PLANNING COMMISSION REPORT Regular Agenda - Public Hearing Item

PC Staff Report 11/16/15

ITEM NO. 6A GPI, RM12, & RS40 TO RM12; 14.756 ACRES; 5200 & 5300 CLINTON PKWY (SLD)

Z-15-00469: Consider a request to rezone approximately 14.756 acres from GPI (General Public and Institutional) District, RM12 (Multi-Dwelling Residential) District and RS40 (Single-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District, located at 5200 & 5300 Clinton Pkwy. Submitted by Paul Werner Architects, for Genesis Health Clubs of Lawrence LLC, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 14.756, from GPI (General Public and Institutional) District, RM12 (Multi-Dwelling Residential) District and RS40 (Single Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: To correct the existing zoning to match the current boundaries of the property.

KEY POINTS

- 126 Acres of Lake Alvamar (Yankee Tank Lake) was annexed in 2011 Ordinance Numbers 8697 8698, 8699, 8700, and 8701. [A-8-3-11 and A-8-4-11]
- Annexation of the property was approved and ordinances were adopted. Included in the
 annexation recommendations was a recommendation to initiate rezoning of the property from
 A and A-1 to OS and OS-FP. Minutes do not reflect an action on the initiation of rezoning.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- CUP-3-1-95; 5300 Clinton Parkway, Sport 2 Sport adult softball fields.
- UPR-3-3-95; 5200 Clinton Parkway, Sport 2 Sport Indoor Athletic complex (basketball, soccer & volleyball).
- Z-2-6-96; 5300 Clinton Parkway, A-1 to RS-A, City Commission approved on May 14, 1996.
- UPR-3-3-97; 5200 Clinton Parkway, Revision to UPR 3-3-95 for Sport 2 Sport. Expansion to include additional parking and 825 SF building addition.
- UPR-12-15-98; 5150 Clinton Parkway, Dance City, gymnastics and dance studio.
- UPR-4-3-06; 5200 Clinton Parkway, First Serve Tennis.
- PF-04-07-06; Final Plat for Yankee Tank View Addition 2nd Plat. Property was replated as a result of a land purchase from the City of Lawrence from the parkland to the north and the northern portion of Lot 2A to the east.
- Dedication of right-of-way for the extension of Olympic Drive to the parkland to the north and vacation of easements where building expansion was proposed to be located.
- B-04-14-06; First Serve Tennis; 5200 Clinton. Variances were granted by the Board of Zoning Appeals on May 4, 2006 to allow the retaining walls to encroach into the required setbacks as shown on the review plans.
- SUP-15-00459; Special Use Permit for "Active Recreation Use, Indoor" for KU Tennis Facility, Minor Modifications reviewed administratively.

SUP-15-00468; Special Use Permit for "Active Recreation Use, Indoor" for KU Tennis Facility, Major Modifications concurrent submittal with rezoning application.

PLANS AND STUDIES REQURIED

- Traffic Study Not required for rezoning, refer to related SUP application
- Downstream Sanitary Sewer Analysis Not required for rezoning, refer to related SUP application.
- Drainage Study Not required for rezoning, refer to related SUP application
- Retail Market Study Not applicable to residential request.

ATTACHMENTS

- 1. Area Map
- 2. Surrounding land use map

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

1. Wakarusa Watershed Joint District No. 35. Stating opposition to development below the dam.

Project Summary:

This proposed request is for the rezoning of property to establish a single zoning district and amend the district boundary to incorporate all of the property associated with the use located at 5200 and 5300 Clinton Parkway. This application is submitted concurrently with SUP-15-00468 that includes the expansion of the use for Active Recreation.

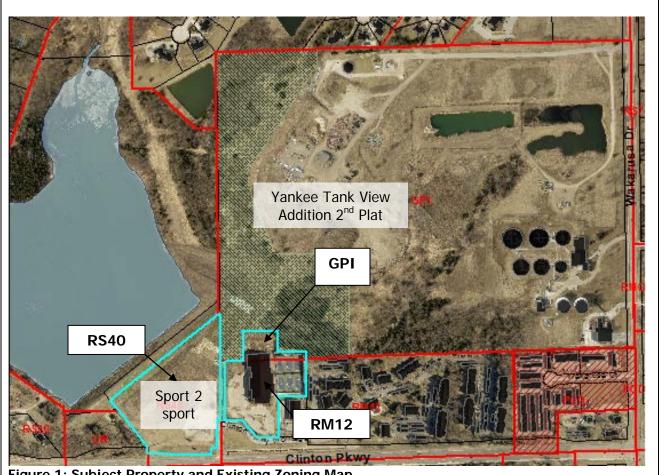


Figure 1: Subject Property and Existing Zoning Map

History:

In 1995 a Conditional Use Permit [CUP-03-01-95] was approved for ball fields located in the unincorporated county, to the west of the First Serve Tennis property. These fields have since been platted as Sport-2-Sport Addition, Lot 1 and have been annexed into the City. In 1995 a Use Permitted upon Review [UPR-03-03-95] was approved for an indoor athletic complex on Lot 2, The Landing. After the annexation of the ball fields, a UPR was approved for parking and batting cages on the ball fields' site and a building addition to Sport-2-Sport building. Lot 2 of The Landing was split into Lot 2A and Lot 2B in February, 1999 [LS-12-12-98]. A UPR [UPR-12-15-98] was approved for the construction of a gymnastics and dance studio on the southern portion of Lot 2A, The Landing in February, 1999. In 2006, First Serve Tennis occupied the former Sport-2-Sport building on Lot 2B, The Landing and purchased the northern portion of Lot 2A as well as land from the adjoining parkland to the north. In May 2006, UPR-4-3-06 was approved to provide tennis practice facilities for the local university and high-school teams by expanding the building to provide additional indoor courts and constructing 4 outdoor courts.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: The request conforms with Horizon 2020 by making a current inappropriate zoning conform with the existing zoning of the facility.

Key features of the Comprehensive Plan include support for infill development and redevelopment "which provides a range of residential, commercial, office, industrial and public uses within these parcels, consistent and compatible with the established land use pattern in surrounding areas." The existing land use map identifies the area along the north side of Clinton Parkway west of Wakarusa Drive as suitable for Medium Density/High Density Residential Development. This land use designation is consistent with the predominant RM12 (Multi-Dwelling Residential) District Zoning in the area. RM12 is a medium density residential district. This district allows other non-residential uses including Community Facilities, some Recreational Facilities, and Religious Assembly uses. Medium-density residential zoning is recommended along major roadways.

The proposed request is intended to align the district boundary with the parcel boundaries in the immediate area. The property currently includes two separate parcels with three different zoning districts.

Chapter 5, *Horizon 2020*, addresses residential land use. The subject property is an existing non-residential (*Active Recreation*) use. Policies addressing infill development compatibility density and housing types are not applicable to this request. However, other policies that address neighborhood concepts, patterns, and transitions are applicable. The property, located on the north side of Clinton Parkway, represents the southern edge of the West Lawrence Neighborhood. Medium density residential land uses including transitional land uses, are appropriate along neighborhood edges.

Medium and Higher Density Residential Land Use Policy 1.1 states "Development proposals shall be reviewed for compatibility with existing land use. The review should include use, building type, density and intensity of use, architectural style, scale, access sand its relationship to the neighborhood and the amount and treatment of screening and open space." This application include a portion of the property used for the Active Recreation Facility that is currently zoned GPI to the north and the parking lot area, located to the west that is zoned RS40. The application aligns the zoning district boundary with the property boundary establishing a uniform district within the surrounding area.

Staff Finding – The proposed request is consistent with the land use recommendations in *Horizon 2020*.

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

Current Zoning and Land Use:	5200 Clinton Parkway – RM12 (Multi-Dwelling Residential) District and GPI (General Public and Institution) District. Existing building housing <i>Active Recreation</i> use and outdoor tennis courts. 5300 Clinton Parkway – RS40 (Single Dwelling Residential) District. Existing parking lot and former softball fields (fields have been removed)
Surrounding Zoning and Land Use:	
To the North	County A (Agricultural) District; Existing Lake Alvamar (Yankee Tank Lake) and drainage ways.
	GPI (General Public and Institution) District; Existing City property containing multiple primary uses including future park to the immediate north of subject property.
To the East	RM12 (Multi-Dwelling Residential) District along the north side of Clinton Parkway; Existing uses include 5150 Clinton Parkway Sports and Recreation, Participant (Indoor) and Multi-Dwelling Residential development.
To the South	OS (Open Space) located east of Olympic Drive (extended south of Clinton Parkway); Existing K-10 Highway and Clinton Lake Softball Complex [Sports and Recreation, Participant, Outdoor)].
	County A (Agricultural) District located west of Olympic Drive (extended south of Clinton Parkway); Existing residential uses.
To the West	UR (Urban Reserve); existing vacant land and includes portion of dam.

Staff Finding – The area surrounding the subject properties contained in this request includes a mix of residential and non-residential zoning districts and both residential and non-residential uses. The majority of the surrounding area is associated with Lake Alvamar (Yankee Tank Lake) to the northwest and City property to the northeast on the north side of Clinton Parkway. The area on the south side of Clinton Parkway includes property owned by the Corps of Engineers (Clinton Lake Softball complex), K-10 highway right-of-way, and a rural residential neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD

Applicant's Response: The current structure occupies a majority of the "neighborhood". There is a City park to the north, Lake Alvamar to the west, Clinton Parkway/bypass to the south and multifamily to the east.

The properties included in this application are located within the boundary of the West Lawrence Neighborhood. The neighborhood boundary does not extend south of Clinton Parkway. The area along Clinton Parkway between Wakarusa Drive and K-10 Highway includes commercial, office and industrial uses at the intersection of Wakarusa Drive and Clinton Parkway. The area includes developed and undeveloped residential uses west of the subject property to K-10 Highway. Both Lake Alvamar, located in the *West of K-10 Plan* boundary and the City's Property to the north represent large tracts of land with open space uses associated with them. The west side of the City property is designated as a future park. The area along Wakarusa Drive is occupied by various public facility uses.

Another significant feature of the surrounding neighborhood is the floodplain boundary within the immediate area of the lake. The existing parking lot, 5300 Clinton Parkway, is completely encumbered by the regulatory floodplain that also covers the lake.

The residential uses in the areas to the east and west of the subject property are located north and south of Clinton Parkway and are generally accessible from an interior street or drive access point. The subject property shares an access with the multi-dwelling use to the east from the Clinton Parkway Frontage Road.

Staff Finding – Clinton Parkway is the south boundary of the West Lawrence Neighborhood. A mix of uses are located along the perimeter of the neighborhood.

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

Staff Finding – There are no adopted neighborhood, area or sector plans that include the subject property.

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

Applicant's Response: The application is correcting the zoning that is technically not allowed. We are coordinating the properties to allow for shared parking, and removal of RS40 (which is not an appropriate zoning for this property).

Property included in this request includes approximately 1.14 acres zoned GPI and 9.7 acres zoned RS40 zoning districts. The existing RM12 property containing approximately 4.5 acres is also included so that one new ordinances can be adopted that will contain all of the parcels under common ownership. If approved, the request will revise the district boundary to follow consistent property lines and result in a uniform district for the subject property. Development restrictions relate to the location and proximity of the Lake Alvamar Dam and spillway. The area west of Olympic Drive is unsuitable for development regardless of the base zoning district.

The existing improvements were permitted through various Conditional Use Permit and Use Permitted upon Review applications per the 1966 Douglas County Zoning Code and the Lawrence Zoning Code. As the property was annexed and a new code was adopted in 2006, the structure of permitted uses in various districts has been altered. Some recreation uses are allowed in the residential districts. *Active Recreation* uses are allowed in the RM12 District subject to a Special Use Permit. Uses that have a strong commercial component or orientation are more likely to be

considered *Participant Sports* or *Entertainment & Spectator Sports* which would not be allowed in an RM12 district.

Section 20-402 of the Land Development Code lists the allowed *Public and Civic Uses* allowed uses in the residential zoning districts including the RM12 District. For the purposes of this discussion only the recreational uses are listed in this report.

Key:		Base Zoning Districts														
A = Accessory P = Permitted S = Special Use * = Standard Applies - = Use not allowed		RS40	RS20	RS10	RS7	RS5	RS3	RSO	RM12	RM12D	RM15	RM24	RM32	RMG	RMO	Use-Specific Standards (Sec. 20-)
	PUBLIC AND CIVIC USE GROUP															
Recreational Facilities	Active Recreation	S	S	S	S	S	S	S	S	S	S	S	S	_	S	
	Entertainment & Spectator Sports, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Entertainment & Spectator Sports, Limited	-	-	-	-	_	-	-	-	-	-	-	-	-	-	
	Passive Recreation	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	
	Nature Preserve/Undeveloped	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	-	Р	
	Private Recreation	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	-	Р	
	Participant Sports & Recreation, Indoor	-	-	_	_	_	_	-	_	_	_	_	_	_	-	
	Participant Sports & Recreation, Outdoor	-	-	-	_	-	-	-	-	-	-	-	-	-	-	

Staff Finding – Approval of the request establishes a uniform district boundary along Clinton Parkway that is also consistent with platted lot lines. Development suitability is impacted by additional factors other than the base zoning district.

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

Applicant's Response: *The property is not vacant.*

2006 to Current: GPI and RS40 zoning districts. GPI zoned property part of existing *Active Recreation* use. RS40 property is developed as existing parking lot and open space.

1996 to 2006: Prior to 2006, the property to the north was zoned RS-1 (Single-Family Residence) District and RS-A (Single-Family Residence Agricultural) District. The RS-1 district was typically associated with designating City or Public properties. The RS-A district was designed and established for very low density residential development with a minimum lot area of 1 acre. The RS-A District was rezoned when the property was annexed in 1996. The property was originally developed as an extension of the Sport-2-Sport complex and included two adult softball fields. Since the property at the time was outside of the City Limits the property was permitted through approval of a Conditional Use Permit (CUP-3-1-95). This CUP was considered concurrently with a Use Permitted upon Review (UPR-3-3-95) for the Sport-2-Sport facility that was located in the City

Limits and zoned RM-1 in 1995. Prior to annexation the softball field had been zoned A-1 since 1966.

The GPI portion of the application was previously owned by the City of Lawrence and included as part of a future park located on the west portion of a 160 acre site adjacent to Wakarusa Drive. The property was transferred to "First Serve Tennis" to accommodate a building addition for a community tennis facility in 2006. The expansion was completed but the property was not rezoned.

Staff Finding – Recreation Uses have been developed at this site since the late 1990's. The property is not vacant but is developed with an existing building, outdoor tennis courts, and a surface parking lot.

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

Applicant's Response: There will be no detrimental affects to any adjacent properties.

The proposed request is intended to align the district boundary with the property boundaries in the area and remove split zoning from property. This change provides efficiency in administration of the City Code and provides clarity for the property owner.

Staff has been contacted by the Wakarusa Watershed Joint District #35 regarding development plans for the western portion of the property (5300 Clinton Parkway) that is currently zoned RS40. Future development of this property is not recommended. The area located below the dam is the emergency spillway for the lake and not suitable for physical improvements.

Staff Finding – There are no detrimental affects anticipated for nearby properties that would result from the rezoning of the 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

Applicant's Response: This application corrects what should have been done years ago; therefore it provides better clarity to the general public.

Evaluation of this criterion includes weighing the benefits to the public versus the benefit of the owners of the subject property. Benefits are measured based on anticipated impacts of the rezoning request on the public health, safety, and welfare.

The proposed change in zoning for this project/application relates to the administrative processes rather than any specific development potential. The portion of the request that is currently zoned RS40 includes an existing surface parking lot. Softball fields that had been located on the property were removed to accommodate the reconstruction of the dam and provide an overflow spillway for the lake. No development in this area should be considered in the future. Additional restrictions, such as establishing a drainage easement may be necessary to articulate the intent and limitation of development on that part of the property included in this application.

The portion of the property that is currently zoned GPI is located on property that is not a *General Public and Institutional* use. Rezoning the GPI portion of the request results in a district boundary

that aligns with the platted lot line and parcel boundary. This provides efficiency for staff in administration of the Development Code and *clarity* to the property owner regarding allowed uses as well as density and dimensional standards applicable to development.

Staff Finding – Public gains that result from this application are nominal. The benefits to the public and to the applicant are ease and consistency in administration of the zoning code by providing a uniform zoning district.

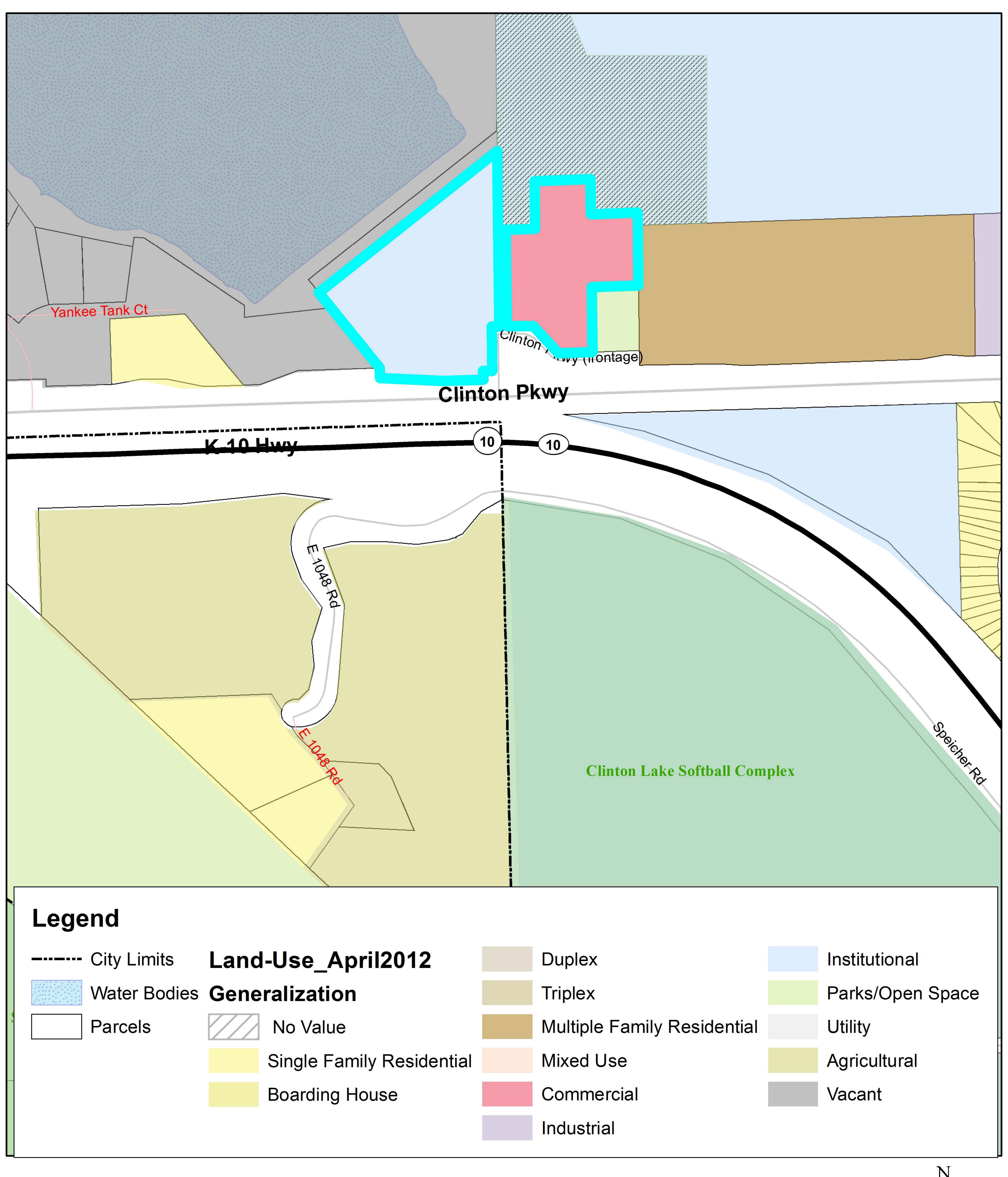
9. PROFESSIONAL STAFF RECOMMENDATION

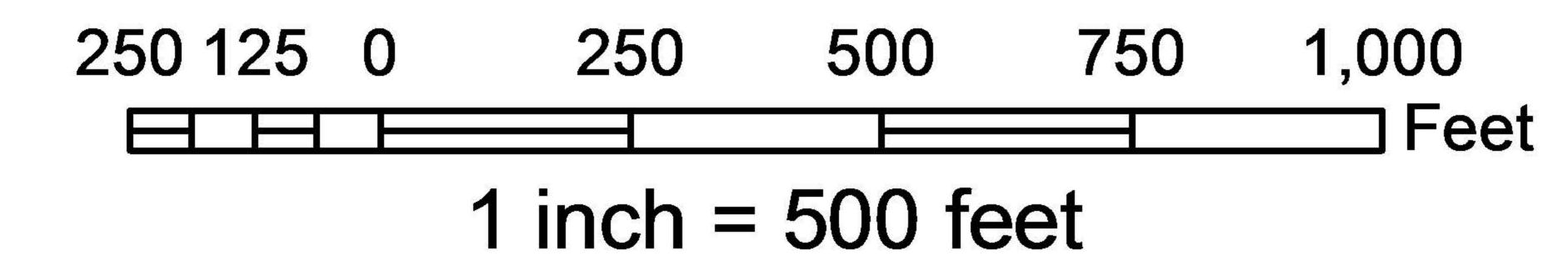
Key considerations included in the review of this application are the existing improvements and the intended use of the property. The GPI zoning is a remnant from a building addition that required the then property owner to acquire land from the City to accommodate the building improvements in 2006. The existing parking lot is a remaining accessory improvement to the adult softball fields that were added in 1996 and later removed to accommodate the dam reconstruction. The parking lot now provides support for the existing recreation uses located at 5200 Clinton Parkway. Rezoning the property for consistency does not provide any impact to the surrounding area. Future development of that property would however create a hazard since the area is also the designated spillway for the lake.

CONCLUSION

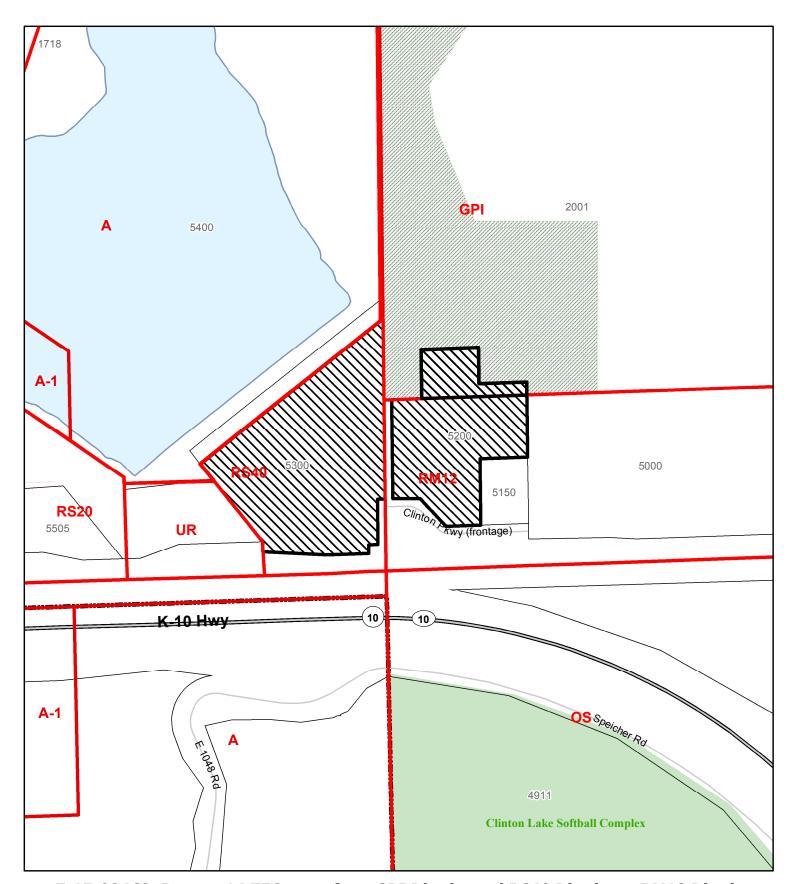
Staff recommends approval of the proposed request. Staff has not identified any restrictions or conditions for the rezoning.

Existing Land Use









Z-15-00469: Rezone 14.756 acres from GPI District and RS40 District to RM12 District SUP-15-00468: Special Use Permit for an Active Recreation Use, an Indoor/Outdoor KU Tennis Facility Located at 5200 & 5300 Clinton Parkway

