
PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
6/23/14

ITEM NO. 3D: A TO RS7; 75.4 ACRES; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00164: Consider a request to rezone approximately 75.4 acres from County A (Agricultural) District to RS7 (Single-Dwelling Residential) District, located SE of N 1750 Rd and E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc and Robert and Jan Maxwell Trust, property owners of record.

ITEM NO. 3F: A TO RS7-FP; .8 ACRE; SE OF N 1750 RD & E 902 RD (MKM)

Z-14-00204: Consider a request to rezone approximately .8 acre from County A (Agricultural) District to RS7-FP with (Single-Dwelling Residential with Floodplain Management Regulations Overlay) District, located SE of N 1750 Rd & E 902 Rd. Submitted by BG Consultants Inc on behalf of Garber Enterprises Inc, property owner of record.

ITEM 3D STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-14-00164 for approximately 75.4 acres from A to RS7 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.

ITEM 3F STAFF RECOMMENDATION: Staff recommends approval of rezoning request Z-14-00204 for approximately .8 acres from A to RS7-FP 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.

The two rezoning requests included in this staff report are for the same parcel, with rezoning Z-14-00204 adding the Floodplain Management Regulations Overlay District to the RS7 Base District due to the floodplain in the area. As the rezonings occur on the same parcel much of the information will be the same. This report will combine the two rezonings but will make a distinction where the discussion or findings pertain to a specific rezoning request.

REASON FOR REQUEST

Applicant's Response:

"Annexation has been requested and rezoning is part of the process."

KEY POINTS

- The property is not located within the boundaries of any future area plan.
- A Comprehensive Plan Amendment to expand the boundaries of the *K-10 & Farmers Turnpike Plan* to include the subject property has been submitted and is also on the June Planning Commission agenda as part of this item.

ASSOCIATED CASES

- CPA-14-00005: Revision and expansion of *K-10 & Farmer's Turnpike Plan*.
- A-14-00161: Annexation of approximately 100 acres.
- A-14-00163: Annexation approximately 15 acres.
- Z-14-00165: Rezoning of approximately 13.3 acres from A (County-Agricultural) to IL (Limited Industrial) District.
- Z-14-00162: Rezoning of approximately 25 acres from A (County-Agricultural) to RS5 (Single-Dwelling Residential) District.

These associated cases were submitted as part of the overall development project and are being considered at the June Planning Commission meeting.

OTHER ACTION REQUIRED

- City Commission approval of Comprehensive Plan Amendment and adoption/publication of ordinance/resolution.
- City Commission approval of annexation request and adoption/publication of annexation ordinance.
- City Commission approval of rezoning request and adoption/publication of ordinance.
- Platting of property through the Major Subdivision process.
- Application and release of building permits prior to development.

ATTACHMENTS

Attachment A: Zoning map
Attachment B: Concept plan

PUBLIC COMMENT

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

Project Summary

The subject property is located in an area that is currently undergoing development. Rock Chalk Park, a KU/regional sport facility, and a City recreation center are under construction to the southeast. Other developments in the area such as Mercato and the Links at Lawrence have preliminary development approvals. Growth in this area was previously limited by the lack of City infrastructure; however, the extension of the Baldwin Creek Sanitary Sewer Interceptor Line in 2009 and the adoption of a Wastewater Masterplan with plans for future main extensions in the area have made development possible. An annexation request was submitted for this property based on the ability of the City to provide services.

The subject rezoning request to the RS7 (Single-Dwelling) District is compliant with the recommendations in the *K-10 & Farmer's Turnpike Plan* as revised with the Comprehensive Plan Amendment (CPA-14-00005).

The RS7 zoning is requested to accommodate development of the subject property with single-dwelling residences. The development as shown in the concept plan, Attachment B, proposes a residential development with one access point to the exterior street network and the use of cul-de-sacs throughout the subdivision. The concept plan shows that residential development is possible in this area, but the road network may need revised to provide code

compliant access to the exterior street network and circulation within the subdivision. The sector plan recommends the use of a grid pattern when possible. These issues would be addressed at the platting stage.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Z-14-00164, A to RS7:

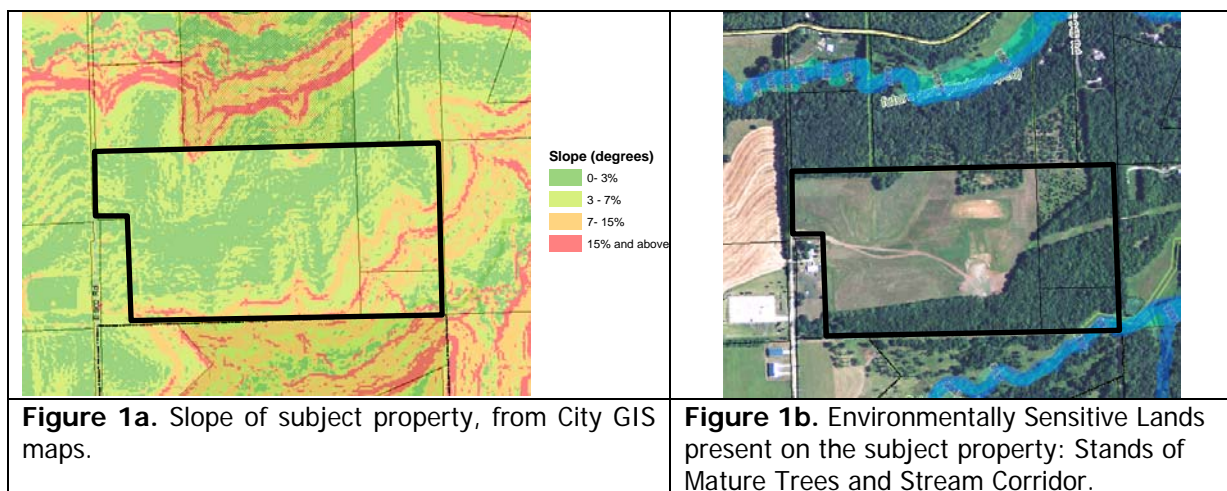
Applicant's Response:

"The proposed rezoning is in general conformance with Horizon 2020."

The subject property is not currently within the planning boundaries of a future area plan but a Comprehensive Plan Amendment to revise the *K-10 & Farmer's Turnpike Plan* to include this area is being considered by the Planning Commission at their June meeting. Compliance with the revised sector plan recommended by staff is discussed in Section 4 of this report. The rezoning request will be reviewed in this section for compliance with general recommendations of the Comprehensive Plan for Residential Development. Policies from the Comprehensive Plan are below, with staff comments in red.

The Comprehensive Plan recommends low density and very low density as an alternative land use for the Northwest area. *"This type of very low-density residential development is intended for use in areas to be annexed to the city and served by urban services, but which, due to the presence of forest, slopes and natural drainageways, may not be capable of sustaining residential densities planned in other locations of the community."* (Page 5-9, *Horizon 2020*)

The subject property contains forests/woodlands and slopes as shown in Figure 1. The RS7 District is a low density zoning district and should be able to avoid impacts to the environmental features on the site. The concept plan proposes development in the wooded areas; however, this will be evaluated at the platting stage to insure compliance with the Protection Standards for Environmentally Sensitive Lands with Residential Development, Section 20-1101 of the Development Code and the recommendations of the sector plan. The proposed rezoning is compliant with the recommendations in the Comprehensive Plan; however, the concept plan may need to be revised to protect the sloped and wooded areas.



Goal 4 of Chapter 5 provides the following policies for the location of low-density residential development:

- *"Identify suitable land areas of adequate size to accommodate residential subdivisions in order to facilitate well-planned orderly development with improved coordination of public services and facilities." (Page 5-17)*
- *"Encourage subdivision design in which residential lots are oriented towards, and take access from the neighborhood of which they are a part." (Page 5-19);*

The subdivision, as shown on the concept plan provided with the rezoning request, is compliant with these recommendations.

Staff Finding – The rezoning request to the RS7 District is compliant with the general recommendations of the Residential Chapter of the Comprehensive Plan; however, the development as proposed in the concept plan may need to be revised to provide adequate protection for the steep slopes or forests/woodlands. Approval of the rezoning request does not constitute approval of the concept plan. The proposed development will be evaluated with the Protection Standards for Residential Districts provided in Section 20-1101 of the Development Code and the recommendations of the sector plan during the platting process to insure compliance. The rezoning request will also be evaluated with the recommendations of the proposed revised sector plan in Section 4 of this report.

Z-14-00204, A to RS7-FP:

Applicant's Response:

"The FP Overlay rezoning is required."

A small area of floodplain is located on the southwest corner of the subject property (Figure 3). The Development Code requires that the FEMA designated floodplain and additional areas be rezoned to the Floodplain Management Regulations Overlay District when properties are annexed to account for increases to the Base Flood Elevations and Floodplain Widths due to additional development in the watershed. The Code requires the following additional areas to be rezoned to the overlay district:

- 1) All land measured as 2 ft of freeboard above the Base Flood Elevation.
- 2) All stream tributaries with a drainage area of 240 acres or more.

The applicant provided this rezoning request for the .8 acres of the total site which is 2 ft above the Base Flood Elevation as required by Code.

Policy 1.6 of *Horizon 2020* Chapter 16 'Environment' states: *"The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality. Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas."*

The rezoning of the floodplain and additional areas into the Floodplain Management Regulations Overlay District to account for future development within the watershed is compliant with this recommendation.

ZONING AND USE OF NEARBY PROPERTY, INCLUDING ANY OVERLAY ZONING

Current Zoning and Land Use: A (County-Agricultural); Agriculture.

Surrounding Zoning and Land Use: To the north and east:
A (County-Agricultural), F-W (Floodway Overlay), and F-F (Floodway Fringe Overlay) Districts; Baldwin Creek and wooded stream corridor, Woodland, and Rural Residential. Property to the north is owned by the City and is designated as future parkland.

To the west:
A (County-Agricultural); Agriculture and Rural Residential. A rezoning request for the parcel containing the Agricultural land use to the RS5 District is on the June Planning Commission agenda.

To the south:
GPI (City-General Public and Institutional Use) and OS-FP (City-Open Space and Floodplain Management Regulations Overlay) Districts; GPI zoned property is undeveloped, OS-FP property is a city park.

(Figure 3)

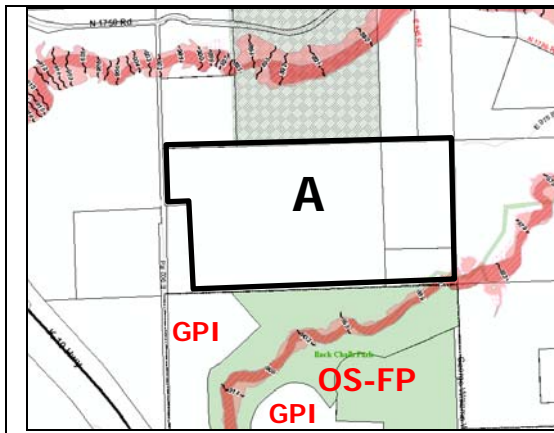


Figure 3a. Zoning in the area. (Subject property outlined, approximate area.) County Zonings in black, City in red. Floodplain shown in shades of red.



Figure 1b. Land use in the area. City parkland highlighted in green, future parkland in green hatched area.

Staff Finding – The surrounding area includes land to the west that is part of the overall development project. Property to the south is within the city and is zoned GPI (General Public and Institutional Use) and OS-FP (Open Space with Floodplain Management Regulations Overlay) Districts. The GPI properties are phases 1 and 2 of the Rock Chalk Park KU/Regional Sports Center development and the OS-FP property is a City Park. The other surrounding properties are currently outside the city limits and contain Agriculture, Woodlands, Stream Corridor, and scattered Rural Residential land uses. The property to the west of E 902 Road is included in this development project and has an annexation request

and rezoning request to the RS5 District on the June Planning Commission's agenda. The proposed RS7 and RS7-FP zonings for residential development and protection of the floodplain are compatible with surrounding land uses.

2. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response:

"The character of the neighborhood has been recently changed with the recent construction of Rock Chalk Park. The properties are influenced by the character of the area, which includes K-10 Highway, Rock Chalk Park and the Westar Substation."

The area is bounded on the west by K-10 Highway, which is classified in the Major Thoroughfares Map as a Freeway, on the north by N 1750 Road, which is classified as a Principal Arterial. Future Collector Streets connect N 1750 Road to W 6th Street/Highway 40 to the south and provide east/west connections to E 1000 Rd and Wakarusa Drive, Principal Arterials. The area has access to the major transportation network.

Development occurring in the area includes Rock Chalk Park, a KU/Regional Sports Center, and a City Recreation Center. Other areas with preliminary development approvals include Mercato, a commercial/office/residential development; and Links at Lawrence, a multi-dwelling residential development. The utility use west of E 902 Road, an electric substation, is also developing and a CUP for the expansion of the facility is on the June Planning Commission agenda.

The Baldwin Creek floodplain and riparian corridor are significant environmental features of the area in addition to areas of woodland. Open space is available in the area in the form of City parklands, with the Rock Chalk Park to the southeast of the subject property and future City parkland to the northeast.

Staff Finding – The area has a network of collector streets that provide connections to arterials bordering the area on the north (N 1750 Road), east (E 1000 Road and Wakarusa Drive) and to the south (W 6th Street/Highway 40). The electric utility and the portion of the area that is within the City limits are experiencing development. Open space (Baldwin Creek Floodplain and riparian corridor, and City parklands) is present in the area. The area contains Environmentally Sensitive Lands in the form of stream corridors, floodplain, and stands of mature trees. The proposed RS7 and RS7-FP rezonings and residential use are compatible with the existing and proposed uses in the area.

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

The subject property is located east of the planning boundary of the *K-10 and Farmer's Turnpike Plan*. The applicant requested a Comprehensive Plan Amendment to expand the planning area to include the subject property and to recommend residential land uses as a future land use. The CPA, also on the Planning Commission's June agenda for consideration, adds the subject property to the planning area and recommends low density residential land uses. The RS7 District is one of the districts it notes would be appropriate. The proposed RS7 and RS7-FP zonings would be compliant with the revised plan.

The sector plan recommends cluster development where necessary to protect environmentally sensitive lands. It may not be possible to develop the property as shown in the concept plan given the environmentally sensitive lands which are included in the development area. The property owner could submit a rezoning request to the PD Overlay for the flexibility to reduce the lot size requirements so the property could be developed at the RS7 density while protecting the environmentally sensitive areas. The property owner could also continue with the base zoning of RS7 with the understanding that the development shown on the concept plan is not being approved with the rezoning. Measures for the protection of environmentally sensitive areas would be established through the platting process.

Staff Finding – The property is located outside the limits of the *K-10 & Farmer's Turnpike Plan*. A Comprehensive Plan Amendment (CPA) recommended by staff includes the area within the planning boundary and recommends low density residential as a future land use. The RS7 and RS7-FP rezonings are compliant with the recommendations in the CPA. The concept plan shows development occurring in the wooded area. The approval of the rezoning does not constitute approval of the concept plan and the final layout may need to be revised to provide protection for the forest/woodland and steep slopes, as recommended in the plan. Another option would be for the property to be rezoned to the PD Overlay District which allows the City Commission to reduce the lot size requirements to allow the protection of the sensitive areas while maintaining the RS7 density.

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

Applicant's Response:

"The property currently has a County zoning designation which is unsuitable once it is annexed into the City."

The property is currently zoned A which permits agricultural uses as well as other low intensity uses in the County such as very low density residential. The property is suitable for uses which are permitted within the A District; however, annexation is appropriate prior to development given the proximity to the City limits. Upon annexation, the property must be rezoned to an urban zoning designation.

The property is suitable for the *Detached Dwelling* use which has been proposed. The environmentally sensitive lands which are present on site may require alterations to the layout as shown on the concept plan.

Staff Finding – The property is suitable for the uses to which it is restricted; however, annexation is appropriate given the proximity of the City limits and the ability of the City to provide services. Once annexed, the property must be rezoned to an urban zoning designation. The A Zoning District is not suitable following annexation. The RS7 Zoning District is compliant with the revised sector plan being recommended by staff with the Comprehensive Plan Amendment, CPA-14-00005. The property contains floodplain as defined in Article 12 of the Development Code and is suitable for rezoning to the FP Overlay District.

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

Applicant's Response:

"The property has never been developed."

Staff Finding – The property has not been developed since the adoption of zoning regulations in the unincorporated area of the County, 1966. Rezoning is being requested to accommodate development following annexation.

6. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

Applicants Response:

"The zoning request will not detrimentally affect nearby properties."

The rezoning to the RS7 and RS7-FP Districts would not negatively impact nearby properties, as the development would consist of low density detached dwellings. The property is located between two City parks, Rock Chalk Park to the south and future parkland to the north. Property immediately to the east contains woodland and a rural residence. A detached dwelling development would be compatible with the nearby properties and should have no detrimental effect.

Staff Finding – The rezoning should have no detrimental impact to nearby properties as the surrounding land uses are residential, agricultural, and open space or undeveloped property. Low density residential development is considered a low intensity land use with few, if any, impacts to adjacent properties.

7. 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

Z-14-00164, A to RS7

Applicants Response:

"The expansion of available industrial and residential land will provide new opportunities for the community as a whole. It will also be a valuable contribution to the future growth and development of the part of the Urban Growth Area once services are available."

Z-14-00204, A to RS7-FP:

Applicant's Response:

"The rezoning will control what happens within and adjacent to the floodplain in this area."

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 Comprehensive Plan Amendment is approved so that Detached Dwelling uses are recommended in this area, there would be no gain to the public from the denial of the RS7 rezoning. If the rezoning request were denied, the hardship to the applicant would be the necessity to revise the sector plan to provide another land use recommendation for this area.

The RS7-FP rezoning is a protective overlay district required by the Development Code that requires the Floodplain Management Regulations be applied not only to the area within the

FEMA designated floodplain but to an additional area which includes 2 ft freeboard above Base Flood Elevation and any stream with over 240 acres of drainage area to account for additional development within the watershed. The denial of the rezoning request would provide no benefit to the public health, safety and welfare, and could be a detriment as it would remove the additional floodplain protection measures.

Staff Finding –If the Comprehensive Plan Amendment is approved, there would be no gain to the public from the denial of the RS7 or the RS7-FP rezoning requests. The public would benefit from the approval of the RS7-FP rezoning as it provides additional protection measures for the floodplain, and possible floodplain areas.

PROFESSIONAL STAFF RECOMMENDATION

This staff report reviews the proposed rezoning request for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The RS7 rezoning request is compliant with general recommendations for residential development in *Horizon 2020* and with the land use recommendations in the revised *K-10 & Farmer's Turnpike Plan* proposed with CPA-14-00005. The concept plan provided with the rezoning request shows development of the woodland on the east side of the property. Protection measures for environmentally sensitive lands will be determined with the platting of the property through the Major Subdivision process and the final development may vary from that shown on the concept plan.

The RS7-FP rezoning request is compliant with general recommendation for Floodplain protection in *Horizon 2020* and with requirements of the Development Code.

Staff recommends approval of the RS7 and RS7-FP rezoning requests.

RS5

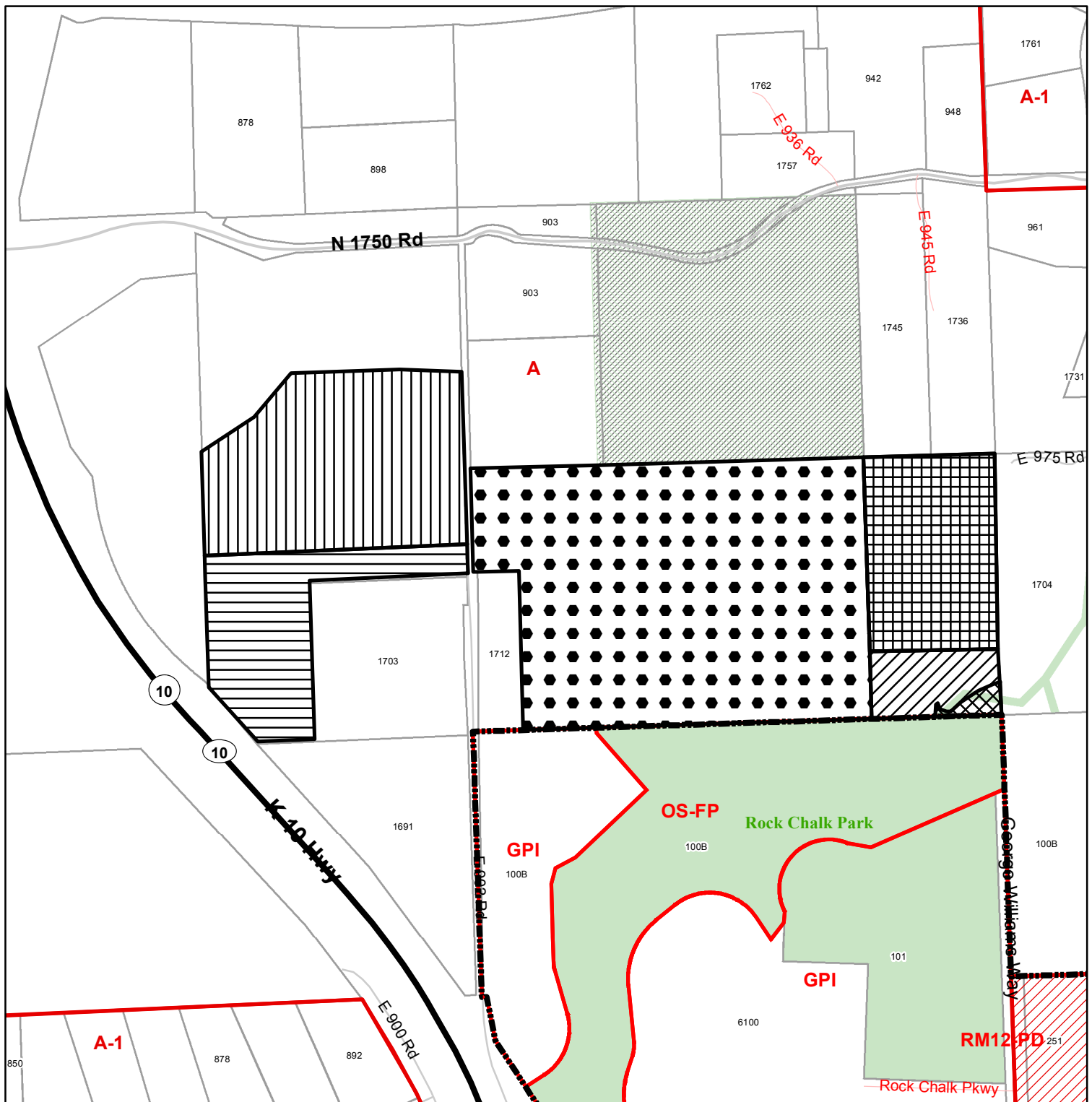
IL

RS7

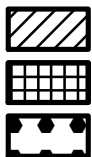


Scale: 1"=500'





A-14-00161, A-14-00163 & Z-14-00164: Annex and Rezone 75.4 acres from A District to RS7 District
A-14-00161 & Z-14-00162: Annex and Rezone 25.2 acres from A District to RS5 District
A-14-00161 & Z-14-00165: Annex and Rezone 13.3 acres from A District to IL District
Z-14-00204: Rezone 0.8 acres from A District to RS7-FP District
Located North of Rock Chalk Park & East of K-10 Highway

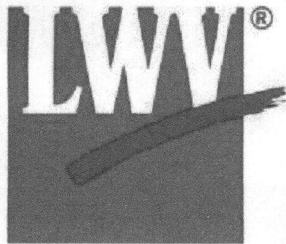


A-14-00161 & Z-14-00164: A to RS7 District
A-14-00163 & Z-14-00164: A to RS7 District
A-14-00161 & Z-14-00164: A to RS7 District
A-14-00161 & Z-14-00165: A to IL District
A-14-00161 & Z-14-00162: A to RS5 District



A-14-00161 & Z-14-00204: A to RS7-FP District
A-14-00161 & Z-14-00165: A to IL District
A-14-00161 & Z-14-00162: A to RS5 District





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RECEIVED

JUN 23 2014

City County Planning Office
Lawrence, Kansas

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

RE. AGENDA ITEMS 2 AND 3A THROUGH 3E, K-10 & FARMERS' TURNPIKE PLAN
CHANGES, AND ANNEXATIONS, AND REZONINGS

Dear Chairman Culver and Planning Commissioners

We ask that you deny all of the proposed changes in the Agenda Item No. 2, the revision of the K-10 & Farmers' Turnpike Plan, and all of Agenda Items 3A through 3E, the annexation and rezonings. This includes not only the proposed changes to the Future Land Use Map, but also the proposed policy changes to the designated Residential/Office area that would change its boundaries, and most importantly that would add detached dwellings to the "Primary Uses" policies, pages 3-8, and all other changes currently proposed for this Area Plan. In conjunction, we ask that you not annex this land or rezone any of it at this time.

We believe that this is an extremely important issue. By allowing these changes to this Plan, and consequently this area, it would remove an important location that could provide needed employment-related uses to this most important new location, the connection of the South Lawrence Trafficway to the Turnpike. We ask that *none* of these changes be approved and that the Plan remain unrevised. We believe our reasons for this involve the future well-being of the City.

1. The policy change on pages 3-8, (3.2.1.5) under "Applicable Areas" that would allow the Residential/Office to change its boundaries, thereby allowing the intrusion of the IL District zoning, regardless of whether the mini-storage area is built, would decrease the needed area for the Residential/Office, reducing its likelihood of being used for that purpose, and at the same time not provide a sufficiently large Office/Research area to be a benefit.

2. A mini-storage use being built in that area would be highly visible from the K-10 connection and for that reason undesirable, as well.

3. a) The policy change on pages 3-8 (3.2.1.5) under "Primary Uses" would add "Detached dwellings" to the permitted uses. This would allow the change of the primary use of the Residential/Office designation from the intended employment-related uses to nothing but single-family residences. This change would become a major loss of future opportunity for the City.

b) Also, the change here would seem to dictate that this policy would become general and extend to the Residential/Office category everywhere, permitting single-family detached residences and thus removing the mixed-use, employment-related purpose of this category and eliminating predictability of this designation.

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4. Annexing and rezoning the residential area north of the Rock Chalk Park, which is now part of the Northwest Plan, is not treating the area as was originally intended. The Northwest Plan recommended, because of the extreme terrain, that this area be low and very low density. The rezoning of this area to RS7 is too dense for the terrain. We suggest, first of all, that it not be annexed or included in the Farmers' Turnpike Plan, and when it is rezoned to residential that it be rezoned to RS10 or RS20 and developed as a cluster development in order to avoid intrusion into the flood plain, vegetation, and rough terrain.
5. As a future consideration, we ask that you attempt to plan residential areas as neighborhoods incorporating smaller portions of them into larger planned areas that have in them, or planned for them, the essential amenities. These include schools, parks, neighborhood centers and transportation systems with complete streets that interconnect within the neighborhoods, allowing convenient pedestrian access.

We hope that you consider our suggestions useful. Thank you.

Sincerely yours,

Cille King

Cille King, President

Alan Black

Alan Black, Chairman
Land Use Committee