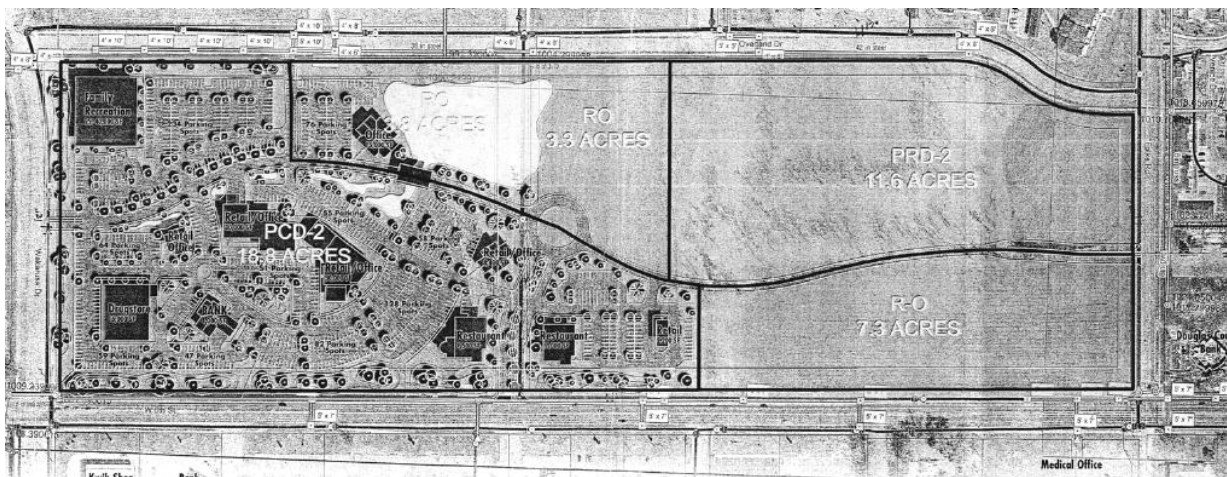
Prior to submission of the application, staff discussed zoning options, including a conventional zoning designation, that would remove the subject property from the planned development. This option was found to be problematic for both procedural reasons and accounting purposes when assessing the development in the context of the remaining planned development. The proposed zoning retains the base district as a Planned Commercial District but amends the uses and intensity permitted for this portion of the planned development. To distinguish this area from the remaining planned commercial zoning it has been designated as Bauer Farm Northwest.

Staff Finding – The existing zoning limits are not suitable for the developing character of this Planned Development. Residential uses are more suitable in the area east of Champion Lane.

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

Applicant's Response: *This property is multi-phased development, with the initial planning commencing in 2005.*

The following summary provides a brief history of the evolution of the Bauer Farm Planned Development. The original commercial rezoning included only 18.93 acres in 2003 (Ord. 7756).

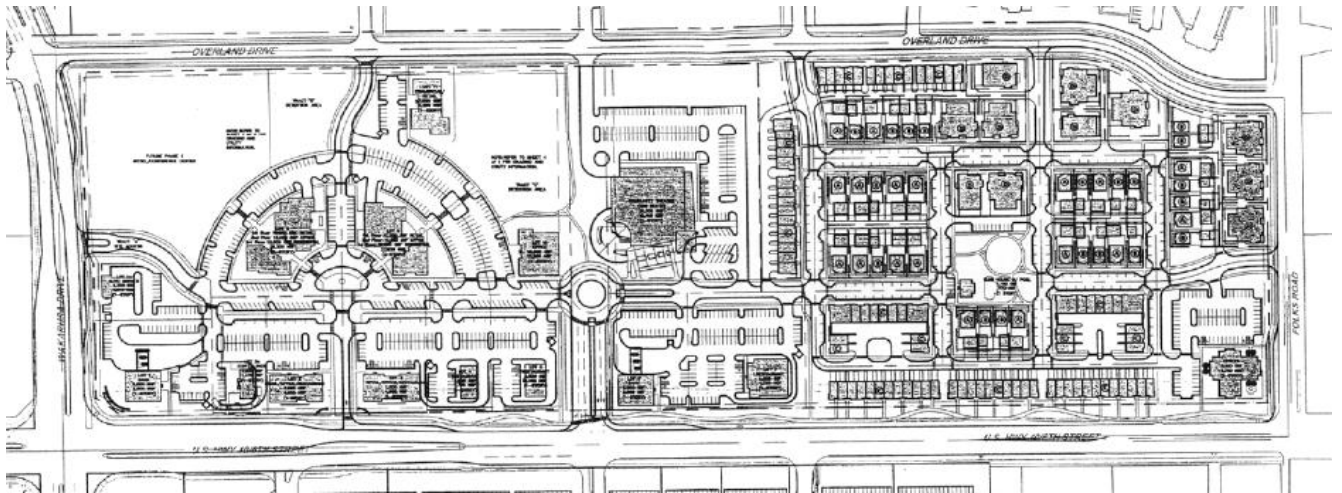


2003 Bauer Farm Development Concept

Original restrictions included "no one building shall be larger than 50,000 SF of space"; "there be no more than 62,000 GSF of retail commercial space" and "uses listed be included as part of the zoning ordinance".

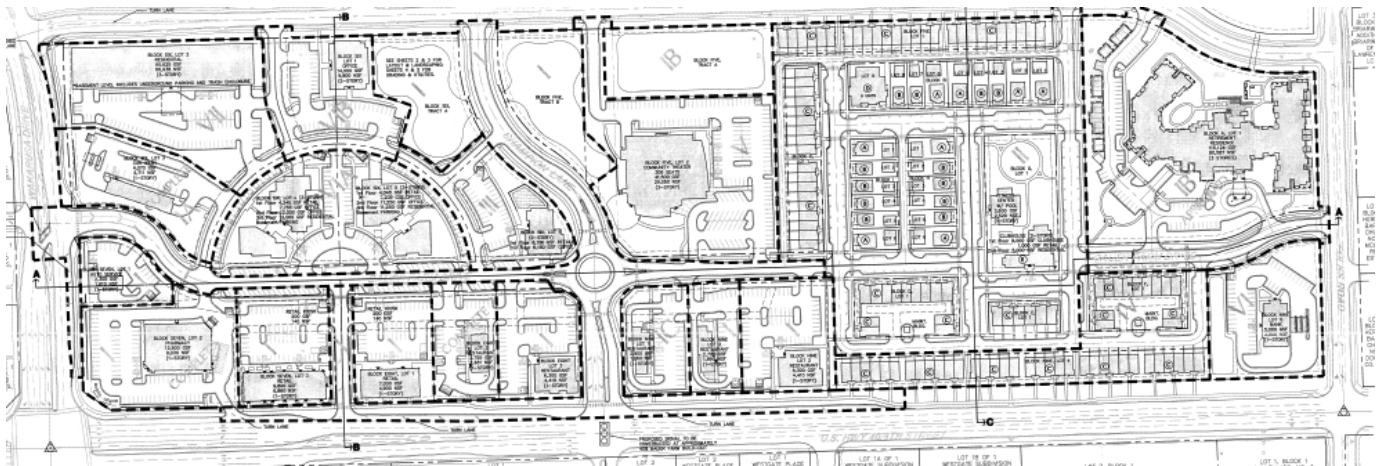
In October 2005 the commercial boundary was expanded (Z-3-17-05) to include an additional 8.23 acres east of Champion Lane and uses were revised (Z-7-48-05).¹ Multi-Family Residential uses were added as well as uses in **Use Groups 12, Retail Sales** and **Use Group 13 Automotive Service, Retail Sales Other** with some uses in each Use Group specifically prohibited. The related Preliminary Development Plan was eventually approved by the City Commission on March 4, 2008.

¹ PC staff report 10/25/2005. Zoning requests were concurrent with the Preliminary Development Plan PDP-3-2-05.



2005 Revised Bauer Farm Development Concept approved in 2008

Uses within the PCD portion of the development were again revised in 2007 (Z-6-7-07; Ord. 8359). This ordinance is the currently applicable regulation for use of this property. The Preliminary Development Plan was revised in 2009 to accommodate the tunnel car wash. The uses were not altered by that development plan change. A modification was made in late 2010 to accommodate a revision to the lots along W. 6th Street east of Champion Lane for the Burger King site. The 2010 approval did not change the uses, limitation on drive-thru's for restaurant uses, or otherwise impact the number of lots or total retail square footage. It did amend the interior lot lines of the three lots. Two of the lots along W. 6th Street east of Champion Lane remain vacant. They are not included in the proposed zoning changes.



Also, a revised Preliminary Development Plan in 2010 amended the residential portion of the Bauer Farm PD. This request removes the residential uses from the commercial portion and reallocates them to the residential portion PD-[Bauer Farm PRD]. The residential allocation is discussed as part of the revised Preliminary Development Plan staff report (PDP-14-00055).

Several lots within the commercial portion of the PD have been constructed. The following table summarizes the developed lots within PD-[Bauer Farm].

Existing Use	Address	Gross SF	Net SF
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CVS Pharmacy	4841 Bauer Farm Dr.	12,900	9,030
Retail Building - Sprint	4801 Bauer Farm Dr.	9,800	6,860
Discount Tire	4741 Bauer Farm Dr.	7,130	5,040
Taco Bell	4721 Bauer Farm Dr.	2,755	2,481
Retail Building –Starbucks	4701 Bauer Farm Dr.	5,372	3,760
<i>Theater Lawrence²</i>	<i>4660 Bauer Farm Dr.</i>	<i>43,414</i>	<i>30,390</i>
Hurricane Car Wash	4850 Bauer Farm Dr.	4,070	4,070
Burger King	4671 Bauer Farm Dr.	2,855	1,998
Total All Uses Developed		88,296	63,692
Total Commercial Uses		44,882	33,239

Within the remaining PD-[Bauer Farm] there are three undeveloped lots. Two lots are located east of Burger King on the south side of Bauer Farm Drive and one lot is located north of CVS Pharmacy, also on the south side of Bauer Farm Drive. Preliminary Development Plans have included development concepts for these lots as restaurants to the east of Burger King with one additional drive-thru. The lot north of CVS is anticipated to develop with an automotive service use. Retail space has been assigned to these lots through the approved preliminary development plan.



PD-[Bauer Farm] (remaining portion of PCD)

Existing Use	Address	Gross SF	Net SF
Total All Uses Developed		88,296	63,692
Total Commercial Uses		44,882	33,239
restaurant use	4661 Bauer Farm Dr.	3,700	2,590
restaurant use with drive-thru	4651 Bauer Farm Dr.	6,300	4,410
automotive service use	4851 Bauer Farm Dr.	2,300	1,610
Total Undeveloped commercial		12,300	8,610

² Theater Lawrence is not a retail use and does not count toward the retail caps for the nodal center.

Total existing and approved commercial	Bauer Farm PD	57,182	41,849
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This existing and approved retail area for PD-[Bauer Farm] is not amended with this application.

The proposed PD-[Bauer Farm Northwest] includes the area north of Bauer Farm Drive and west of Champion Lane excluding the Tunnel Car Wash. The proposed retail area for PD-[Bauer Farm Northwest] includes:

Use	Gross SF
specialty grocery store	27,275 SF
retail use	11,623 SF
hotel with 108 rooms	15,285 SF
mixed-use commercial (6,125 SF) and office (6,125 SF)	12,250 SF
TOTAL	66,433 SF
Total Office	6,125 SF
Total Retail (excluding hotel)	45,023 SF

The proposed uses do not exceed the 50,000 SF maximum building restriction established by the current zoning restriction for a single building. The total retail area proposed to be included in PD-[Bauer Farm Northwest] is 45,023 per the proposed revised Preliminary Development Plan.

The vacant properties shown in the above graphic have remained undeveloped since the current zoning was established in 2007.

Staff Finding – The PCD portion of the Bauer Farm Planned Development includes both developed and vacant land. The undeveloped portion of the PCD has been included in various versions of Preliminary and Final Development Plans for the area. The proposed PD-[Bauer Farm Northwest] specifically includes undeveloped property and an existing detention pond.

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

Applicant's Response: *The property is currently zoned as a planned development; therefore, no change in zoning is proposed.*

The proposed zoning is adjacent to the remaining portions of PD-[Bauer Farm] to the east and south. The area to the west (west of Wakarusa Drive) is a developing commercial area that includes planned commercial and commercial office zoning. The area north of Overland Drive is an existing high school campus including the Indoor Aquatic Center.

A study of the area related to traffic impacts notes that a signal is required at W. 6th Street and Champion Lane. City staff is currently working on forming the benefit district and anticipates the signal installation in the fall/winter of 2014.

The adjacent high school, Free State High School, has submitted a site plan that includes changes to the existing driveways at Overland Drive to improve access and circulation in the immediate area. The traffic study notes that additional review of traffic signal timing may be needed after the installation of the signal at Champion Lane. No additional improvements to the street network are identified for this development. The proposed change in zoning shifts the residential uses to the

east and creates a more conventional commercial development pattern on the west side of the property.

Appropriate site design and commercial design standards will be applicable to this development to ensure compatibility with recommendations for the area as a commercial corridor and significant commercial node.

Staff Finding – Approval of the rezoning is not anticipated to detrimentally affect nearby 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: *The proposed change benefits the citizens of Lawrence by providing a unique retail offering that is not otherwise exactly matched in the community and is compatible with the existing commercial development along a principal arterial roadway, offering services that are readily accessible and desirable for the entire population, not just those residing in northwest Lawrence. Permitting the proposed use enables infill commercial development and thereby limits further sprawl.*

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.

Since this property was originally approved for a new-urbanist form of development, additional land has been added to the commercial inventory to the west. Rock Chalk Park is nearing completion and will function as a use, drawing out-of-town people/customers to an area that is supported by few transient housing options. Approval of the request to modify uses will allow for transient accommodations in the northwest area of Lawrence.

Approval of the request will facilitate infill development of an existing commercial area without expanding the geographic boundary of a designated node. Public infrastructure exists in this area and is capable and planned to support, the proposed development. The proposed increase in intensity of the area will not substantively impact existing public infrastructure. Approval of the request could result in additional retail choices within the northwest area of Lawrence.

Denial of the request limits the amount of retail gross square footage that would be allowed within this node and would maintain the prohibition of a hotel/motel use.

Staff Finding – Approval of the request facilitates development of a designated commercial area.

9. PROFESSIONAL STAFF RECOMMENDATION

The proposed request creates two distinct but symbiotic commercial zoning districts within the Bauer Farm Planned Development. This rezoning request is considered concurrently with the Comprehensive Plan Amendment as it relates to the context of the W. 6th Street and Wakarusa Drive commercial node and the revised Preliminary Development Plan for Bauer Farm Planned Development.

This subdivision of the zoning district allows the context of the development to remain intact while providing a specific allocation of development to an area within the overall development. Elements of the remaining PD-[Bauer Farm PCD] are self-limiting by the fact that only three lots remain undeveloped along the south side of Bauer Farm Drive. The retail cap for the node is established within the recommendation of the Comprehensive Plan Amendment (CPA-14-00059). This proposed request is consistent with the CPA.

Retail Market Study: Section 20-1107 was revised to define retail businesses, to require the city to maintain a database of retail space and retail businesses in the City, and produce a city-wide retail market report biennially that includes an analysis of both the supply and demand sides of the retail market. The 2012 Retail Market Study can be viewed here:

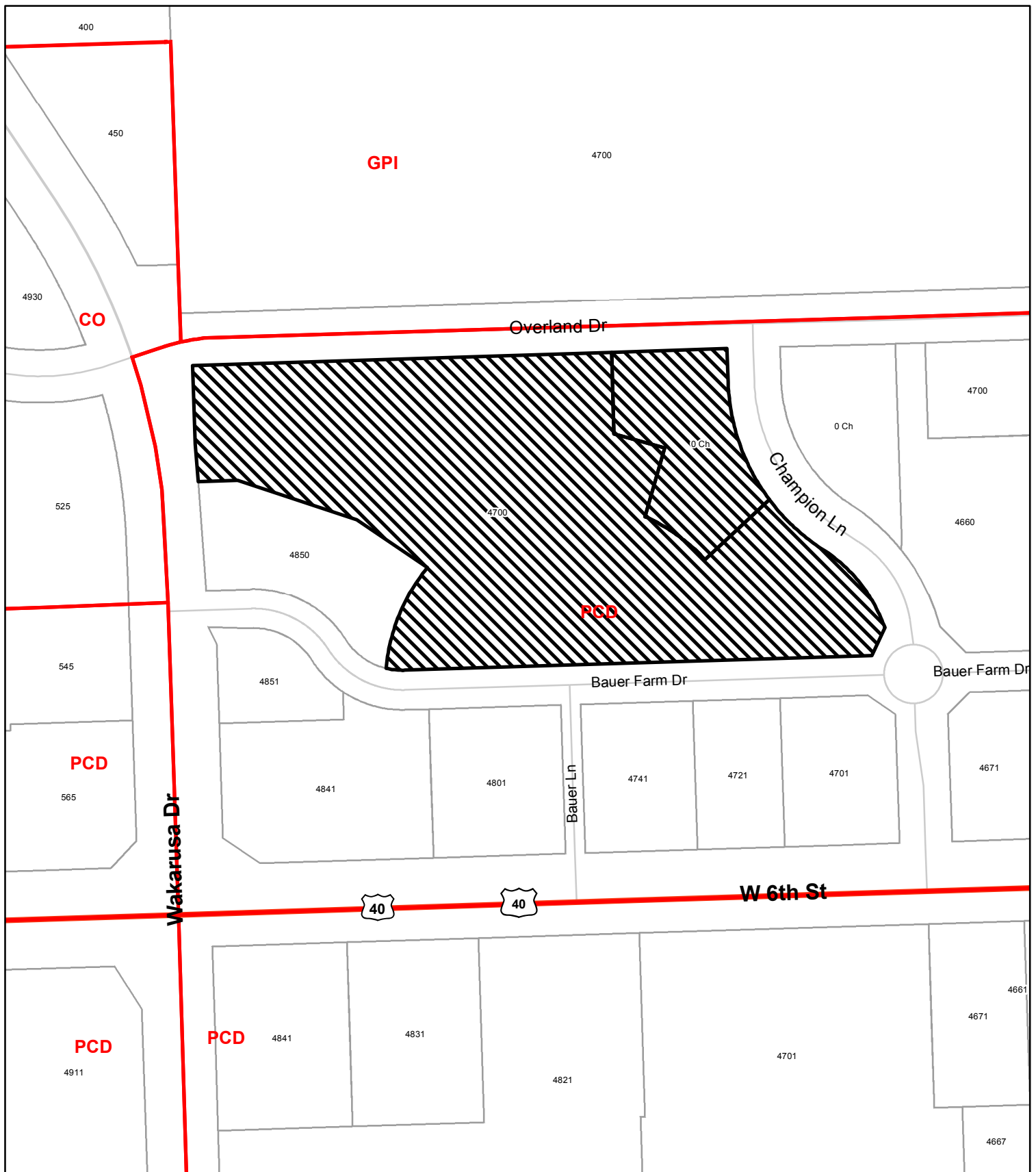
<http://www.lawrenceks.org/assets/pds/planning/documents/2012Retail.pdf>

In 2013, TA-12-00205 revised the standards for reviewing a project proposal with respect to the retail market. According to 20-1303 (g)(10), only projects that seek to add 100,000 square feet or more of retail space are required to have an analysis of their impact on the retail market included as a criteria in their application for zoning. Since this project is only seeking to add 50,000 square feet of retail space, it is exempt from the requirement of providing an analysis of its impact on the retail market.

CONCLUSION

This rezoning request assumes the approval of the concurrent Comprehensive Plan Amendment. The request facilitates the development of the portion of Bauer Farm north of Bauer Farm Drive and modifies the uses by allowing a hotel/motel use and removing the residential elements from this phase of the development. Hotel/motel uses are not counted toward retail space. Likewise, the existing theater is not counted as retail space.

Staff recommends approval of the proposed zoning and creating PD-[Bauer Farm Northwest PCD] to distinguish it from the existing commercial development within the planned development for accounting purposes.



Z-14-00057: Rezoning (Map Amendment) of 8 acres of PD
PDP-14-00055: Preliminary Development Plan for Bauer Farm
Located at 4700 Overland Drive

[illegible]

[illegible]

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			
						<p>photography, music, drama, etc.</p> <p>Swimming pool, commercial (parking requirements include pool area)</p> <p>Taxidermist</p> <p>Telephone answering service</p> <p>Theatre, drive-in</p> <p>Trailer sales and rental</p> <p>Transit vehicle storage and servicing</p> <p>Truck rental and sales</p> <p>2. Similar Uses</p> <p>Other business services which (1) are similar to the listed uses in function, traffic-generating capacity, and effects upon other land uses, and (2) are not included in any other use group.</p> <p>3. Manufacturing Uses</p> <p>Baked goods, candy, delicatessen, and ice cream, all for retail sales on the premises only</p> <p>Clothing: custom manufacturing or altering for retail, including custom dressmaking, millinery, or tailoring</p> <p>4. Accessory Uses</p> <p>(Ord. 6578)</p>	<p>11</p> <p>15</p> <p>12</p> <p>20</p> <p>17</p> <p>16</p> <p>15</p> <p>15</p>	<p>1437</p> <p>1426</p>
20-709.12			S	S		<p>USE GROUP 14. RETAIL - WHOLESALE SALES AND SERVICES. Consumer and non-consumer type retail and wholesale stores and service establishments and accessory uses that serve a wide area, including the entire city and surrounding trade area.</p> <p>1. Retail - Wholesale Goods and Services</p> <p>Automobile body shop</p> <p>Blacksmith shop</p> <p>Building materials and lumber yards (parking requirements do not apply to lumber sheds)</p> <p>Cold storage plant</p> <p>Contractor or construction offices and shops</p> <p>Dry cleaning plant, including carpet cleaning</p> <p>Farm equipment sales, service and repair</p> <p>Feed and fertilizer sales</p> <p>Freight depot, railroad or truck</p> <p>Hardware, industrial sales</p> <p>Ice plant</p> <p>Machine tools, sales, rental, repair</p> <p>Mini-warehouse facilities</p> <p>Pawnshop</p> <p>Sexually Oriented Cabaret (Ord. 7226)</p> <p>Sexually Oriented Motion Picture Theatre (Ord. 7226)</p> <p>Warehousing establishment</p> <p>Wholesaling establishment, including storage</p> <p>2. Similar Uses</p> <p>Other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group.</p> <p>3. Accessory Uses</p> <p>(Ord. 6768)</p>	<p>15</p> <p>22</p> <p>15</p> <p>13</p> <p>17</p> <p>15</p> <p>12</p> <p>15</p> <p>15</p> <p>17</p> <p>15</p> <p>22</p> <p>15</p> <p>N/A</p> <p>12</p> <p>12</p> <p>9</p> <p>17</p> <p>12</p>	<p>1428</p> <p>1456</p> <p>1459/1460</p> <p>1459/1460</p>
20-709.13		S	S	S	S	<p>USE GROUP 15. AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES. Uses similar in nature and traffic-generating capacities that appeal to large groups of people or that provide uses with high density (people to space) ratios whose primary intent is one of amusement or recreational pursuits or cultural enrichment.</p> <p>1. Indoor Recreational Amusement or Cultural Facilities</p> <p>Athletic club</p> <p>Auditorium</p> <p>Bowling alley</p> <p>Field house</p> <p>Game arcade, including video games</p> <p>Physical culture center and health services, including spas, gymnasiums, reducing salons, masseur/masseuse, or hot tubs</p> <p>Skating rink</p> <p>Swimming pool, commercial</p> <p>Theatre, indoor</p> <p>2. Outdoor Amusement, Recreational or Cultural Facilities</p> <p>Baseball park or batting cages, commercial</p>	<p>12</p> <p>7</p> <p>10</p> <p>7</p> <p>11</p> <p>11</p> <p>12</p> <p>11</p> <p>9</p> <p>7</p>	<p>1428</p> <p>1426/1427</p> <p>1426/1427</p>

20-709.14

ZONING DISTRICTS						PERMITTED USE GROUPS	Parking Group	Special Cond.
CP	C1	C2	C3	C4	C5			
						Golf driving range or putting greens, commercial Golf, miniature or pitch and putt Marina Race track Stadium or amphitheater Swimming pool, commercial 3. Similar Uses Other uses not specifically mentioned in this or any other use group which are similar in function and traffic-generating capacity to those specifically listed in this use group. 4. Accessory Uses Uses which meet the requirements of the definition of accessory uses, Sections 20-2002(2) and 20-2002(3). (Ord. 5658, Sec. IX)	18 18 13 7 11	1415 1426/1427
			S	S		USE GROUP 17. MANUFACTURING - LOW NUISANCE. Primarily manufacturing uses and which are of non-objectionable nature and are not harmful to nearby residential and commercial areas. 1. Manufacturing Uses Advertising displays Apparel or other textile products from textile or other materials, including hat bodies or similar products Art needle work, hand weaving or tapestries Bakery products: limited to 7,500 sq. ft. of floor area per establishment Beverages, nonalcoholic Books, hand binding or tooling Bottling works, all beverages Brooms and brushes Cameras or other photographic equipment except film Carpentry, custom woodworking, or customer furniture making shops, cabinet shops Clocks or similar products Custom ceramic products Custom hair products Dry cleaning plant Electrical appliances, including lighting fixtures, irons, fans, toasters, electrical toys or similar appliances Electrical equipment assembly, including home radio or television receivers, home movie equipment or similar products but not including electrical machinery Glass products from previously manufactured glass Jewelry manufacturing from precious metals Machines, business, including typewriters, accounting machines, calculators, card accounting equipment, or similar appliances Medical, dental, drafting instruments, optical goods, or similar precision instruments Mini-warehouse facilities Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers or similar appliances Phonographic record pressing (Ord. 5113) Printing or publishing, including engraving or photo-engraving Scenery construction Second hand store Sign painting shops Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods or similar products Warehousing (limited to 6,500 sq. ft. total floor area per building unit), general, bulk, equipment, or refrigerated, not including animal or scrap and waste materials Watch making Wholesaling establishment, including storage 2. Recycling Uses Large collection facilities 3. Accessory Uses (Ord. 6306; Ord. 6768; Ord. 6770)	16 12 N/A 12	1428 1456 1450

TABLE IV (A) (Office Use Groups)

	Zoning District	PERMITTED USE GROUPS	Parking Group	Special Cond.
	O-1			
20-7A04.1	S	USE GROUP 7. COMMUNITY FACILITIES & UTILITIES-RESIDENTIAL as set forth in Section 20-610.8, subject to "Special Conditions" reference set forth therein.		
20-7A04.2	S	USE GROUP 9. PROFESSIONAL OFFICES as set forth in Section 20-610.10, subject to "Special Conditions" reference set forth therein.		
20-7A04.3	S	<p>USE GROUP 9A. LIMITED SERVICES. These uses are limited in development, intensity and traffic-generating capacity to uses which are compatible with established residential neighborhoods.</p> <ol style="list-style-type: none"> <ul style="list-style-type: none"> Bank, savings & loan, and trust company Dry cleaning outlet store Freestanding automated banking or dispensing facility Funeral home, mortuary or undertaking establishment Laboratory, medical or dental Loan office Personnel services Photographic studio Post Office branch facility Professional cleaning services Radio and television studio Recording studio School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors Secretarial service Studio for professional work or for teaching of any form of fine arts i.e. photograph, music, dancing, drama, etc. Telephone answering service Accessory Uses 	<p>12</p> <p>12</p> <p>7</p> <p>16</p> <p>13</p> <p>13</p> <p>12</p> <p>12</p> <p>13</p> <p>12</p> <p>16</p> <p>16</p> <p>13</p> <p>13</p> <p>12</p>	1428

TABLE II (Residential Use Table)

	ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
	RO-1, 1A, 1B	RO-2	RS	RM	RD			
20-610.1	S	S	S	S	S	USE GROUP 1. AGRICULTURAL-ANIMAL HUSBANDRY. Agricultural uses and nearby residential uses: 1. Agricultural Uses Animal and poultry husbandry, dairying and pasturage, but not including the keeping of swine, the feeding of offal or garbage or retail sales on the premises; all other agricultural uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses; and (2) are not included in any other use group. 2. Accessory Uses		1403
20-610.2	P	P	P	P	P	USE GROUP 2. AGRICULTURAL-FIELD CROPS. Agricultural uses and accessory uses that are compatible with nearby residential uses: 1. Agricultural Uses Field crops, floriculture, greenhouse, horticulture, nursery, truck gardening or viticulture, but not including retail sales on the premises; all other agricultural uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group. 2. Accessory Uses		
20-610.3	S	S	P	S	S	USE GROUP 3. RESIDENTIAL SINGLE-FAMILY DETACHED Low density single-family detached residential uses, and accessory uses. 1. Residential Uses Single-family detached dwelling 2. Group homes of 10 or fewer individuals 3. Residential design manufactured homes 4. Accessory Uses	1 1 1	1428 1449
20-610.4	S	S		S	S	USE GROUP 3A. RESIDENTIAL-DUPLEX 1. Residential Uses. Single family dwelling or duplex 2. Accessory Uses (Ord. 4247, Sec. 3)	1	1428
20-610.5	S			S	S	USE GROUP 4. RESIDENTIAL - MULTI-FAMILY. Medium and high-density multi-family residences. 1. Residential Uses Multi-family dwelling, including duplex Rooming and/or boarding house Single-family attached dwelling (row house or Townhouse) Bed & Breakfast establishment, <i>except in the RM districts it is not permitted in RM-D and RM-1</i> 2. Accessory Uses (Ord. 6048, Sec. 1; Ord. 6382)	2 2 2 4	1428 1452
20-610.6					S	USE GROUP 5. RESIDENTIAL-DORMITORY. High-density residential uses other than those multi-family uses permitted in Use Group 4. 1. Residential Uses Apartment hotel Dormitory-type residence hall Fraternity Sorority 2. Accessory Uses	3 2 2 2	1404/1428
20-610.7	S	S	S	S	S	USE GROUP 6. RESIDENTIAL - MOBILE HOME PARK 1. Residential Uses Mobile homes park 2. Accessory Uses (Ord. 6048, Sec. VII)	1	1420/1608 1423

[illegible]

	ZONING DISTRICTS					PERMITTED USE GROUPS	Parking Group	Special Cond.
	RO-1, 1A, 1B	RO-2	RS	RM	RD			
20-610.9	S	S	S	S	S	<p>USE GROUP 8. TEMPORARY USES</p> <p>(a) Uses of a non-residential nature which need to be located in residential areas on a temporary basis.</p> <p>(b) Uses of a commercial nature which are temporary and where in duration, traffic generation, or intensity, are allowable in residential neighborhoods or as accessory commercial uses to established commercial operations.</p> <p>1. Temporary Uses - Non-residential Nature</p> <p>Automobile parking lot, for special event</p> <p>Batching plant, asphaltic or Portland cement, concrete, non-commercial</p> <p>Construction building and/or yard</p> <p>Earth moving and excavation; depositing construction materials, clay, earth, gravel, minerals, rock, sand or stone on the ground</p> <p>Off-street parking and loading</p> <p>Tract office</p> <p>All other temporary uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group.</p> <p>2. Temporary Uses - Commercial Nature</p> <p>Special Events</p> <p>Temporary outdoor sales area as an accessory use to an established commercial operation</p> <p>Licensed transient merchant's temporary structures as defined in Chapter 6, Article 8, of the City Code.</p> <p>(Ord. 6698)</p>	<p>22</p> <p>22</p> <p>25</p>	<p>1612/1428</p> <p>1425 1411 1411 1419</p> <p>1425 1438</p> <p>1454 1455</p> <p>1454</p>
20-610.10	S	S				<p>USE GROUP 9. PROFESSIONAL OFFICES. Offices for medical, professional and governmental purposes and accessory use, not including retail sales to the public, that are of a nature that may be located adjacent to or combined with residential uses without harmful effects to said residential uses.</p> <p>1. Medical and Related Offices</p> <p>Chiropractic, chiropractic, dental, electrology, medical, optical, optometric, osteopathic, including a clinic</p> <p>2. Ambulatory (Outpatient) Surgery Center</p> <p>3. Professional and Governmental Offices</p> <p>Accounting, architecture, engineering, governmental, insurance sales, law, real estate and sales and brokerage, motion picture studios (enclosed)</p> <p>4. Veterinarian</p> <p>Office and incidental boarding, with no open kennel or yard where animals are confined or exercised</p> <p>5. Financial Institutions</p> <p>6. Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.</p> <p>7. Other Offices</p> <p>All other offices which (1) are similar to the listed uses in function, traffic-generating capacity, effects on other land uses, and (2) are not included in any other use group.</p> <p>8. Accessory Uses.</p> <p>(Ord. 6287; Ord. 6770; Ord. 7047 rev.)</p>	<p>11</p> <p>27 13</p> <p>14</p> <p>12 13</p>	<p>1428</p> <p>1458</p> <p>1403</p> <p>1608/1457</p>

Existing and Proposed Use Restrictions for PCD-[Bauer Farm Northwest]

<p>Existing Use restrictions established per Z-6-7-07; Ordinance 8359 as follows:</p> <ol style="list-style-type: none">1. No single retail or commercial building shall be larger than 50,000 gross square feet of space.2. The permitted list of uses be included as part of the rezoning ordinance to specifically include:<ol style="list-style-type: none">a. Ground floor multiple-family residential uses;b. Licensed Premises; andc. Liquor, wine and beer sales for consumption off the premises.3. The permitted uses include uses listed on the approved Final Development Plan for Bauer Farm in the following Use Groups, except as specifically prohibited here:<ol style="list-style-type: none">a. USE GROUP 4 – MULTIPLE-FAMILY RESIDENTIAL;b. USE GROUP 7 – COMMUNITY FACILITIES – PUBLIC UTILITIES, except Halfway house or service-oriented rehabilitation center or residence; Hospital, general, not including animal; Rehabilitation center for persons with disabilities; and Sewage disposal plant, private;c. USE GROUP 9 – PROFESSIONAL OFFICES;d. USE GROUP 9A – LIMITED SERVICES;e. USE GROUP 11 – INNER NEIGHBORHOOD COMMERCIAL USES;f. USE GROUP 12 – RETAIL STORES – PERSONAL SERVICES, except Automobile service stations; Department store; Food convenience store, including gasoline sales and single bay auto wash; Furrier shop, including the storage of furs; Hat blocking and repair; Pawnshop; Reading room; Surgical and dental supply sales; Similar Uses; and Accessory Uses;g. USE GROUP 13 – AUTOMOTIVE SERVICES; RETAIL SALES; OTHER, except Aircraft sales, rental, service; Ambulance service; Auction room auctioneer; Automobile service station; Baseball park, commercial; Boat and marine sales, rental and repair; Carnival or circus; Carting, crating, express hauling, moving and storage; Eating establishment, providing only drive up service or no seating facilities; Exterminator, pest; Food convenience store, including gasoline sales; Food locker plant, for consumer use; Funeral home, mortuary, or undertaking establishment; Garage or parking for common or public utility vehicles; Glass sales and cutting shop; Hotel; Linen supply, diaper service, uniform supply; Liquids, flammable, underground storage of; Lumber, limited sales; Media Store (Ord. 7226); Mobile homes, sales and service; Motel; Motorcycle sales, service and rental; Photostatting; Sex Shop (Ord. 7226); Sexually Oriented Media Store (Ord. 7226); Taxidermist; Telephone answering service; Theatre, drive-in; Trailer sales and rental; Transit vehicle storage and servicing; Truck rental and sales; Similar Uses; and Accessory Uses; ANDh. USE GROUP 15 – AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES, except Race Track.4. There will be no more than 72,000 gross square feet of retail commercial space in the PCD-2 portion of the Planned Unit Development.	<p>The following uses and restrictions are proposed with this change:</p> <ol style="list-style-type: none">1. No single retail or commercial building shall be larger than 50,000 gross square feet of space.2. The permitted list of uses be included as part of the rezoning ordinance to specifically include:<ol style="list-style-type: none">a. Ground floor multiple-family residential uses;b. Licensed Premises; andc. Liquor, wine and beer sales for consumption off the premises.3. The permitted uses include uses listed on the approved Final Development Plan for Bauer Farm in the following Use Groups, except as specifically prohibited here:<ol style="list-style-type: none">a. USE GROUP 4 – MULTIPLE-FAMILY RESIDENTIAL;b. USE GROUP 7 – COMMUNITY FACILITIES – PUBLIC UTILITIES, except Halfway house or service-oriented rehabilitation center or residence; Hospital, general, not including animal; Rehabilitation center for persons with disabilities; and Sewage disposal plant, private;c. USE GROUP 9 – PROFESSIONAL OFFICES;d. USE GROUP 9A – LIMITED SERVICES;e. USE GROUP 11 – INNER NEIGHBORHOOD COMMERCIAL USES;f. USE GROUP 12 – RETAIL STORES – PERSONAL SERVICES, except Automobile service stations; Department store; Food convenience store, including gasoline sales and single bay auto wash; Furrier shop, including the storage of furs; Hat blocking and repair; Pawnshop; Reading room; Surgical and dental supply sales; Similar Uses; and Accessory Uses;g. USE GROUP 13 – AUTOMOTIVE SERVICES; RETAIL SALES; OTHER, except Aircraft sales, rental, service; Ambulance service; Auction room auctioneer; Automobile service station; Baseball park, commercial; Boat and marine sales, rental and repair; Carnival or circus; Carting, crating, express hauling, moving and storage; Eating establishment, providing only drive up service or no seating facilities; Exterminator, pest; Food convenience store, including gasoline sales; Food locker plant, for consumer use; Funeral home, mortuary, or undertaking establishment; Garage or parking for common or public utility vehicles; Glass sales and cutting shop; Hotel; Linen supply, diaper service, uniform supply; Liquids, flammable, underground storage of; Lumber, limited sales; Media Store (Ord. 7226); Mobile homes, sales and service; Motel; Motorcycle sales, service and rental; Photostatting; Sex Shop (Ord. 7226); Sexually Oriented Media Store (Ord. 7226); Taxidermist; Telephone answering service; Theatre, drive-in; Trailer sales and rental; Transit vehicle storage and servicing; Truck rental and sales; Similar Uses; and Accessory Uses; ANDh. USE GROUP 15 – AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES, except Race Track.4. There will be no more than 72,000 gross square feet of retail commercial space in the PCD-2 portion of the Planned Unit Development.
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April 14, 2014

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**Re: ITEM NO. 6B PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM;
4700 OVERLAND DR (SLD) PDP-14-00055:**
Consider a Revised Preliminary Development Plan for Bauer Farm and Bauer Farm

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

Three issues are raised by the application for a revised preliminary development plan for Bauer Farm.

Addition of a 108 Room Hotel Competed with Taxpayer Subsidized Hotels

The City of Lawrence, Kansas, has invested approximately \$11 million in the Oread Hotel through Tax Increment Financing. The City invested an additional \$10 million in the 9th and New Hampshire development with a large portion of that investment financing another hotel. Sadly, the City invested in this second hotel without any market analysis to determine whether or not the city can absorb this additional hotel space without risking the viability of the initial investment. To further compound this problem, the City voted zoning for yet another hotel in the North Mass development. These actions all threaten to viability of this large amount of public investment.

Now the Bauer Farm development proposes another hotel. It would be poor planning to follow a path that would further threaten the existing taxpayer investment in hotels.

Recommendation: The Planning Commission should not approve any additional hotels until a detailed and unbiased market analysis demonstrates that there is latent demand for all of the hotels that are in operation, under construction, and proposed.

Addition of Retail Space to an Already Saturated Market

The retail market of Lawrence is overbuilt. The City's own 2012 retail report indicates that the supply of retail space grew dramatically since 2000 while inflation adjusted retail spending has actually fallen during the same time period. This means that the retail market is not absorbing the surplus space but is suffering from a growing excess.

The total value of all retail space in the market is a function of the total spending in that market. Adding more space does not add more value or jobs or sales taxes to the market. Only growth in retail spending can stimulate growth in the market's value, jobs and tax revenues.

Recommendation: The retail market is overbuilt. The Planning Commission should not, except in very compelling circumstances, add to an already overbuilt market.

Deviations from Promised Development

The node at 6th Street and Wakarusa Avenue has a history that is a textbook of poor planning with incremental mistakes followed by more incremental mistakes. The planned amount of retail space for the entire node was given to the southeast corner of the node. Then the developer of the southwest corner of the node asked for retail space beyond what the node needed, and it was granted. Then the developer of the northwest corner of the node asked for retail space far beyond what the node needed, and it was granted. Finally, Bauer Farm in the northeast corner asked for retail space very far beyond what the node needed, and it was granted.

Part of the reason that Bauer Farm received any retail space was in response to the promise that Bauer Farm would develop a mixed-use new urbanism design. Bauer Farm has not only failed to deliver on this promise, it has rendered the promises meaningless. The developer has pursued every form of commercial development from drive-through fast food vendors to home improvement centers without regard to the promises made to the city and the neighborhood. This leaves the City powerless in any future negotiations because developers learn to promise what will gain approval with the knowledge that the developer need not deliver. The developer can simply alter the design later to anything they want.

Recommendation: The Planning Commission should withhold accepting any additional changes to the development plan and press for a return to the original development proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk McClure", with a stylized flourish at the end.

Kirk McClure