

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

PC Staff Report  
04/23/2014

**ITEM NO. 8      TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; *PARTICIPANT SPORTS & RECREATION, OUTDOOR USES* WITH SUP IN CN2 (SMS)**

**TA-13-00488:** Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to allow for *Participant Sports & Recreation, Outdoor uses* with a Special Use Permit in the CN2 (Neighborhood Shopping Center) District. Submitted by Paul Werner Architects. *Deferred by the Planning Commission on 2/24/14.*

**RECOMMENDATION:** Staff recommends approval of the proposed amendment, TA-13-00488, to add *Participant Sports & Recreation, Outdoor uses* with a Special Use Permit in the CN2 District amending Section 20-403 of the Land Development Code and that the Planning Commission forward a recommendation for approval to the City Commission.

**Reason for Request:** *Addresses a changing condition in community. CN2 should be able to provide outdoor recreational opportunities on a small scale that is within walking distance of residents living in the area in order to support a healthy and vibrant community. As cities work to promote walkable communities, uses such as outdoor participant sports should be in close proximity to neighborhoods. The Development Code does not currently allow Outdoor Participant Sports in the CN2 zoning district.*

**RELEVANT GOLDEN FACTOR:**

- Conformance with the comprehensive plan.

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**

- No comments received prior to printing.

**ATTACHMENTS**

- Attachment A – Existing text of Section 20-403
- Attachment B – Map of existing CN2 District locations

## RELEVANT DEVELOPMENT CODE DEFINITIONS

### **20-1762        SPORTS AND RECREATION, PARTICIPANT**

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis.) The following are participant sports and recreation use types (for either general or personal use):

#### **(1)     Indoor**

Those uses conducted within an enclosed Building. Typical uses include bowling alleys, billiard parlors, swimming pools and physical fitness centers.

#### **(2)     Outdoor**

Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses and swimming pools.

## OVERVIEW OF PROPOSED AMENDMENT

The applicant has submitted the proposed text amendment to add *Participant Sports and Recreation, Outdoor uses* to the CN2 (Neighborhood Commercial District) as a Special Use concurrently with rezoning and Special Use Permit applications for a development proposal at the northeast corner of Inverness Drive and W 24<sup>th</sup> Place. These outdoor uses are allowed by-right in the CC, CR, CS, IBP & IL Districts and are allowed with an approved SUP in the MU & GPI Districts.

Prior to the adoption of the *Land Development Code* in 2006, all commercial recreational uses, both indoor and outdoor, were identified in Use Group 15 AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES. These uses were permitted in the C-2, C-3, C-4 & C-5 Districts with an approved site plan. The pre-2006 Code established access and lighting standards for several of these recreational uses. Properties that previously were zoned C-2 converted to the CN2 District as part of the 2006 code adoption.

With the adoption of the *Land Development Code*, the regulations attempt to differentiate between districts so that the character of different commercial centers can be maintained. Adding uses to a district with a Special Use Permit provides the opportunity to review individual proposals and evaluate the compatibility of a proposed development in a specific location. Review with a Special Use Permit also allows the commission to establish operating conditions that will minimize impacts to nearby property owners.

Section 20-208(a) provides the purpose statement for the CN2 District: *The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level.* Adding the option to locate outdoor participant sports activities in neighborhood commercial settings creates the opportunity to locate such uses throughout the community and potentially to place them in walkable locations. Approval with a Special Use Permit provides the opportunity to look at specific proposals and evaluate potential impacts so that they can be mitigated. In Staff's opinion, it is reasonable to permit this use as a Special Use in all CN2 Districts.

### Proposed Article Changes

Changes to the text are shown below and are noted in **red**. Additions are underlined and deletions are ~~struck through~~. The entire Sections 20-403 & 20-509 are provided at the end of this report as Attachment A for reference.

**Add Participant Sports and Recreation, Outdoor uses as a type of use permitted with approval of a Special Use Permit in the CN2 District.**

### Amend Section 20-403:

#### 20-403 NONRESIDENTIAL DISTRICT USE TABLE

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
COMMERCIAL USE GROUP																	
Recreational Facilities	Active Recreation	S	P	P	S	S	P	P	P	P	P	-	S	S	A*/S*	A	532
	Entertainment & Spectator Sports, General	-	-	-	-	P	P	P	P	-	-	-	-	-	S	-	
	Entertainment & Spectator Sports, Limited	-	P	P	-	P	P	P	P	-	-	-	-	S	P	-	
	Participant Sports & Recreation, Indoor	-	P	P	-	P	P	P	P	P	P	-	-	-	P	A	
	Participant Sports & Recreation, Outdoor	-	S	S	-	-	P	P	P	P	P	-	-	-	A*/S*	-	532
	Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	

## **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

The characteristics of commercial centers are described in *Horizon 2020*, Chapter 6 – Commercial Land Use. Neighborhood centers may contain a variety of commercial uses, including a grocery store, convenience store, and other similar retail shops and services. The plan states that to insure there are a variety of commercial uses and no one use dominates a center, no one store shall occupy more than 40,000 square feet with the exception of a grocery store. These centers are designed to provide for the sale of goods and services at the neighborhood level. The plan states that Neighborhood Commercial Centers without a grocery store shall contain no more than a total of 100,000 gross square feet of commercial space.

Chapter 6 also discusses recreational uses and provides guidance when located in commercial centers:

*Commercial uses that are primarily physical recreation in nature (uses such as go-karts, skating rinks, bowling alleys, basketball arenas, soccer arenas, miniature golf, pitch and putt golf, etc.) may be located in the appropriate Commercial Center classification. High levels of noise and light can be generated by Recreational Uses. Because of this high level of noise and light, Recreational Uses shall be compatible with the surrounding existing or planned uses. Proposals for such uses do not need to meet the size or ratio requirements stated in the respective Commercial Center definitions. Proposals for Recreational Uses shall provide adequate buffering for adjacent non-commercial uses, shall use a minimal number of curb cuts, and provide cross access easements to adjoining properties.*

*If a Recreational Use is proposed in a Neighborhood or CC200 Center, the amount of commercial gross square footage occupied by the Recreational Use shall be counted toward the maximum amount of commercial gross square footage allowed. A Recreational Use located in a CC200 can occupy up to 50,000 gross square feet. The purpose of regulating the size of Recreational Uses in Neighborhood and CC200 Centers is to preserve and protect the smaller, neighborhood scale associated with these types of Centers.*

## **CRITERIA FOR REVIEW AND DECISION-MAKING**

Section 20-1302(f) provides review and decision-making criteria on proposed text amendments. It states that review bodies shall consider at least the following factors:

### **1) Whether the proposed text amendment corrects an error or inconsistency in the Development Code or meets the challenge of a changing condition; and**

As noted above, the applicant has suggested that the proposed amendment does meet the challenge of a changing condition. The community has increased its emphasis and attention on creating a healthy environment for residents. Outdoor participant sports amenities provided within a walkable distance to neighborhoods and schools can enhance the viability of the community.

The zoning diagnostic that was prepared before the *Development Code* was drafted suggested that there were not significant differences in the various commercial districts in the previous code. The proposed use is currently permitted by-right in most of the commercial and two of the industrial zoning districts. It is permitted with a Special Use Permit in the MU and GPI districts. If this use is added as a by-right permitted use, the distinctions between CN2 and other commercial districts become less distinct. Allowing these uses with approval of a Special Use Permit provides the opportunity to evaluate each site and proposal independently and give extra scrutiny to the proposals. The SUP process also provides a mechanism to establish conditions to mitigate potential impacts based upon the surrounding land uses.

**Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).**

*Horizon 2020* outlines criteria for the location of neighborhood commercial centers. These nodes should be located on one corner of either an arterial/collector street intersection or an arterial/arterial intersection. The plan also emphasizes the integration of neighborhood centers with the surrounding residential neighborhoods by including pedestrian access and appropriate transitional elements, such as back to back relationships, landscaping and screening.

Most CN2 centers have been oriented to the adjacent streets rather than opening out to the adjacent residential properties. When new outdoor activity areas are proposed, the potential impacts to nearby properties are evaluated and can be addressed at the site plan stage of development.

Permitting the *Participant Sports and Recreation, Outdoor use* in the CN2 District is consistent with the purpose of this neighborhood district to provide a variety of commercial services at the neighborhood level. The *Development Code* provides protections, such as bufferyard requirements between commercial and residential properties, which can mitigate potential impacts to surrounding properties. Requiring approval of a SUP for these uses also provides the opportunity to look at the specific proposal and operations of a proposed use to determine appropriate conditions that will ensure compatibility with nearby properties.

**Attachment A - Existing Development Code Text (Section 20-403 in entirety)**

**20-403 NONRESIDENTIAL DISTRICT USE TABLE**

Key: A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
RESIDENTIAL USE GROUP																	
Household Living	Accessory Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	534
	Attached Dwelling	P*	-	P*	-	-	-	-	-	-	-	-	-	-	P*	-	503
	Cluster Dwelling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	702
	Detached Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	P*	A*	508
	Duplex	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	503
	Manufactured Home	-	-	-	-	-	-	-	-	-	-	-	-	-	P	A	
	Manufactured Home, Residential-Design	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	513
	Mobile Home	-	-	-	-	-	-	-	-	-	P	-	P	-	P	A	
	Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Multi-Dwelling Structure	-	P*	P*	-	P*/S*	P*		P*	-	-	-	-	-	S	A	517
	Non-Ground Floor Dwelling	P*	P*	P*	-	P*	P*	-	P*	-	-	-	-	-	-	-	517/542
	Work/Live Unit	P*	P*	P*	-	P*/S*	P*	-	P*	-	P*	-	-	-	-	-	517/541
	Zero Lot Line Dwelling	P*	-	P	-	-	-	-	-	-	-	-	-	-	-	-	531
	Home Occupation, Type A or B	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	
Group Living	Assisted Living	-	-	P	-	-	-	-	-	-	-	-	-	-	S	S	
	Congregate Living	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	546
	Dormitory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	
	Fraternity or Sorority House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Group Home, General (11 or more)	S	S	S	S	S	S	S	S	-	-	-	-	-	-	A	
	Group Home, Limited (10 or less)	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	
PUBLIC AND CIVIC USE GROUP																	
Community Facilities	Cemetery	P*	P*	-	P*	-	P*	P*	P*	P*	P*	-	-	P*	P*	-	505
	College/University	S	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Cultural Center/ Library	S	P	P	S	P	P	-	-	P	-	-	-	S	P	A	
	Day Care Center	S*	P*	S*	S*	S*	P*	P*	P*	P*	P*	A*	P*	-	-	-	507
	Day Care Home, Class A	P	P	P*	-	P	P	-	P	-	-	-	-	-	-	-	
	Day Care Home, Class B	S*/A*	P*	S*	-	P	P	-	P	-	-	-	-	-	-	-	507

[illegible]

<b>Key:</b> <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		<i>Base Zoning Districts</i>															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Nature Preserve/ Undeveloped	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
	Private Recreation	P	P	P	-	P	P	-	P	-	-	-	-	P	P	A	
Religious Assembly	Campus or Community Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	522
	Neighborhood Institution	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	522
<b>COMMERCIAL USE GROUP</b>																	
Animal Services	Kennel	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Livestock Sale	-	-	-	-	-	S	S	S	-	P	-	P	-	-	-	
	Sales and Grooming	P	P	P	P	P	P	P	P	-	P	-	P	-	-	-	
	Veterinary	-	P	P	P	P	P	P	P	P	P	-	P	-	-	-	
Eating & Drinking Establishments	Accessory Bar	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	-	509
	Accessory Restaurant	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	
	Bar Or Lounge	-	-	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Brewpub	-	P*	S*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	509
	Fast Order Food	P*	P*	P	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511/509
	Fast Order Food, Drive-In	-	S	-	-	-	P	P	P	-	P	-	-	-	-	-	
	Nightclub	-	-	-	-	P*	-	P*	P*	-	-	-	-	-	-	-	509
	Private Dining Establishments	P*	P*	-	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	539
	Restaurant, Quality	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	524
Office	Administrative and Professional	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	P*	A*	518
	Financial, Insurance & Real Estate	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	A*	510
	Other	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	A	P*	-	-	-	537
Parking Facilities	Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	535
	Commercial	-	S	S	S	S	P	P	P	P	P	P	P	-	P	A	

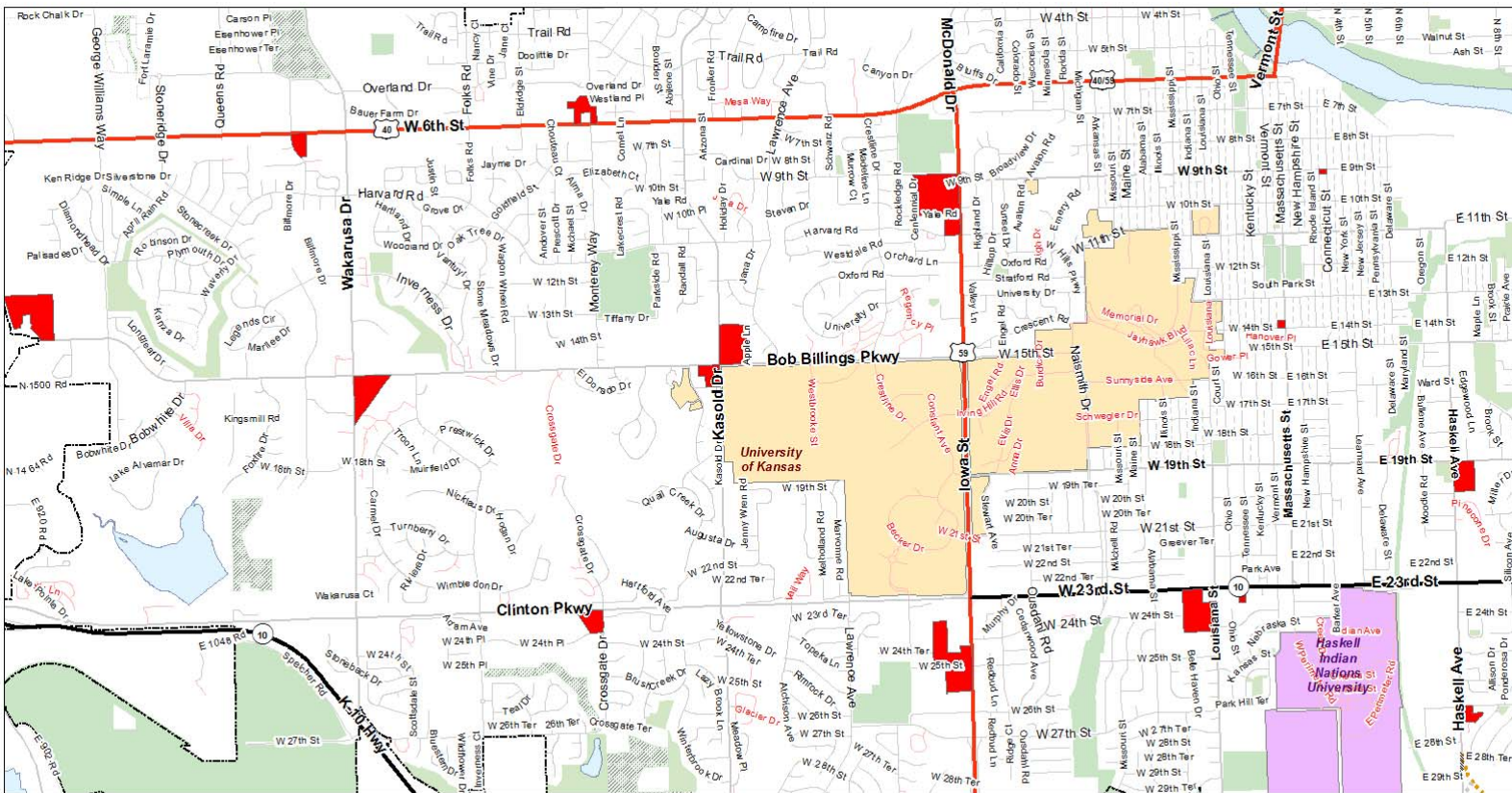


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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Retail Sales & Service	Building Maintenance	-	P	S	-	P	P	P	P	-	P	P	P	-	A	A	
	Business Equipment	-	P	P	-	P	P	P	P	P	P	P	-	-	-	-	
	Business Support	-	P	P	P	P	P	P	P	P	P	P	P	-	-	A	
	Construction Sales and Service	-	-	-	-	-	P	P	P	-	P	-	P	-	-	A	
	Food and Beverage	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	511
	Mixed Media Store	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	-	516/528
	Personal Convenience	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	A*	520
	Personal Improvement	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	A*	A*	521
	Repair Service, Consumer	P*	P*	P*	-	P*	P*	P*	P*	-	P*	-	-	-	-	-	523
	Retail Sales, General	P*	P*	P*	P*	P*	P*	P*	P*	-	P*	-	-	-	-	A*	525
	Retail Establishment, Large	-	-	-	-	-	P*	P*	S*	-	-	-	-	-	-	-	526
	Retail Establishment, Medium	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
	Retail Establishment, Specialty	-	P*	P*	-	P*	P*	P*	P*	-	-	-	-	-	-	-	526
Sexually Oriented Businesses	Sexually Oriented Media Store	-	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	528
	Physical Sexually Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	528
	Sex Shop	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
	Sexually Oriented Theater	-	-	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	528
Transient Accommodation	Bed and Breakfast	P*	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	504
	Campground	-	-	-	-	-	P	P	P	-	-	-	-	S	-	-	
	Hotel, Motel, Extended Stay	-	-	P	-	P	P	P	P	-	P	-	-	-	-	A	

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Vehicle Sales & Service	Cleaning (Car Wash)	-	S	-	-	-	P	P	P	-	P	A	P	-	-	-	
	Fleet Storage	-	-	-	-	-	P	P	P	-	P	P	P	-	-	A	
	Gas and Fuel Sales	-	S	S	-	-	P	P	P	-	P	P	P	-	-	-	
	Truck Stop	-	-	-	-	-	-	S	-	-	-	-	S	-	-	-	
	Heavy Equipment Repair	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Heavy Equipment Sales/Rental	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Inoperable Vehicles Storage	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Light Equipment Repair	-	S	-	-	S	P	P	P	-	P	-	P	-	-	-	
	Light Equipment Sales/Rental	-	P*	-	-	S	P	P	P	-	P	-	P	-	-	-	545
	RV and Boats Storage	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
<b>INDUSTRIAL USE GROUP</b>																	
Industrial Facilities	Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Industrial, General	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
	Industrial, Intensive	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	
	Laundry Service	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	
	Manufacturing & Production, Ltd.	-	-	P	-	S	S	S	S	P	P	P	P	-	-	-	
	Manufacturing & Production, Tech.	-	-	-	-	S	P	P	P	P	P	P	P	-	-	-	
	Research Service	-	-	-	S	S	P	P	P	P	P	P	P	-	-	-	
	Scrap and Salvage Operation	-	-	-	-	-	-	-	-	-	S*	-	S*	-	-	-	527
Wholesale, Storage & Distribution	Exterior Storage	-	-	-	-	-	A*	A*	A*	A*	A*	A*	A*	-	A*	A*	538
	Heavy	-	-	-	-	-	S	S	S	-	S	-	P	-	-	-	
	Light	-	-	-	-	-	P	P	P	P	P	P	P	-	S	-	

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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Mini-Warehouse	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
<b>OTHER USES GROUP</b>																	
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural Sales	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	
	Agriculture, Animal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture, Crop	P	P	P	P	-	P	P	P	P	P	P	P	-	P	-	
Communications Facilities	Amateur & Receive-Only Antennas	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
	Broadcasting Tower	-	-	-	-	S	-	-	-	P	P	P	P	-	-	A	
	Communications Service Establishment	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Telecommunications Antenna	A*	A*	A*	A*	S*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	529
	Telecommunications Tower	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	P*	S*	S*	A*	A*	529
	Satellite Dish	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	536
Mining	Mining	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	-	515
Recycling Facilities	Large Collection	-	-	-	-	-	P	P	P	-	P	P	P	-	-	-	540
	Small Collection	P	P	P*	P	P	P	P	P	P	P	-	P	-	A	A	540
	Processing Center	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	

# Existing CN2 Zoned Areas in the City of Lawrence



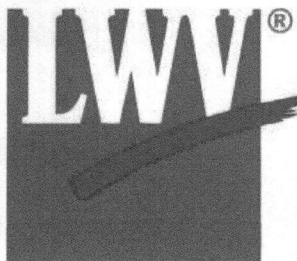
## Legend

CN2 District

1:000500 0 1,000 2,000 3,000 4,000 Feet  
1 inch = 2,000 feet

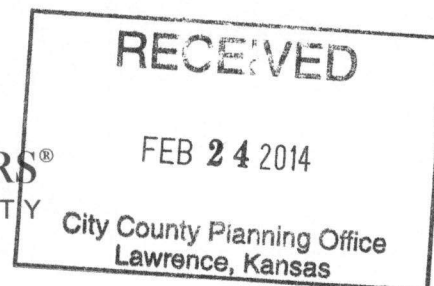
DISCLAIMER NOTICE  
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Date: 10/15/2013



LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY

February 23, 2014



To Mr. Bryan Culver, Chairman, and Planning Commissioners  
Lawrence-Douglas County Metropolitan Planning Commission

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT  
SPORTS & RECREATION,

OUTDOOR USES WITH SUP IN CN2

ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND  
INVERNESS DRIVE

ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH  
PLACE

Dear Chairman Culver and Planning Commissioners:

For many reasons, we request that you **not** approve Items No. 4, 5B and 5C.

The CN districts are neighborhood commercial districts and were designed to provide goods and services for the immediate neighborhoods where they are located. The recreational uses that will be permitted, if the **Text Amendment, Item No. 4** is approved, permit the type of commercial outdoor recreational uses that have multiple environmental and planning ramifications. We believe that the likely negative impacts of these proposals have not been adequately reviewed in the Staff Report, and when carefully considered, would lead to the conclusion that because of these possible outcomes, they should not be included as permitted uses in the CN districts, even with a SUP.

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.

2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.

3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.

4. In terms of the planning considerations, the recreational use and the drive-ins **will absorb all of the available commercial space** so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see **Chapter 6**

**of Horizon 2020, page 6-12, paragraph 2 under the Section, "Recreational Uses."**)

5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.

*Co-President*  
David Burress

*Co-President*  
Cille King

*President-Elect*  
Cille King

*Vice President*  
marci francisco

*Secretary*  
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LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY  
Page 2

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For the same reasons, **we ask that you not approve the SUP for Item No. 5B.**

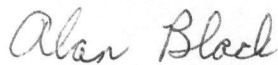
**We also ask that you not approve Item No. 5C, the SUP for the Fast Order Food With Drive-Thru use.** The Fast Order Food With Drive-Thru use would be much more intense than under normal circumstances because the clientele of the recreation center would add to the customer base. The use, itself, was not anticipated for CN districts under normal circumstances because of the increase in traffic and clutter that it would bring, and the combination of fast food drive-thru plus the outdoor commercial recreation center here could do real damage to the neighborhood.

Again, we appeal to the Planning Commission to deny Items 4, 5B, and 5C.

Sincerely yours,



Cille King, President



Alan Black, Chairman  
Land Use Committee

**From:** Deborah M. Galbraith [<mailto:dgalbraith@waverly-partners.com>]

**Sent:** Monday, February 24, 2014 9:49 AM

**To:** 'amalia.graham@gmail.com'; 'montanastan62@gmail.com'; 'jonjosserand@gmail.com'; 'pkelly@usd497.org'; 'bculver@bankingunusual.com'; 'denney1@sunflower.com'; 'squampva@aol.com'; 'clay.britton@yahoo.com'; 'bruce@kansascitysailing.com'; 'eric.c.struckhoff@gmail.com'

**Subject:** OPPOSITION to Proposed Development for corner of Inverness and Clinton Parkway

Dear Planning Commissioners – This email is to voice my opposition to the proposed Family Fun Center development project at the corner of Inverness and Clinton Parkway in west Lawrence. I am not opposed to such a center as I believe in general it could be a nice leisure alternative, however think that the placement of such a facility within two blocks of four schools is NOT a wise idea. In addition to the proposal that would allow alcohol be served, the increased traffic in the area would be a hazard. Moreover, I have never seen a development such as this placed squarely in the middle of a residential neighborhood.

I am unable to attend the planning meeting tonight due to previous commitment that cannot be changed so thank you for providing a vehicle to voice opposition to the plan.

Debbie Galbraith  
4205 Nicklaus Drive



**From:** Katie Huff [<mailto:kayteekate@hotmail.com>]

**Sent:** Sunday, February 23, 2014 10:58 PM

**To:** Bryan C. Culver; [bruce@kansascitysailing.com](mailto:bruce@kansascitysailing.com); [amalia.graham@gmail.com](mailto:amalia.graham@gmail.com); [montanastan62@gmail.com](mailto:montanastan62@gmail.com); [jonjosserand@gmail.com](mailto:jonjosserand@gmail.com); [pkelly@usd497.org](mailto:pkelly@usd497.org); [denny1@sunflower.com](mailto:denny1@sunflower.com); [squampva@aol.com](mailto:squampva@aol.com); [dcbritt@yahoo.com](mailto:dcbritt@yahoo.com); [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com)

**Subject:** Planning Commission Meeting

Dear Planning Commissioners,

We are writing you with concern and opposition to several items to be discussed at your meeting on Monday, February 24th. We are **opposed** to Item 4, Item 5A, Item 5B, and Item 5C.

We are a family with three small children, so we are not opposed to a "Family Fun Center"; in fact, we believe Lawrence could use a place like this. But we **strongly disagree** with it being built in the middle of a residential area. We own a house at 4424 Gretchen Ct and enjoy the quiet, family and school focused neighborhood that this area provides. But we believe with the addition of this proposed "Family Fun Center", it would dramatically change our neighborhood. We are opposed to the noise, traffic, alcohol near schools, lights, and late night hours that this place would promote. This is not the right location for this type of facility.

Please understand our concerns.

Thank you.

Dustin & Katie Huff

4424 Gretchen Ct



**From:** Michele Vignola-Rogers [<mailto:mvr@sunflower.com>]

**Sent:** Sunday, February 23, 2014 7:28 PM

**To:** [montanastan62@gmail.com](mailto:montanastan62@gmail.com); [amalia.graham@gmail.com](mailto:amalia.graham@gmail.com); [jonjosserand@gmail.com](mailto:jonjosserand@gmail.com); [pkelly@usd497.org](mailto:pkelly@usd497.org); Bryan C. Culver; [denney1@sunflower.com](mailto:denney1@sunflower.com); [squampva@aol.com](mailto:squampva@aol.com); [clay.britton@yahoo.com](mailto:clay.britton@yahoo.com); [bruce@kansascitysailing.com](mailto:bruce@kansascitysailing.com); [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com)

**Subject:** Family Fun Center

Dear City Planning Commissioners,

This letter is in regards to the Family Fun Center that is being considered for W 24<sup>th</sup> Place between Crossgate and Inverness Drives. As I was reading through the article regarding this project I was struck by a number of issues. First, why there? We have land further away from all of the apartments, houses and schools in the area to build this. Why create more noise, lights and traffic in an area that is not empty by any means? That area has plenty of housing and people who prefer it the way it is. I agree that we do need a Family Center - there is no question that we are lacking places for pre-teens and teens to go and hang out that is safe and fun, but to crush it into a development of houses and apartments where the average family is going to be subjected to the loud and often obnoxious teenage behavior that comes with a place like this seems counterproductive. Moreover, this is a college town which means this will not cater to just the elementary, middle school and high school kids, but also the college population. This means that although the place may close at ten or midnight - the noise will continue well into the late night/early morning hours especially if alcohol is going to be served.

Second, I do not understand the need for a BAR at a Family Fun Center. If a person cannot have fun with their children without alcohol, then maybe help is necessary, but certainly not a bar. Alcohol and places like this should NOT exist together. We have plenty of bars in this town and no matter what little alcohol is in the beer - it's still beer and people can still get drunk and drive. Of course lighting is a huge issue and I can't imagine how any form of boundary is going to block the lighting of a batting cage area (unless it is indoors). I grew up with batting cages and miniature golf near my house in NJ and I can assure you that the lighting required for the batting cages and miniature golf (if it is an outdoor venue) is incredibly bright (almost like daylight) - imagine that at 10:00 p.m. when you are trying to put a child or yourself to bed. The noise is another factor, the Go-Karts are only a part of it - usually a place like this will have music blaring and people talking over the music and shouting at one another (profanity and all). I recommend that the City Planning Commissioners visit a place like this in a larger city where it is close to housing and see what the effects are. I remember hanging out at our batting cages until midnight or later and the music blaring across the fields while the lights lit up the whole area - you could see the lights from the highway - three miles away. However, we were lucky - our Fun Center was out in the woods nowhere near homes or apartments. This might be something you could consider when picking a spot for this type of venue. If it is there - people will come - and they will drive ten minutes to get there - it is not necessary to put this in the center of family living, you'll decrease the value of homes and most of the apartments will be empty or rent below average because no one will pay to live by a venue such as this. At first it may seem a great idea to live by such a place, but it won't take long before people realize the mistake they've made and move to get away from the traffic, noise and constant activity that lasts into the late hours.

A third concern has to do with security. I remember the old Putt-Putt from 20 years ago and the roller rink (which is now Kohls) and a big problem was security or lack thereof. When you open a place like this in a college town, you MUST have very good security - not rent-a-cops, but security. A security group that can keep people in line and behaving in crowds that can get a bit rowdy especially if alcohol is involved. Underage drinking is a huge problem in Lawrence and this place serving alcohol will not help the issue. But the right security can help. In NJ our places used off duty police officers or trained bouncers - Lawrence is no longer a small town - it is no longer a small community. Guns, knives, and drugs are growing and a place like this can attract that type of element and security is where it stops. So, please if you vote this project in - please take into consideration that a place like this is great when it is open and doing what it is supposed to do, it's no good to anyone if it's shut down due to violence, drugs or gang activity - it just becomes another empty building on another piece of land which this town cannot afford to have.

Thank you for taking the time to read this e-mail and considering the points. I live near this piece of land and I am very opposed to this project being built so close to us and our extended family. We enjoy the quiet.

Sincerely,  
Michele Vignola-Rogers

**From:** Mark Simpson [<mailto:markandrewsimpson@yahoo.com>]

**Sent:** Monday, February 24, 2014 8:58 AM

**To:** Caitlyn Cargill

**Subject:** Comments regarding 4300 W. 24th Place

Planning Commissioners,

I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24<sup>th</sup> Place. My family and I live at 4305 W. 26<sup>th</sup> Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive.

My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24<sup>th</sup> Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6<sup>th</sup> and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24<sup>th</sup> Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants.

Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences.

Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.

Respectfully,

Mark Simpson

**From:** Luke Sinclair [<mailto:sincluke@gmail.com>]

**Sent:** Friday, February 21, 2014 11:20 AM

**To:** Bryan C. Culver; [bruce@kansascitysailing.com](mailto:bruce@kansascitysailing.com); [amalia.graham@gmail.com](mailto:amalia.graham@gmail.com); [montanastan62@gmail.com](mailto:montanastan62@gmail.com); [jonjosserand@gmail.com](mailto:jonjosserand@gmail.com); [pkelly@usd497.org](mailto:pkelly@usd497.org); [denny1@sunflower.com](mailto:denny1@sunflower.com); [squampva@aol.com](mailto:squampva@aol.com); Clay Britton; [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com)

**Cc:** Lori Sinclair

**Subject:** Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

My wife (Lori Sinclair) and I are the own and live at 4400 W. 24<sup>th</sup> Pl., which is directly across Inverness from the potential family fun center and fast-food drive-thru restaurant development. Items 4, 5A, 5B, and 5C on the Commission's agenda for the February 24<sup>th</sup> meeting are geared toward enabling this development. We write to oppose it all.

We purchased our home in 2008 because we loved the property and we were attracted to the quiet, appealing nature of the neighborhood, the proximity to neighborhood schools, and the ease of access to outdoor recreation. We take pride in our home and have invested capital to maintain and improve both the inside and outside appearance of our house and property, and we take advantage as much as we can of the benefits of living where we do. We believe the proposed development will interfere with, disrupt, and degrade our quality of life and the value of our property, as well as our neighbors'.

To be clear, we have strong doubts as to the long-term viability of a go-kart, mini-golf entertainment center in Lawrence, but we are not generally opposed to it. But we all have to be smart about it and take into consideration the adjoining properties and owners. We think this proposed development at this particular location is ill-advised for several reasons. First, it will not provide any additional meaningful benefit to our area. This development is being proposed – and the text amendment, rezoning request, and special use permits are being sought – primarily on the basis that the development will provide services to us and our neighbors that are otherwise lacking in our area. This is simply untrue. Our neighborhood enjoys some of the best access in Lawrence to outdoor recreation. Walking trails, bike trails, tennis courts, playgrounds, a running track, soccer fields, softball and baseball fields, batting cages, Clinton Lake, the Pat Dawson Billings Nature Area, the Rotary Arboretum, and more, are all within a short walk/run/bike ride and even shorter drive of our neighborhood. Access to and use of most of these is free. Paid access to go-karts and mini-golf provides absolutely no additional outdoor recreational benefit to us.

Second, the development isn't suited for our quiet, school-centered residential area. We've never seen an outdoor family fun center or fast-food drive-thru restaurants in the middle of a residential area, and there's reason for that. It doesn't make sense. The development will bring increased traffic, in this case potentially by people who have been enjoying 3.2 beers, which we fear will increase the risk to the children that walk and play on our sidewalks and streets. Additionally, the streets can't take additional traffic, especially the roundabout outside our house on Inverness and 24<sup>th</sup> Place. The development will drastically increase the amount of noise and light pollution, given the nature of the activities and the hours of operation the developer envisions. With groups of people engaging in competitive activities and potentially drinking alcohol, it's reasonable to believe there will be late-night, disruptive rowdiness. Additionally, we don't think it's a good idea to have a bar in such close proximity to four schools and multiple day-cares. Finally, we can't say enough that there is no reason that we or our neighbors should have to breathe the noxious smells that would emanate from a fast-food restaurant and its garbage dumpsters. It's unreasonable to assert that a small land buffer would adequately address any of these issues. We understand that it's easy for the planning staff to assert, without any real analysis or study, that a drive-thru restaurant would not result in "substantial diminution" of our property value, but we'd invite them to tell us if they know of anyone that would be

truthfully interested in buying a house in a residential neighborhood directly across the street from a drive-thru fast food restaurant.

More generally, we have concerns about the long-term viability of the fun center. Can Lawrence truly sustain it? Who is the target group? If it's college kids, they're gone for the summers. Is it school students? Having been students in a metropolitan area with access to mini-golf and go-karts, we can both personally attest to the fact that these activities just don't have permanent appeal. Once or twice is enough. The problem Lori and I have is that if the fun center fails, we would be the ones left with a view from our front porch, living areas, and second-story bedrooms of an abandoned, run-down family fun ghost town.

Finally, without limiting our general opposition to this development and all four agenda items above, we'd like to specifically address the requested text amendment. It's being proposed as one of four steps in the process of putting the family fun center in our neighborhood. A text amendment to the Development Code to generally allow for outdoor recreation through an SUP in all CN2 areas in Lawrence is a drastic step that ought to be weighed against the relative importance or benefits of the fun center and the costs and effects on adjoining landowners. We don't think it does, and it certainly doesn't appear that the text amendment satisfies the factors in Section 20-1302(f).

First, we don't believe the text amendment is consistent with Horizon 2020 and the Development Code, at least with respect to our neighborhood and the other adjoining landowners. The Development Code is intended to implement Horizon 2020 in a way that "protects, enhances and promotes the health, safety, and general welfare of the citizens of Lawrence." As currently drafted the Development Code doesn't allow for outdoor participant recreational use in either RSO or CN2, even with an SUP. It doesn't appear anyone believes this was a mistake, and we ought to assume the Development Code was adopted the way it was for good reason. In our situation it certainly makes sense because, for the reasons laid out above, a commercial fun center does not fit in our residential area. We don't believe changing the rules to allow this particular fun center across the street from our house is in the spirit of protecting, enhancing, or promoting the health, safety, and general welfare of us or our neighbors.

As to the other factor, the text amendment doesn't purport to fix an inconsistency or error in the development code. Rather, it's said to meet the challenge of a changing condition; specifically, an increased emphasis on creating a healthy environment for residents. We question how mini-golf, go-karts, arcade games, and a bar create a healthy environment. However, to the extent they do, the development would be better suited in an area that doesn't already have spectacular pedestrian/bike access to trails, parks, and other outdoor recreation. Perhaps in that case it could be said that a challenge was being met by the text amendment, but that's just not true as it pertains to our area.

Thank you,  
Luke and Lori Sinclair  
4400 W. 24<sup>th</sup> Pl.  
Lawrence, KS 66047

**From:** Bob Grabill [<mailto:bgrabill@chiefexec.com>]

**Sent:** Monday, February 24, 2014 10:19 AM

**To:** [amalia.graham@gmail.com](mailto:amalia.graham@gmail.com); [montanastan62@gmail.com](mailto:montanastan62@gmail.com); [jonjosserand@gmail.com](mailto:jonjosserand@gmail.com); [pkelly@usd497.org](mailto:pkelly@usd497.org); Bryan C. Culver; [denney1@sunflower.com](mailto:denney1@sunflower.com); [squampva@aol.com](mailto:squampva@aol.com); [clay.britton@yahoo.com](mailto:clay.britton@yahoo.com); [bruce@kansascitysailing.com](mailto:bruce@kansascitysailing.com); [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com)

**Subject:** Proposed development

We understand that there is a proposed development including a go kart track close to our home in Alvamar.

Nothing could drive down home values faster not to mention disrupt sleep of we and our neighbors than this project.

We ask that you please not approve this.

Thank you,  
Bob & Jennifer Grabill  
2027 Hogan Ct.  
(Masters Subdivision)

**Bob Grabill** | President & CEO 

**Chief Executive Network** | phone: 785.832.0303 Ext. 102 | [bgrabill@chiefexec.com](mailto:bgrabill@chiefexec.com)  
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**From:** Steve Clark [<mailto:sclark@sunflower.com>]

**Sent:** Monday, February 24, 2014 10:18 AM

**To:** Bryan C. Culver; [bruce@kansascitysailing.com](mailto:bruce@kansascitysailing.com); [amalia.graham@gmail.com](mailto:amalia.graham@gmail.com); [montanastan62@gmail.com](mailto:montanastan62@gmail.com); [jonjosserand@gmail.com](mailto:jonjosserand@gmail.com); [pkelly@usd497.org](mailto:pkelly@usd497.org); [denney1@sunflower.com](mailto:denney1@sunflower.com); [squampva@aol.com](mailto:squampva@aol.com); [dcbritt@yahoo.com](mailto:dcbritt@yahoo.com); [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com)

**Subject:** Proposed Family Fun Center

Planning Commission Members,

Our neighbors Luke and Lori Sinclair have summed up our feelings on this matter almost perfectly. But to add our own thoughts...

We are certainly in support of small locally owned businesses having the opportunity to start, thrive and grow. This however is a bad idea doomed to fail almost immediately. Not only is it a bad idea, but it is a bad location for a business of this sort period. Factor in everything the Sinclairs have said about why it's bad for our neighborhood, but it's just a stupid location for a business of this sort.

What would make anyone think a go-cart track in Lawrence Kansas is going to thrive? Take a drive through Branson MO, the capital of family tourism in this part of the country and umpteen of these are sitting idle and deteriorating. How do I know? I've only been traveling there on business monthly for the past 27 years! We do not have the tourism to even try to support this type of business, let alone off the beaten path in a residential neighborhood.

The Clinton Parkway and Inverness intersection as well as the 24th Place and Inverness Roundabout on down to the Crossgate and 24th Place roundabout have far too much traffic with all of the "student" apartments, school traffic and access to the Wakarusa and K10 entrance. Having said this, this a residential neighborhood and not an entertainment district. Our neighborhood does not need any more traffic, let alone late night traffic or the light pollution that would come with this.

Please find a more suitable location for this type of business like near the K10 and 6th Street interchange. We welcome reasonable development on this plot such as light commercial office space which operates with a minimum of traffic during normal business hours.

Thank you for your consideration on this matter.

Steve and Tami Clark  
4425 W 24th Pl



LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

APR 21 2014

City County Planning Office  
Lawrence, Kansas

To Mr. Bryan Culver, Chairman, and Planning Commissioners  
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEMS NO. 8, 9A, 9B, & 9C, TEXT AMENDMENT AND SUP FOR  
PARTICIPANT SPORTS AND OUTDOOR RECREATION USES and FAST ORDER  
FOOD WITH DRIVE THROUGH.

Dear Chairman Culver and Planning Commissioners:

Please see the letter attached that we wrote to you regarding the Text Amendment to allow  
Participant Sports and Outdoor Recreation Uses in the CN2 District. Included are our  
comments on the rezoning and the Special Use Permits as applied to the subject tract in  
Inverness Park.

We would like to emphasize the points made in that letter against this Text Amendment  
as well as against permitting the Outdoor Participant Sports uses and Fast Order Food  
Drive-Through in the subject tracts.

In view of this recent proposal and the staff recommendations, we also suggest that  
rezoning the CN2 District to the subject location submits the neighborhood in the future  
to this and other unsuitable uses. Consequently, we hope you will consider the following  
additional comments.

1. We ask that you deny the rezoning of the subject tract to the CN2 District. In  
the future, before reconsidering any rezoning for the subject tract, the ten acres  
allotted to that tract for the CN2 District in the Inverness Park District Plan should  
be reduced to 5 acres to permit an RSO rezoning and use to take up the remaining  
acreage.
2. Any rezoning for that area should specifically limit the ordinance to the  
suggestions and approval of the Inverness Park neighborhood to allow only those  
uses needed by the residents.

Sincerely yours,

Alan Black, Chairman  
Land Use Committee

Cille King  
President

  
*Attachment*

Co-President  
David Burress

Co-President  
Cille King

President-Elect  
Cille King

Vice President  
marci francisco

Secretary  
Caleb Morse

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Margaret Arnold

Caroljean Brune

Scott Criqui

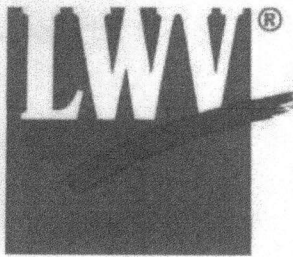
James Dunn

Ruth Gibbs

Midge Grinstead

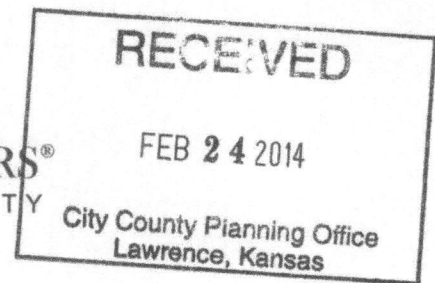
Marlene Merrill





LEAGUE OF WOMEN VOTERS®  
OF LAWRENCE/DOUGLAS COUNTY

February 23, 2014



To Mr. Bryan Culver, Chairman, and Planning Commissioners  
Lawrence-Douglas County Metropolitan Planning Commission

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT  
SPORTS & RECREATION,

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ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND  
INVERNESS DRIVE

ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH  
PLACE

Dear Chairman Culver and Planning Commissioners:

For many reasons, we request that you **not** approve Items No. 4, 5B and 5C.

The CN districts are neighborhood commercial districts and were designed to provide goods and services for the immediate neighborhoods where they are located. The recreational uses that will be permitted, if the **Text Amendment, Item No. 4** is approved, permit the type of commercial outdoor recreational uses that have multiple environmental and planning ramifications. We believe that the likely negative impacts of these proposals have not been adequately reviewed in the Staff Report, and when carefully considered, would lead to the conclusion that because of these possible outcomes, they should not be included as permitted uses in the CN districts, even with a SUP.

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.

2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.

3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.

4. In terms of the planning considerations, the recreational use and the drive-ins **will absorb all of the available commercial space** so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see **Chapter 6**

**of Horizon 2020, page 6-12, paragraph 2 under the Section, "Recreational Uses."**)

5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.

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Co-President  
Cille King

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Cille King

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For the same reasons, **we ask that you not approve the SUP for Item No. 5B.**

**We also ask that you not approve Item No. 5C, the SUP for the Fast Order Food With Drive-Thru use.** The Fast Order Food With Drive-Thru use would be much more intense than under normal circumstances because the clientele of the recreation center would add to the customer base. The use, itself, was not anticipated for CN districts under normal circumstances because of the increase in traffic and clutter that it would bring, and the combination of fast food drive-thru plus the outdoor commercial recreation center here could do real damage to the neighborhood.

Again, we appeal to the Planning Commission to deny Items 4, 5B, and 5C.

Sincerely yours,

*Cille King*

Cille King, President

*Alan Black*

Alan Black, Chairman  
Land Use Committee

April 21, 2014

**RE:** Agenda Items 8, 9A, 9B and 9C related to proposal for family fun center at Clinton Parkway & Inverness Drive

Dear Planning Commissioners:

On your agenda this month are a series of related items to the application for a family fun center in my neighborhood. The planning for this use has progressed over the past several months with adjustments made to the site plan and uses proposed to address points raised by planning staff, and by the public through communications to the Planning Commission. I believe earnest efforts have been made by the applicant's representative to address some of the points raised, but the principal point and central issue is that the location proposed is not a good match with the proposed use. Were the use and location a "good match", the applicant would need neither to request amending the CN2 Zoning District to increase the uses permitted in it, nor requesting special approval (re: SUP) for uses that are not permitted by right in the district.

I believe there can be found a broad community consensus that such recreational uses would fill a need of families in Lawrence. There is also a very large neighborhood consensus that this need – these uses – should not be filled by the approval of the requests before you in items 8, 9A, 9B and 9C. Approval of these requests would be at the detriment of those who live, work and play in the neighborhoods along Clinton Parkway. There is an interconnected community of neighborhoods that have developed between the two nodal neighborhood commercial centers at Kasold Drive and at Wakarusa Drive along the Parkway. This community has developed through the four educational facilities that exist along either side of the parkway; the recreational bike/hike trail along the parkway; and over 30 years of development of subdivisions that have formed these neighborhood,

The developer's proposal and the staff report look at the plans, policies and Zoning Regulations and support one "truth". As anyone involved in planning can tell you, there is often more than one way to view the planning documents, policies and implementation tools. I would ask you to consider another, equally valid, set of facts derived from the same planning documents - the neighborhood plan, the comprehensive plan, and the Zoning Regulations – used to support recommendations for approval.

I raise four points for your consideration:

- 1) Neighborhood planning and the Inverness Park District Plan;
- 2) Horizon 2020's policies regarding neighborhood commercial developments;
- 3) The function of Zoning Regulations to implement the comprehensive plan
- 4) Community gateways and the role of Clinton Parkway since the early 1970s as a gateway to the west.

### **Neighborhood Planning and the Inverness Park District Plan**

The timeline of development activity presented in the staff report for Item No. 9A begins in 1999 with the annexation of the quarter section of ground, which was an isolated unincorporated 160 acres surrounded by a neighborhood that had been developing for over 20 years. The annexation of this property was preceded by planning of the entire 160 acres to guide its development and promote integration of the uses in these areas with the already developed neighborhoods and neighborhood schools. The progression of denser/more intense uses from Clinton Parkway, on the north, to single-family residential subdivision south of the natural drainage divide followed sound planning principles in 1999. These same planning principles are espoused today for newly annexed areas in Chapter 15

*Place Making* and in the Lawrence Smart Code (although this specific area has not been identified on Map 15-1).

**Horizon 2020** notes in the introductory chapter that the, "...city and county use the Comprehensive Plan to evaluate development proposals; to coordinate development at the fringes of the county's cities; to form the foundation for specific area plans..." [emphasis added]

The Inverness Park District Plan is a type of "specific area plan" [re: **Horizon 2020**, pg 14-1]. According to the comprehensive plan, there are six reasons or purposes of developing a Specific Issue/District Plan. Two of these purposes are particularly relevant to the applications for land use changes in our neighborhood:

" 4. Determine if development proposals are land use changes are in accordance with the community's long term vision.

5. Provide a shared vision for area's residents/owners and local government entities." [re: **Horizon 2020**, pg 14-2]

The community of neighborhoods along Clinton Parkway, between Kasold Drive and Wakarusa Drive, and the two existing neighborhood commercial centers have seen **19** changes proposed to the planning documents and guiding policies for their neighborhood since 1999. Note 4 of these were withdrawn or not built and one was denied. That translates into over 70% of the proposed changes being adopted and developed. The neighborhood is not adverse to change, but it has grown more defensive in what changes to accept. The 2012 District Plan revision was guided by previous battles to keep at bay the numerous and repetitive proposals to increase residential densities and increase the percentage of rental housing in an owner-occupied residential area. The desire to not increase the percentage of rental housing is not unique to the Inverness Park area; it is a shared concern with the Oread and Centennial neighborhoods that border the University of Kansas. Through the development of neighborhood plans and neighborhood planning in Lawrence in the 1970s and 1980s, planning & housing statistics supported the premise that the stability of a neighborhood is closely tied to a predominance of owner-occupied residences. As the number of owner-occupied residences dips below 2/3rds the neighborhood housing stock begins to deteriorate.

The proposed rezoning to CN2, Neighborhood Commercial, the SUP for Outdoor Recreational facilities, and the amendments to the Zoning Regulations to add the developer's desired uses to the permitted uses in the CN2 are not part of the area residents/owners "shared vision".

#### **Horizon 2020's policies regarding neighborhood commercial developments:**

CN1, Inner Neighborhood Commercial and CN2, Neighborhood Commercial are both neighborhood commercial districts. The CN1 district is a more desirable and appropriate neighborhood commercial district for our neighborhood because:

- CN1 was designed to serve existing neighborhood needs and the policies for this type of neighborhood commercial development were revised in 2008, recognizing the usefulness of this type of zoning for new CN1 areas within established neighborhoods [RE: ]
- This site shares similar siting and neighborhood compatibility issues with sites identified in Horizon 2020 as existing inner-neighborhood commercial center sites [re: page 6-6 in Horizon 2020].

- New inner-neighborhood commercial centers are designed as “ an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.” [re: page 6-20 in Horizon 2020]
- New Neighborhood Commercial Centers (CN2 sites) are identified in Horizon 2020 [page 6-21] and planning policies recommend new neighborhood commercial centers occur **“at least”** *(emphasis added)* 1 mile radius from existing or new Commercial Centers. [page 6-33 in Horizon 2020].
- The neighborhood commercial centers at Clinton Parkway and Kasold Drive and Clinton Parkway and Wakarusa Drive are 1.5 miles apart. The new CN2 at Clinton Parkway and Crossgates Drive is ½ mile from the Kasold Commercial Center and 1 mile from the Wakarusa Commercial Center.
- Standards for new Inner-Neighborhood Commercial Centers, in policy 3.3 of Chapter 6 Horizon 2020, fit the neighborhoods needs more precisely than the proposal before the Commission. The standards in this policy are:
  1. *Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;*
  2. *Centers shall not have gas pumps, drive-thru or drive-up facilities;*
  3. *Centers may include residential uses;*
  4. *Centers shall have no more than 3,000 gross square feet of commercial space; and*
  5. *Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.[ page 6-31 in Horizon 2020]*

### **The function of Zoning Regulations to implement the comprehensive plan:**

Zoning Regulations are intended to implement the goals and policies in the comprehensive plan. There purpose should not be to mold and craft a piece of property so that a developer's desires can be 'shoehorned' into a site that is not appropriate for the proposed use. The request to “amend” the permitted uses in the CN2 district impact all areas zoned CN2. Drive through uses and outdoor recreational events, if improperly located in the CC, CR and CS zoning districts, should be thoroughly reviewed based on the impact on all existing CN2 centers, not just the development proposal before the Commission at this time.

### **Community gateways and the role of Clinton Parkway since the early 1970s as a gateway to the west.**

Clinton Parkway is identified as a community gateway in Horizon 2020. It was identified in Plan 95, the previous land use plan, as a Community Gateway. Neighbors, property owners, and users of the recreational trails along Clinton Parkway have all enjoyed the support of the Lawrence governing bodies and planning commissioners to stay true to the vision that Clinton Parkway could be something different and better than its counterpart (23<sup>rd</sup> Street) to the east of Iowa Street. Please consider the impacts of the noise and light pollution associated with the proposed development and the litter and trash that are a likely outcome of the addition of a fast food restaurant along the Parkway.

Please consider the large out-pouring from our neighbors and this written communication to you that are in opposition to this development proposal for the specific commercial uses and outdoor recreational uses. They are not meeting a need, desire, or interest of our collective neighborhoods. Please deny the outdoor recreational SUP request and the text amendments to the ZR for the CN2 district and either deny the CN2 rezoning request or recommend a lesser change to CN1, which more

accurately and adequately – without need of text amendments – meets the stated priorities for neighborhood commercial in the Inverness Park District Plan.

Thank you.

Sincerely,

Linda and Richard Finger  
4117 Wimbledon Drive