

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

PC Staff Report  
2/24/2014

**ITEM NO. 5A: RSO TO CN2; 10.97 ACRES; 4300 W 24<sup>th</sup> Place (SLD/TLH)**

**Z-13-00483:** Consider a request to rezone approximately 10.97 acres from Single-Dwelling Residential-Office (RSO) to Neighborhood Shopping Center (CN2), located at 4300 W 24<sup>th</sup> Place in Lawrence. This request has been submitted by Paul Werner Architects for Corporate Holdings II LLC, the property owner of record.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for approximately 10.97 acres from Single-Dwelling Residential-Office (RSO) to Neighborhood Shopping Center (CN2) and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

1. Uses subject to site plan approval shall be approved by the CC prior to approval
2. Uses shall be prohibited in this CN2 (Neighborhood Shopping Center) District:
  - a. Household living (all residential uses)
3. Buffer along Inverness Drive shall be limited to open space, landscape, and park-type amenities.

**ATTACHMENTS**

- A. Inverness Park Plan Map
- B. Table of Restricted Uses- 20-403
- C. Revised map of zoning
- D. Applicant's Project Summary

**PROPERTY OWNER'S REASON FOR REQUEST**

*The property owner intends to develop an outdoor 'Family Fun Center' with clubhouse.*

**KEY POINTS**

- This is a request to accommodate the proposed Family Fun Center on the east half of the property located south of Clinton Parkway at the intersection of W. 24<sup>th</sup> Place and Inverness Drive.
- Proposed request will create a Neighborhood Commercial Center in the Inverness Park District.
- Request is consistent with land use recommendations for this area noted in the *Inverness Park District Plan*.

**ASSOCIATED CASES/OTHER ACTION REQUIRED**

ASSOCIATED ITEMS BEING CONSIDERED AT THE FEBRUARY PLANNING COMMISSION MEETING:

- TA-13-00488; Special Use in CN2 District
- **Z-13-00483; RSO to CN2**
- SUP-13-00486; Family Fun Center
- SUP-14-00026; Inverness Corner Retail Development (with drive-thru)

**OTHER ACTION REQUIRED:**

- City Commission approval of rezoning and adoption of ordinance.
- Publication of rezoning ordinance.

**OTHER ACTIONS REQUIRED PRIOR TO DEVELOPMENT**

- Platting of the property through the Major Subdivision process.
- Special Use Permit approved prior to release of building permits, for Participant Sports and Recreation, IOutdoor.

**PLANS AND STUDIES REQUIRED**

(None required for this rezoning)

**PUBLIC COMMENT**

- Letter: Gary Olson, Clinton Parkway Animal Hospital
- Letter: Wimbledon Townhome Association

**Project Summary**

This property is located on the south side of Clinton Parkway; east of Inverness Drive and north of W. 24<sup>th</sup> Place. This application is submitted concurrently with TA-13-00488, SUP-13-00486, and SUP-14-00026 with the intent to develop an outdoor "Family Fun Center" with a Clubhouse on site. This use will use the eastern 2/3 of the property. The western 1/3 will contain pad sites with drive-thru uses and are covered in SUP-14-00026. This request allows for neighborhood-oriented commercial development along Clinton Parkway in the Inverness Park neighborhood. This application was submitted concurrently with the text amendment and special use applications.

The applicant has submitted a concept plan for the Family Fun Center that details the new complex, and additional commercial uses on the parcel closest to Inverness Drive. Two separate Special Use Permit applications have been submitted for the Family Fun Center and the pad sites, Inverness Corner Retail Development.

**REVIEW & DECISION-MAKING CRITERIA**

**1. CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Property Owner's Response:

*"Page 18 of the Inverness Park District Plan states, "Multi-Family uses are not appropriate for this area." The Future Land Use Map 4-1, on page 21, shows this area as 'neighborhood commercial.'"*

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. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street intersections. Development is intended on only one corner of the intersection.

*Horizon 2020* identifies commercial development goals in Chapter 6. Goals for established commercial areas include the retention, redevelopment and expansion of established commercial areas in the community. (Page 6-24)

Other comprehensive plan goals include appropriate land use transition between commercial and residential neighborhood areas. These goals are applicable to the proposed request.

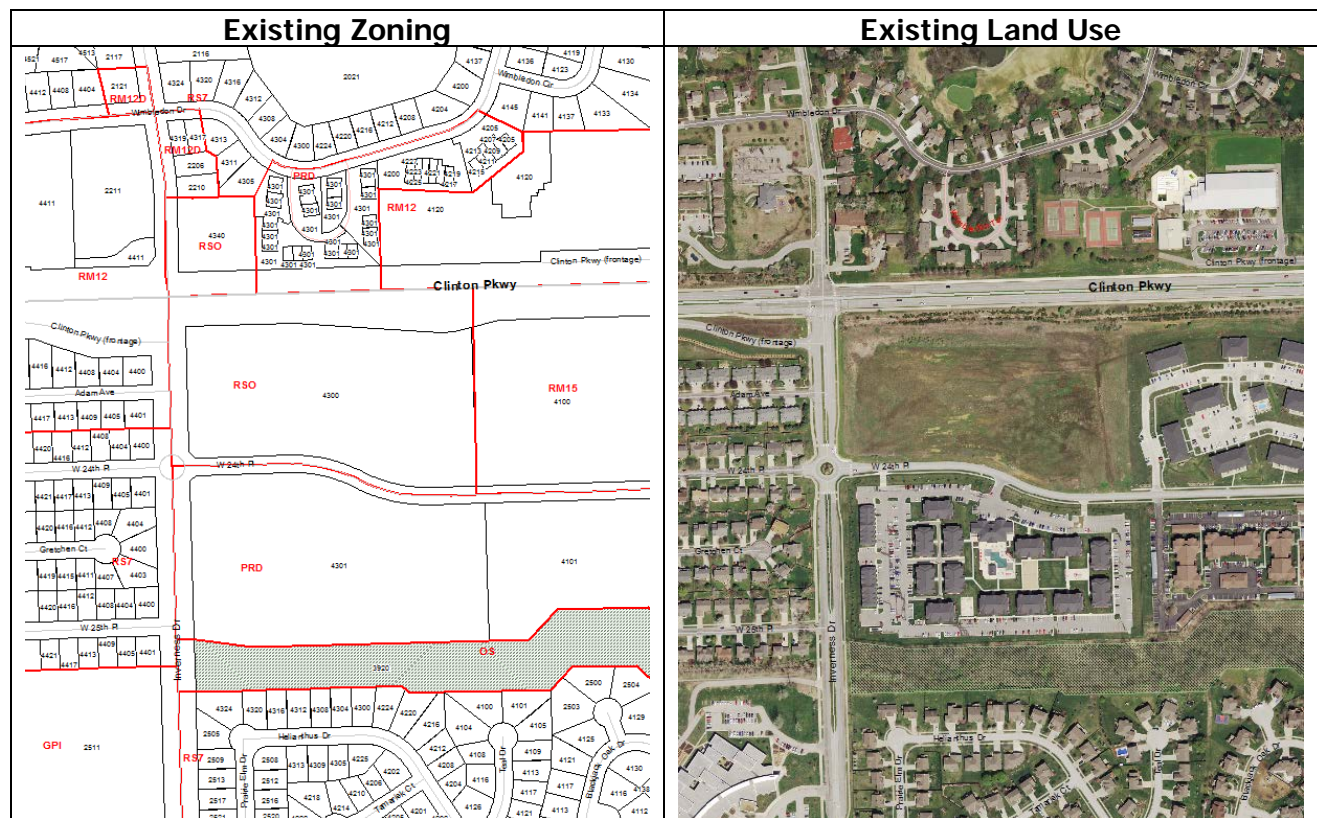
**Staff Finding** – The request for CN2 zoning in this location is consistent with recently approved changes to *Horizon 2020* goals and policies and specific land use recommendations included in the *Inverness Park District Plan*.

## 2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

Current Zoning and Land Use: RSO (Single-Dwelling Residential-Office District), undeveloped

Surrounding Zoning and Land Use:

- To the southwest:
  - RS7 (Single-Dwelling Residential District) single family residences located west of Inverness Drive.
  - GPI (Southwest Middle School and Sunflower Elementary School); Elementary and middle schools located farther southwest along Inverness Drive.
- To the south:
  - PRD-[The Grove] and PRD-[Legends at KU]; multi-dwelling residences.
- To the north:
  - RM12 (Multi-Dwelling Residential District); Bishop Seabury Academy.
  - PRD-[Wimbledon Terraces]; multi-dwelling residences
  - RSO (Single-Dwelling Residential-Office) District; Clinton Parkway Animal Hospital.
- To the northwest/west
  - RM12 (Multi-Dwelling Residential District); a church and duplexes
- To the east:
  - RM12 (Multi-Dwelling Residential District); multi-dwelling residences



The predominate use of nearby properties are multi-dwelling residential, with single family residences located to the west and further south, east of Inverness. All adjacent properties are developed; the current property is the only undeveloped parcel in the immediate vicinity. Southwest Middle School and Sunflower Elementary School are located roughly one block south along Inverness Drive. Raintree Montessori School is located roughly one block west of the property along Clinton Parkway.

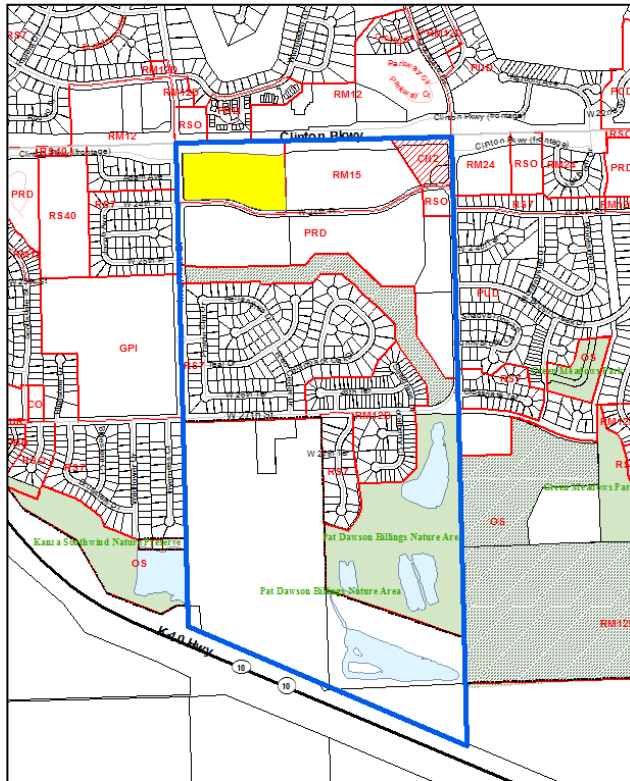
**Staff Finding** – The existing zoning and land use in this immediate area includes both single-family and multi-family zoning. The area is developed with both residential and non-residential uses. Public and private schools are located in the vicinity. The Hy-Vee convenience store and fuel station is located at the east end of W 24<sup>th</sup> Place.

### 3. CHARACTER OF THE AREA

Property Owner's Response:

*"The neighborhood is characterized by a large group of apartment complexes along 24<sup>th</sup> Street, single family homes/duplexes in other areas, and four schools in close proximity to the site. The population already present in the area, the proposed change to zoning would serve the surrounding neighborhoods well."*

This property is located within the Inverness Park Neighborhood. The property is adjacent to Inverness Drive, directly to the west, which provides access to Clinton Parkway, a major arterial. The property is also serviced via Bus Route 29 (27<sup>th</sup> & Wakarusa to KU) along W 24<sup>th</sup> Place, which provides transit access from the University of Kansas to areas in the southwestern part of Lawrence.



The Inverness Park neighborhood is defined in the *Inverness Park District Plan* as an area located south of Clinton Parkway between Inverness and Crossgate Drives, north of K-10 Highway. The Inverness Park neighborhood is primarily urban in nature and is located mostly within the City of Lawrence, except for two residences located south near K-10 Highway. Multi-dwelling (higher density) residential properties are located in the northern portion of the district, and are located in the direct vicinity of the proposed Family Fun Center, along W 24<sup>th</sup> Place. Raintree Montessori School is located west of the neighborhood along Clinton Parkway, and Southwest Middle School and Sunflower Elementary School are located roughly one block south of the property along Inverness Drive.

The subject property is one of the few undeveloped parcels within the plan boundary.

**Staff Finding** – The vicinity surrounding the subject property includes a variety of residential and non-residential uses. The neighborhood is used predominately developed with few remaining vacant parcels.

#### 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 included within the plan boundary of the *Inverness Park District Plan* adopted in 2012. The plan recommends this particular parcel to be used for neighborhood commercial development. This plan includes specific policies to address buffers and screening on this particular parcel of land in order to maintain the single-family neighborhood characteristics of homes to the west.

**Staff Finding** – The proposed CN2 zoning request conforms to the land use recommendation in the *Inverness Park District Plan*. Buffers laid out in the Inverness Park District Plan should be designed to mitigate any nuisances related to commercial development.

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

Property Owner's Response:

*"The current zoning restricts the site to residential/office uses which would not serve the area well due to the large amount of apartments already present on 24<sup>th</sup> Street."*

Numerous concerns were raised before and during the creation of the *Inverness Park District Plan* adoption in 2012 regarding additional multi-dwelling residential development. The current

RSO district is no longer suitable for this property, being inconsistent with the recommended commercial land use. The plan states this property is best suited for a neighborhood commercial use.

**Staff Finding** – The current RSO zoning is no longer suitable for this property given the adoption of the *Inverness Park District Plan*. Approval of the request facilitates development of the site consistent with adopted land use policies for this property. The CN2 district allows multi-dwelling uses identified as unsuitable for this area. If approved, this specific use should be prohibited as a condition.

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

Property Owner's Response:

*"The site has never been developed."*

**Staff Finding** – This property has been zoned since adoption of the Land Development Code in 2006. Prior to 2006, the property was zoned "RO" as part of the subdivision development plans.

#### **7. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES**

Property Owner's response:

*"Nearby properties will benefit from neighborhood commercial uses in the area due to the close proximity of services that they can walk to. Although some additional traffic would be generated by the use, it will likely be serving those already in the area for school drop-off and pick-up."*

Staff concurs that traffic in the area will increase as currently vacant properties are developed. No additional street or intersection improvements are necessary as a result of rezoning. As specific uses and development plans are submitted, traffic is evaluated and any additional improvements are identified at that time.

Some uses allowed in the CN2 district are not appropriate or suitable for this location and were found to be detrimental to the neighborhood, prior to the creation of the *Inverness Park District Plan*, specifically multi-dwelling uses.

Any nuisances arising from rezoning will be addressed conditionally as stated in the *Inverness Park District Plan*, most notably, proper buffering for light and noise issues closest to adjacent residential structures. In addition, site plans require public notice and city commission approval.

**Staff Finding** – The proposed change facilitates development of this site consistent with planned land use of this property. The proposed change alters the land use expectations from residential to neighborhood commercial. This change is expected by staff to be beneficial to surrounding proposal owners by implementing a land use plan. Staff recommends that approval of the zoning prohibit residential uses on this property.

#### **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**



Property Owner's Response:

*"The gain if this site were developed would be the benefit of a commercial area that would allow nearby residents to walk to the services provided."*

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

If the rezoning request were denied, the property could remain vacant as an RSO property, which is not the recommended use determined in the *Inverness Park District Plan*.

If the rezoning were approved, the uses allowed change from residential to commercial with a wide variety of commercial uses permitted. Prohibiting specific uses creates a compatible development with the existing neighborhood, as suggested by concerns raised by residents, and stated in the *Inverness Park District Plan*.

Approval of the request will facilitate development and investment in existing property. Denial of the request would prohibit the ability to develop the property as a neighborhood commercial center.

**Staff Finding** – Benefits to the community include the investment in property within existing utility, transportation and service corridors. Denial of the request prohibits the applicant from developing the property as a commercial use. If approved, staff recommends the zoning should prohibit residential uses as a condition of the zoning ordinance.

**PROFESSIONAL STAFF RECOMMENDATION**

The focus of this report is the specific land use request for CN2 zoning. This application was made concurrently with a concept plan for a specific development plan for the site. Approval of the request is intended to apply to the entire property. Some land uses allowed in the CN2 district are not appropriate for this location and would not be consistent with the adopted neighborhood plan. Specific uses that should be prohibited include: household living (multi-dwelling).

The CN2 District allows the following eating and drinking establishments: Bar or Lounge; Brew Pub; Fast Order Food; Fast Order Food, Drive Thru (with SUP); Private Dining Establishment; Restaurant, Quality. Other uses that can include a drive thru or order/pick up window require a SUP to evaluate the appropriateness of the use in a Neighborhood Commercial Center. This requirement provides adequate assurance that public interests are protected. This requirement does not guarantee that drive-thru uses will be allowed. Peak-hour traffic would also be consistent with neighborhood oriented commercial development. High volume, multiple peak-hour traffic generators such as a chain "fast order food" use would not be consistent with neighborhood oriented commercial development. Prohibiting the use of "Fast Order Food, Drive Thru" also prohibits a "coffee shop" type use, which could easily serve neighborhood residents. Due to this inclusion, staff does not recommend prohibition of this use from the proposed CN2 district. Furthermore, per code, this use requires a Special Use Permit that ensures adequate notice, and review to ensure neighborhood compatibility is preserved within the Inverness Park District.

This rezoning has been submitted concurrently with a text amendment (TA-13-00488) which will permit *Participant Sports and Recreation, Outdoor* uses. In addition, two Special Use Permit applications have been submitted with this Zoning request: SUP-13-0046- Family Fun Center; SUP-14-00026- Inverness Corner Retail Development.

Any development plans on the site are subject to site planning and City Commission approval, therefore this requirement is included as a condition for approval.

Staff recommends approval of the proposed CN2 zoning.

### **CONCLUSION**

The current zoning of RSO is not consistent with the recommended use in the *Inverness Park District Plan* adopted in 2012. Rezoning to CN2 allows the parcel to be developed as a commercial development at a neighborhood-scale that implements the *Inverness Park District Plan*.



**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

<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>		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
	Detention Facilities	-	-	-	-	-	-	-	-	-	S	S	S	-	S	-	
	Lodge, Fraternal & Civic Assembly	S*	S*	S*	S*	P*	P*	P*	P*	-	P*	-	-	-	P*	-	512
	Postal & Parcel Service	-	P	P	P	P	P	P	P	P	P	P	P	-	P	-	
	Public Safety	S	P	P	P	P	P	P	P	P	P	P	P	-	P	-	
	School	P	P	P	P	P	P	P	P	-	-	-	-	-	P	-	
	Funeral and Interment	-	P*	-	P*	P*	P*	P*	P*	P*	P*	-	-	A*	-	-	505
	Temporary Shelter	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*/A*	S*	S*/A*	-	S*	-	S*	S*/A*	544/522
	Social Service Agency	P	P	P	P	P	P	P	P	P	P	-	P	-	P	A	
	Community Meal Program	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S/A*	S	S/A*	-	S	-	S	S/A*	522
	Utilities, Minor	P*/S*	P*/S*	P*/S	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	P*/S*	-	530
	Utilities and Service, Major	S	S	S	S	S	S	S	S	S	S	P	P	S	P	-	
Medical Facilities	Community Mental Health Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
	Extended Care Facility, General	-	S	-	S	-	-	-	-	S	-	-	-	-	-	A	
	Extended Care Facility, Limited	P	P	P	P	-	-	-	-	-	-	-	-	-	S	A	
	Health Care Office, Health Care Clinic	P	S	P	P	P	P	P	P	P	P	-	-	-	P	A	
	Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
	Outpatient Care Facility	P*	P*	P*	P*	P*	P*	P*	P*	-	-	-	-	-	P*	A*	519
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	-	-	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	

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		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	-	P/S*	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	

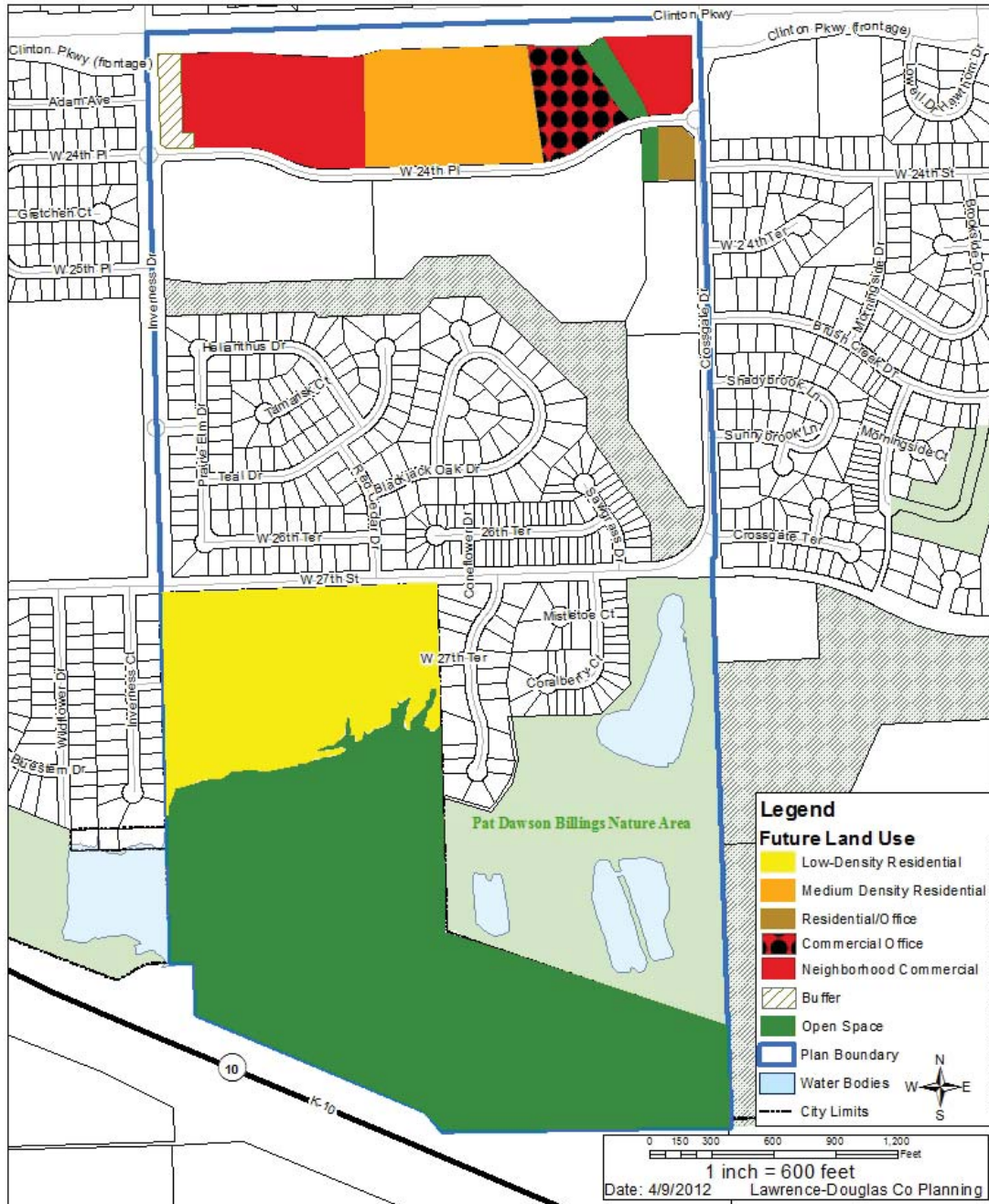
<b>Key:</b> <i>A = Accessory</i> <i>P = Permitted</i> <i>S = Special Use</i> <i>* = Standard Applies</i> <i>- = Use not allowed</i>		Base Zoning Districts															Use-Specific Standards (Sec. 20-)
		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
Vehicle Sales & Service	Cleaning (Car Wash)	-	S	-	-	-	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	-	-	-	
INDUSTRIAL USE GROUP																	
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	-	
	Mini-Warehouse	-	-	-	-	-	P	P	P	-	P	-	P	-	-	-	

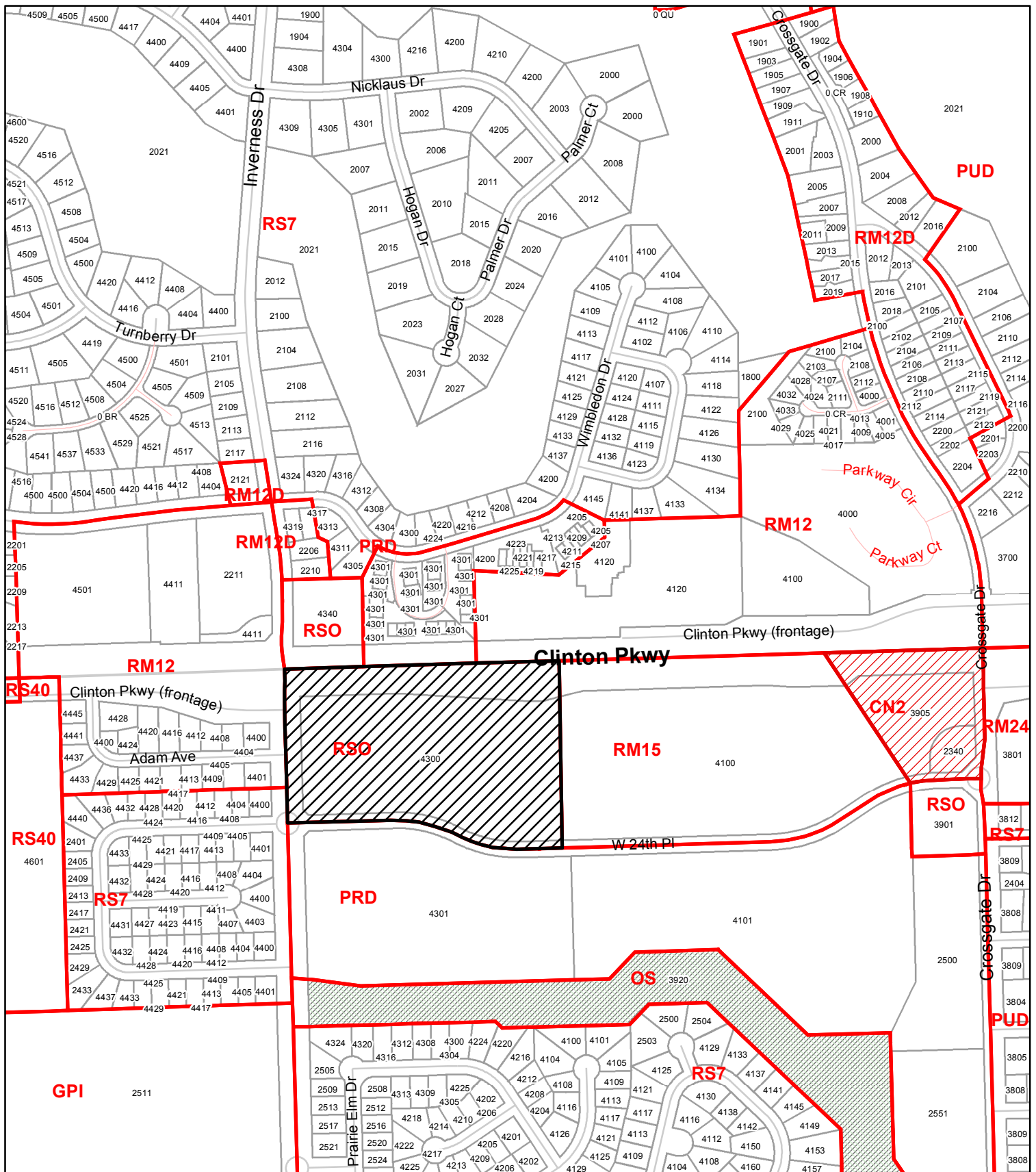
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		CN1	CN2	MU	CO	CD	CC	CR	CS	IBP	IL	IM	IG	OS	GPI	H	
OTHER USES GROUP																	
Adaptive Reuse	Designated Historic Property	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	501
	Greek Housing Unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Agriculture	Agricultural 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	-	-	-	



Map 4-1 – Future Land Use

## Inverness Park District Plan Future Land Use





**Z-13-00483: Rezone 10.97 acres from RSO District to CN2 District**  
**SUP-13-00486: Special Use Permit for a Family Fun Center &**  
**SUP-14-00026: Special Use Permit for Fast Order Food with Drive-thru**  
**Located at 4300 West 24th Place**

Lawrence-Douglas County Planning Office  
 February 2014



Subject Property



paulwerner  
ARCHITECTS

November 26, 2013

Sheila Stogsdill  
Planning and Development Services  
6 East 6<sup>th</sup> St.  
Lawrence, KS 66044

Dear Sheila,

The Family Fun Center is a project that meets a missing niche in the Lawrence entertainment market. The developer is excited about the project potential and is eager to move forward.

The Family Fun Center will provide outdoor uses which will include miniature golf, batting cages and electric go-karts. The go-kart manufacturer has indicated the go-karts will make as little noise as a car would driving down the road at 20 - 30 MPH.

The clubhouse activities will include:

1st Floor - Club rental for miniature golf, birthday party rooms, arcade games and snack area  
2nd Floor - Bar with 3.2 liquor license, Nascar driving experience arcade games and miniature bowling

Operating hours are anticipated to be:

Monday - Wednesday, 11AM - 10PM  
Thursday and Friday, 11AM - 12AM  
Saturday, 10AM - 12AM  
Sunday, 12PM - 9PM

Once the Thanksgiving Holiday is over we hope to get together with the neighbors to discuss the above details. If you have additional questions please don't hesitate to ask as we move forward.

Sincerely,



Joy Rhea, RLA

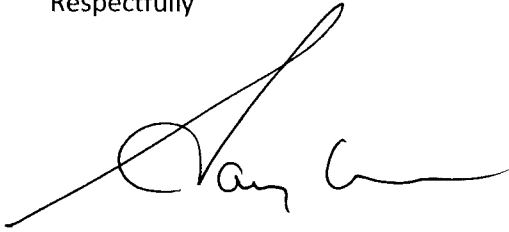
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Office : 123 W 8<sup>th</sup> Street Suite B2 : Lawrence, Kansas : 66044  
Mail : PO BOX 1536 : Lawrence, Kansas : 66044-8536  
PHONE: 785.832.0804 FAX: 785.832.0804  
info@paulwernerarchitects.com

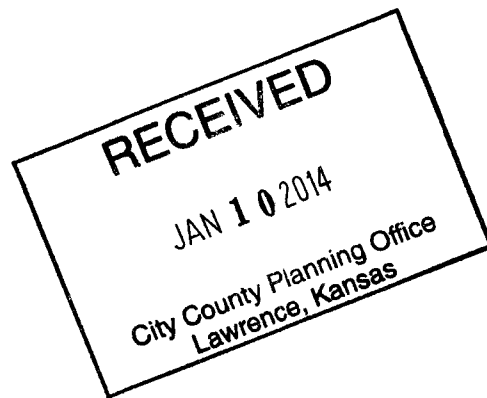
I am the property owner of Clinton Parkway Animal Hospital, 4340 Clinton Parkway and a rental house at 4334 Clinton Parkway. We have strived to maintain and improve the outside appearance of those two properties, including a major investment in new landscaping in 2013.

I definitely oppose the rezoning request # Z-13-00483 for 4300 W 24<sup>th</sup> Place. The noise will be a major issue; it will detract from surrounding properties, and overall is a poor idea for the location, in my opinion.

Respectfully

A handwritten signature in black ink, appearing to read "Gary Olson", with a large, stylized initial "G" and a long horizontal stroke extending to the right.

Gary Olson, DVM  
Clinton Parkway Animal Hospital  
4340 Clinton Parkway  
Lawrence, KS 66047  
785-841-3131



**From:** [Mulloy, Molly](#)  
**To:** [Travis Halm](#)  
**Subject:** Letter from Wimbledon Terrace Townhomes Assn  
**Date:** Sunday, February 16, 2014 10:35:35 AM

---

Dear Mr. Halm,  
Please see the letter below being sent on behalf of the 23 townhome owners at 4301 Wimbledon Terrace. As noted in the letter, we have some serious concerns about the proposed Family Fun Center project under consideration for the vacant land near Clinton Parkway and Inverness. Thank you for forwarding our letter to the Commissioners.  
Molly Mulloy

February 14, 2014

Lawrence-Douglas County Planning Commission  
Planning & Development Services  
PO Box 708  
Lawrence KS 66044

Dear Commissioners,

Members of the Wimbledon Terrace Townhomes Association, comprised of the 23 townhome owners at 4301 Wimbledon Terrace, strongly object to the proposed rezoning and special use permit for the large property at 4300 W. 24<sup>th</sup> Place (southeast corner of Inverness and Clinton Parkway). We are referring to the following items, Z-13-00483, SUP-13-00486, and SUP-14-00026, scheduled for discussion at your meeting on Monday, February 24, 2014. Our townhome development is directly across Clinton Parkway from the proposed project. We believe it will have a seriously negative effect on our neighborhood and the safety of the many children in this area.

We are concerned that the proposed "Family Fun Center" and its go-cart track will result in high levels of noise pollution and toxic emissions, that the miniature golf course and batting cages will require excessively bright lights at night, and that the huge increase in traffic at the already-busy intersection of Inverness & Clinton Parkway will be problematic and even dangerous for the school children crossing that intersection. There are four schools located within a few blocks of the proposed project (Bishop Seabury, Raintree Montessori, Sunflower Elementary, and Southwest Middle School), with hundreds of little children who might be intimidated by the large numbers of teenagers and young adults who would frequent the project. Rather than being built in the midst of this residential area, it would seem more appropriate for the massive "Family Fun Center" project to be built in a more commercial or rural area at the edge of the city such as was done with the youth soccer complex south of town and the new recreation center to the west.

Several homeowners from the Wimbledon Terrace Townhomes Association will be present at the meeting on February 24<sup>th</sup> and would be happy to explain our concerns at the meeting, if appropriate.

Thank you for considering our objections to this rezoning request.

Respectfully, ,

Wimbledon Terrace Townhomes Assn.  
Molly Mulloy, Executive Committee (mmulloy@ku.edu)  
Ruth Hiss, Executive Committee (mrsdeltachi@yahoo.com)  
Jane Tedder, Executive Committee (jtedder@sunflower.com)  
Debbie Saiz  
Alice Holtz  
Ann Eversole  
Kathy Rauckman  
Letty Seidl  
Sarah Williamson

Lenora Barker



**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:** Kenna Heim [<mailto:kennahome1@yahoo.com>]

**Sent:** Sunday, February 23, 2014 6:35 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); [dcbritt@yahoo.com](mailto:dcbritt@yahoo.com); [eric.c.struckhoff@gmail.com](mailto:eric.c.struckhoff@gmail.com)

**Subject:** Proposed Family Fun Center and Fast Food restaurants

The designated zoning for the area in question is the correct one--Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.

On children's football nights, I can already barely get through on 27th due to the parking along the street. Inverness was designed to be a quiet residential and school street. Children may be much more in danger of being run over. Traffic on Wakarusa and all these local streets can become very tight and slow as citizens come and go to the ball park on the south side of the SLT. Please drive down into this area during ball games and see what congestion is present.

Also, the ball fields already have very bright lighting all summer long. I am happy for Lawrence to have a wonderful ball park and deal with the bright lighting because I know how important those sports programs are. Landscaping cannot cover up the bright lights that would come with the proposed "fun" center.

People do need their rest. Noises and light coming from the park would make it uncomfortable for people, especially those with children, who need to be rested to go to work or school in the morning.

Now, as a schoolteacher for USD 497, comes my biggest concern of all. The proposal is to place a fun center within a block or so of schools. When I drive home and these schools are letting out, I see students walking most probably to their homes. These children aren't old enough to drive but they could definitely begin stopping by the "fun" center after school. And what types of people might take advantage of the fact that there was a school close by? Not to be alarmist, but it is a perfect setup for pedophiles to lure children. I think of the little girl in Springfield who so recently was kidnapped and killed near her home. I doubt there was a fun center there, but why would we want to endanger our children any further than what they already are?

The fun center might be a fine idea, but PLEASE find an area further out or one that is zoned for commercial use. Keep the zoning as it currently stands.

Respectfully,

Kenna Heim  
4741 Larkspur Circle

**From:** Jamie Hulse [<mailto:jamiehulse@att.net>]

**Sent:** Sunday, February 23, 2014 6:31 AM

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**Subject:** Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

- I am in support of conditional rezoning from **Residential Office (RSO)** to **Commercial Neighborhood 2 (CN2)**, **IF**
  - the rezoning is tied to this specific project. If the project doesn't get developed, then the **zoning would revert back to RSO**, and...
  - **IF** the public process remains in place in perpetuity for the lot for any future lot splits or changes in use, and...
  - IF there is a landscaping buffer along the west side of the property, and...
  - IF multi-family is disallowed for any future development (if at some point 20 years from now a buyer wants to level the Family Fun Center and build apartments)

Neighbors have participated in the development process of the area between Clinton Pkwy/Inverness/W. 27th Street/Crossgate since it was annexed into the city limits. Neighbors supported the initial plan, and prior re-zonings (upzonings) for other lots along W. 24th tied to a senior housing development, including support of more dense development of The Legends as part of the entire project, because the senior housing was planned to be between The Legends apartments and Inverness where students walked and rode bikes. Neighbors asked if there could be conditional rezoning and were told no by city staff. Neighbors trusted that the senior development would be built and supported the entire re-zoning. The Legends were built immediately. The senior housing developer pulled out, and dense apartments catering to partying college students were built instead - The Grove.

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- Since there isn't currently a buyer for the west lot: regarding a potential future lot split as shown on the proposed plan - either require that the lot split happens now and keep zoning on west lot as RSO until there is a buyer, or if lot split doesn't happen now, keep public comment as part of the process for further development.
    - The corner of Inverness and Clinton Parkway is the entrance to three schools, and across the street from a fourth school.
    - Traffic is already challenging from that intersection to Inverness and W. 27th St.
    - The west corner lot should ideally remain Residential Office (RSO) until there is an actual developer/buyer, so the neighbors can participate in the process.
    - A development plan for that corner is irrelevant when there is no buyer or tenant, because it will be scrapped and redrawn when there is a buyer/tenant.
    - Rezoning now to CN2 would allow any project that conforms to be processed through with no public input, which would probably eliminate any landscaping buffer, and probably result in a more 'commercial' high use.
    - Many children and community members use the sidewalks along that corner, so public input about the best use and plan is significantly important.
    - Neighbors are not in support of drive-thru restaurants at this location because of already congested traffic.
    - Neighbors are still interested in finding a way to purchase that corner and make it a public park, and possibly a membership swimming pool, through a special tax or Homeowner's Association. If anyone has suggestions and guidance on how to accomplish that, please let me know.

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- I am in support of the text amendment allowing outdoor use for this specific project, but not for all CN2 zoned properties.
  - I am **NOT** in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.
  - I am in support of open hours until **10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday**, which is a reduction from the plan.

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The area between Clinton Parkway/Inverness/Crossgate/W. 27th Street has been a development in progress for a number of years. Neighbors want a development plan that will benefit the neighborhood, the schools, and the Lawrence community. Lawrence will benefit from having a place where families and kids can enjoy outdoor activities.

Sincerely,

Jamie Hulse  
4403 Gretchen Ct.  
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:** Leann Cooper [<mailto:lcooper@gcsaa.org>]

**Sent:** Monday, February 24, 2014 9:35 AM

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**Subject:** Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24<sup>th</sup> place and the rezoning request – **my husband and I are writing in opposition.** I could list a multitude of reasons, but the main one is right there in the request – rezoning from Residential Office to Commercial Neighborhood. The word commercial changes the nature of the entire landscape. It's going to wreck the entire feel and value of our neighborhood – much like when we allowed the property to be rezoned to allow for a senior housing development that never panned out. We were stuck instead with dense apartment buildings with partying college students and an increase in all the disruptions that come with them. I'm not going to trust that if we change the zoning the Fun Center actually gets built in the way the developer states it will. I also don't like the idea of drive-thru fast food restaurants being built that close to my home. Again, it changes an area from a neighborhood to a commercial area – no thank you.

We have three schools in the immediate area and while I can appreciate the idea of building something to attract that demographic, I also really don't like the idea of increased traffic on Inverness – a road that hasn't been built for commercial use, but residential use.

Thank you for your time!

Leann & Andrew Cooper  
4408 Gretchen Ct.  
Lawrence, KS 66047

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