

Updated:

4/22/13 @ 12:15pm

Added Communications for the following Items:

Item 2 - Rezoning SW Corner of N 1100 Rd & Hwy 59

Item 3 - Comprehensive Plan Amendment, H2020 & Revised Southern Development Plan

Item 4 - Rezoning 1900 W 31st St

4/18/13 @ 3:30pm

Added Draft March Planning Commission Minutes

4/16/13 @ 5:00pm

The Draft March Planning Commission Minutes will be added when available

The Wednesday, April 24th Planning Commission meeting has been cancelled

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS APRIL 22 & 24, 2013 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of March 25, 2013.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.
- c) Receive written action of any waiver requests/determinations made by the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

AGENDA ITEMS MAY BE TAKEN OUT OF ORDER AT THE COMMISSION'S DISCRETION

REGULAR AGENDA (APRIL 22, 2013) MEETING PUBLIC HEARING ITEMS:

ITEM NO. 1 CS & RS7 TO CS; 2.54 ACRES; 750 N 3RD ST (DDW)

Z-13-00057: Consider a request to rezone approximately 2.54 acres from CS (Commercial Strip) District and RS7 (Single-Dwelling Residential) District to CS (Commercial Strip), located at 750 N. 3rd Street. Submitted by Paul Werner Architects, for James Slough, property owner of record.

ITEM NO. 2 A TO B2; 21 ACRES; SW CORNER OF N 1100 RD & HWY 59 (MKM)

Z-13-00059: Consider a request to rezone approximately 29 **21** acres from County A (Agricultural) to County B2 (General Business District), located in the southwest corner of the intersection of N 1100 Road and Hwy 59. Submitted by Grob Engineering, for Michael Flory, property owner of record. (Acreage revised by applicant following publication of legal notice.)

ITEM NO. 3 HORIZON 2020 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN (MJL)

CPA-13-00067: Consider Comprehensive Plan Amendment, CPA-13-00067, to Horizon 2020 Chapter 6 Commercial Land Use and Chapter 14 Specific Plans, Revised Southern Development Plan, to expand the S. Iowa Street commercial corridor east along W. 31st Street to include 1900 W 31st Street and identify the area as a Regional Commercial Center. Submitted by Menard, Inc.

ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

Z-13-00071: Consider a request to rezone approximately 41.5 acres from RM12 (Multi-Dwelling Residential) to CR (Regional Commercial), located at 1900 W 31st Street. Submitted by Menard, Inc., for Mid-American Manufactured Housing, Inc., property owner of record.

DEFERRED

ITEM NO. 5 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; LIGHTING STANDARDS (MKM)

TA-12-00204: Consider a Text Amendment to the City of Lawrence Land Development Code, Chapter 20, to establish lighting standards and requirements as an alternative to the photometric plan. *Initiated by City Commission on 8/21/12*.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN

CALENDAR

Marc	March 2013					013
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
21						

IL	April	I 2013					
	Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5	6
	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30				

May	May 2013					013
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

PCCM Meeting: (Generally 2nd Wednesday of each month, 7:30am-9:00am)

Sign up to receive the Planning Commission agenda or weekly Planning Submittals via email: http://www.lawrenceks.org/subscriptions



PLANNING COMMISSION MEETING March 25, 2013 Meeting Minutes DRAFT

March 25, 2013 - 6:30 p.m.

Commissioners present: Blaser, Britton, Culver, Graham, Hird, Lamer, Liese, von Achen

Staff present: McCullough, Stogsdill, Day, Leininger, Warner, Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of February 27, 2013.

Motioned by Commissioner Britton, seconded by Commissioner Culver, to approve the February 27, 2013 Planning Commission minutes.

Motion carried 5-0-3, with Commissioners Graham, Hird, and Lamer abstaining.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Liese said MPO met and approved T2040.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- No ex parte.
- No Abstentions.

ITEM NO. 1 PRELIMINARY PLAT FOR NORTH SYCAMORE SUBDIVISION; 827 WALNUT ST (SLD)

PP-13-00021: Consider a Preliminary Plat for North Sycamore Subdivision, a 10-lot subdivision containing 2.4 acres and proposing detached residential lots, located at 827 Walnut Street. Submitted by Landplan Engineering, for KW Homes, LLC, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. Brian Sturm, Landplan Engineering, was present for questioning.

PUBLIC COMMENT

Mr. Ted Boyle, North Lawrence Improvement Association, said they were delighted about the project and that the issues they were concerned about had been addressed.

ACTION TAKEN

Motioned by Commissioner Blaser, seconded by Commissioner Hird, to approve the North Sycamore Addition Preliminary Plat, PP-13-00021, subject to the following condition:

Extend 5' sidewalk along Walnut Street to west property line.

ITEM NO. 2 UR TO CS; 1.81 ACRES; 2200 E 23RD ST (DDW)

Z-13-00038: Consider a request to rezone approximately 1.81 acres from UR (Urban Reserve) District to CS (Commercial Strip) District, located at 2200 E. 23rd Street. *Initiated by City Commission on 2/5/13*.

ITEM NO. 3 RS10 TO CS; 1.99 ACRES; 2206 E 23RD ST (DDW)

Z-13-00039: Consider a request to rezone approximately 1.99 acres from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 2206 E. 23rd Street. *Initiated by City Commission on 2/5/13.*

STAFF PRESENTATION

Mr. Dan Warner presented items 2 and 3 together.

Commissioner Hird asked if the rezoning was consistent with what is in store for Farmland.

Mr. Warner said the Farmland plan did not have these properties that were already in the city as part of the future land use. He said it would be surrounded by manufacturing and employment uses and the CS district would support the employment uses.

PUBLIC HEARING

No public comment.

ACTION TAKEN on Item 2

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the rezoning request, Z-13-00038, for approximately 1.81 acres, from UR (Urban Reserve) District to CS (Commercial Strip) District 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.

Unanimously approved 8-0.

ACTION TAKEN on Item 3

Motioned by Commissioner von Achen, seconded by Commissioner Culver, to approve the rezoning reques0t, Z-13-00039, for approximately 1.99 acres, from RS10 (Single-Dwelling Residential) District to CS (Commercial Strip) District 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 NO. 4 CS TO RS5; .22 ACRES; 306 ELM ST (DDW)

Z-13-00061: Consider a request to rezone approximately .22 acres from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District, located at 306 Elm Street. *Initiated by City Commission on 2/19/13*.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

PUBLIC HEARING

Mr. Ted Boyle, North Lawrence Improvement Association, said the property was dilapidated and felt that changing the zoning to RS5 would be an asset to the community.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve the rezoning request for approximately 9,750 square feet, from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District 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 NO. 5 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARKING LOT PERIMETER SCREENING (MJL)

TA-12-00207: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, Article 10, to change the parking lot perimeter screening standards. *Initiated by City Commission on 8/21/12. Deferred by Planning Commission on 2/27/13.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Hird asked if the net effect of the text amendment was to add the option of a continuous row of evergreen shrubs.

Ms. Leininger said yes.

Commissioner Hird asked if staff was satisfied that was a suitable option.

Ms. Leininger said yes.

Commissioner Culver inquired about removing fence from the landscaping options and what it would do to existing properties.

Mr. McCullough said the fence item was proposed new language.

Commissioner Liese said some of the least attractive photos showed dead plants.

Mr. McCullough said the plants may be dormant for the season. He said the text was meant to be an evergreen shrub. He said dead/damaged plants could be enforced by complaint or when a revision to a site plan is proposed.

Commissioner Liese asked if the plants at Central Middle School and Auto Exchange were not evergreens.

Mr. McCullough said some of the plants were in combination with a berm, wall, or fence. He said they would have to look at each case individually.

Commissioner Britton asked if the pictures with evergreen or other shrubbery were either in conjunction with a berm and voluntarily added by the property owner or may have been pursuant to waivers.

Mr. McCullough said it could have been under different codes, pursuant to waivers or variances. He said many times the property owner will go above and beyond the Code with landscaping.

Commissioner Britton asked if landscaping could be enforced with a complaint or with site plan revisions.

Mr. McCullough said that was correct.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Hird, to approve the proposed amendments, TA-12-00207, to the Land Development Code, Article 10 and forward to the City Commission for approval.

Commissioner Britton thanked staff for the additional information and pictures.

ITEM NO. 6 TEXT AMENDMENT TO THE ZONING REGULATIONS; NANOBREWERY (MKM)

TA-13-00035: Consider a Text Amendment to Section 12-319-1 of the Zoning Regulations of the Unincorporated Territory of Douglas County to include Nanobrewery in the list of uses permitted with Conditional Uses and to establish any necessary standards for the use. *Initiated by Planning Commission on 1/30/13*.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

Mr. Leslie Neil Hull, 1620 E 652 Road, said he initiated the text amendment and that a nanobrewery was basically a glorified home brewery. He said he currently grows his own hops and barley and that his neighbors are okay with it. He said he wanted to create a unique beer and educate people about the process of brewing.

COMMISSION DISCUSSION

Commissioner von Achen asked if a session was the same as a batch and how long it takes.

Mr. Hull said yes, about 4-5 hours.

Commissioner von Achen asked staff why this was not considered an agricultural use.

Ms. Miller said staff looked into whether it could be considered a value added ag business because it was already permitted with the CUP but this had a retail component that the value added ag businesses do not have. She also said it was much smaller in scope. She said the reason was because this was much smaller with a retail component.

Commissioner Hird asked why this would not be considered an agritourism use.

Ms. Miller said if the nanobrewery provided tours at the property it could be considered agritourism. She said the actual making of the beer was not agritourism. She said it was similar to a winery without tours. She said the county counselor said the state designation of agricultural use to a winery does not extend to a nanobrewery. She stated a winery would be able to produce wine as an agricultural use without a Conditional Use Permit but producing beer would need a Conditional Use Permit because it's not agriculturally exempt. She said people visiting and touring could be considered agritourism.

Commissioner Hird asked why it would be different than someone growing lavender and producing goods from the lavender on site.

Ms. Miller said growing lavender would be an agricultural activity. She said growing hops and barley would not need a Conditional Use Permit but when it's processed and other product are brought in it then would become a value added business.

Commissioner Hird asked if in order to qualify as an agritourism business it had to be agriculturally exempt.

DRAFT PC Minutes March 25, 2013 Page 8 of 13

Ms. Miller said the agritourism had to do with the tourism aspect and many tourism things were not allowed as agricultural uses but did fall under agritourism. She said if what was being done was not agricultural than a Conditional Use Permit would probably be needed.

Commissioner Hird asked if growing beans and canning them was not an agricultural activity.

Ms. Miller said it would be unless products were imported.

Commissioner Britton said with an agritourism use the underlying use did not necessarily have to be agricultural.

Ms. Miller said tours of the nanobrewery were included in the Conditional Use Permit and did not have to register as agritourism. She said if he wanted people to tour the barley and hop fields and wasn't producing anything in the nanobrewery it could be considered agritourism.

Commissioner Britton asked if the reason a Conditional Use Permit was necessary was because the actual conduct would not qualify as agricultural.

Ms. Miller said agritourism could be something such as having a picnic surrounded by agricultural. It did not need to be tied to the agricultural activity. She said the the nanobrewery itself was not an exempt agricultural activity by the State of Kansas.

Mr. McCullough said staff put this issue to the test of the Code and processes and this was the process that staff had to create to accommodate requests like this. He said with the definitions and intent of agritourism staff felt like they needed this process to accommodate it.

Commissioner Hird asked if anybody had determined whether the limitations imposed in the 16 conditions would allow someone to actually make 1250 barrels of beer a year.

Mr. Hull said he contacted several beverage distributers and if he actually met the 1250 barrel limit it would equal 54 pony kegs per month and a distributer could pick that up in a regular 18' liquor truck.

Commissioner Hird asked why there was a limit of 3 employees.

Ms. Miller said Type B Home Occupations in the Code allow 3 full-time employees. She said the value added business also allowed that many. She said when she did online research of nanobreweries most people thought 2 employees were adequate.

Commissioner Liese asked if Mr. Hull was comfortable with 3 employees.

Mr. Hull said he would prefer 4 employees but was satisfied with 3 employees.

Commissioner Hird felt that arbitrarily limiting the number of employees for a successful business was perplexing. He said limiting it to 3 full-time employees seemed like a standard the City was famous for as being less business friendly. He said he would prefer to see 4 employees to allow the greatest flexibility for someone starting a business.

Mr. McCullough said it was a proposed Text Amendment for County Commission consideration.

Mr. Hull said 4 employees would be better. He said he was comfortable with the other conditions.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to forward a recommendation for approval of TA-13-00035 to the Zoning Regulations for the unincorporated Territory of Douglas County to the Board of County Commissioners, with the modification that the nanobrewery may employ up to 4 full-time employees.

ITEM NO. 7 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; DEVELOPMENT PROJECTS REQUIRED TO COMPLY WITH H2020 (MJL)

TA-12-00206: Consider Text Amendments to the City of Lawrence Land Development Code, Chapter 20, various articles, to change the requirement that development projects be required to comply with *Horizon 2020*. *Initiated by City Commission on 8/21/12*.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner von Achen inquired about what the options were.

Mr. McCullough said staff had not provided any language that would make the changes that Ms. Leininger noted in the different articles of the Development Code that would be needed. He said one option would be to direct staff to draft that specific language and bring it back for their consideration. He said another option would be to recommend that the item be denied and send it to the City Commission for final determination or further consideration. He said they could also direct staff to provide more information and defer it.

Commissioner Liese asked how it would change for staff and the community.

Mr. McCullough said it could be viewed as the teeth of the Comprehensive Plan. He said it would still need to be evaluated. He said not every community requires plan amendments.

Commissioner Liese asked if it was overly burdensome to developers.

Mr. McCullough said with the type of cases they were talking about it was not overly burdensome. He said it was part of major development projects.

Commissioner Liese asked for an example of something that would have been impacted.

Mr. McCullough gave examples such as the proposed Walgreens at Inverness and Crossgate, the Bauer Farm Lowe's proposal, the CC600 proposal, the North Mass Development, and the pending Menards project.

Ms. Leininger showed a list on the overhead.

Commissioner Liese asked if they rezoned something and if it wasn't consistent with the Comprehensive Plan what would happen.

Mr. McCullough said if it was rezoned today it would be not compliant with the Code. He said if the Code was changed to strike the language that required it it would be consistent with State Law. He said the Comprehensive Plan was a guide and that the Golden Factors were one factor to consider.

Commissioner Liese asked if it was unusual for the City Commission to ask Planning Commission to consider.

Mr. McCullough said many of the text amendments have maintained the value of certain standards but may have lessened the time or cost to get through the development process. He said the City

Commission wasn't direct in its processing of the text amendment, they wanted the issue considered for its value in the development process.

Commissioner Liese asked if it was law that Douglas County have a Comprehensive Plan.

Mr. McCullough said yes, when there are Subdivision Regulations there also needs to be a Comprehensive Plan.

PUBLIC HEARING

Ms. Paula Martin, lives in West Hills Neighborhood, wondered why they would want to do this and said it seemed like they were going backwards and putting the cart before the horse. She said there had been a long history of reliance and predictability with the Comprehensive Plan. She wondered how this protected the neighborhoods. She felt the Golden Factors were subjective and that the Comprehensive Plan was objective. She said she was also speaking on behalf of Homes Association members Pam Underwood and Robert Lewis.

<u>Ms. Laura Routh</u>, Lawrence Association of Neighborhoods, felt the text amendment would limit the ability and access of community members to affect the process. She felt it would encourage spot and incremental zoning. She asked that Planning Commission reject the proposal.

Mr. Richard Heckler supported comments made by previous two speakers. He felt it bordered on a laissez-faire type of approach to planning and felt it would impact quality of life. He said taxpayers prefer clear documents. He said this was only one request to eliminate guidelines and he wondered where it would stop.

Ms. Jeanne Pees, Sunset Hill Neighborhood Association, said Horizon 2020 made their neighborhood predictable.

Ms. Melinda Henderson, League of Women Voters, expressed concern about transparency. She felt they needed more time for input if Planning Commission directed staff to continue. She said predictability was important for everyone and that the Comprehensive Plan Amendment was an opportunity to let the community speak to issues. She said she would prefer the Comprehensive Plan Amendment be separated from the zoning to allow time for notice. She wondered how the hierarchy of plans would be affected.

Mr. Ted Boyle, North Lawrence Improvement Association, said he helped draft Horizon 2020 and a lot of time was spent drafting the document. He felt there needed to be more public input with this request. He said developers with the North Mass project approached to the neighborhood association four years ago with their plans and continually provide monthly updates. He said the amendments currently work well because they allow more time for input.

Mr. Dan Dannenberg, Sunset Hills Neighborhood Association, said the Comprehensive Plan needed to be held as a controlling document and did not need to change. He said there was a 6-plex on University Drive that was allowed through spot zoning. He felt they needed a Comprehensive Plan that was followed and could be complied with by both developers and the community. He wondered what would happen without a Comprehensive Plan. He did not want his neighborhood to become the Oread neighborhood.

Ms. Lisa Harris said the Comprehensive Plan was a basis for planning decisions. She said the Comprehensive Plan was based on research, addressed fiduciary responsibility, and developed and implemented a vision for a livable community. She felt predictability was important and community

members rely on the plan. She felt an annual review of the Comprehensive Plan should take a bigger picture look and review how they were doing in reaching the vision with the plan, what challenges there were in implementing it, and what circumstances might suggest they should change the vision.

COMMISSION DISCUSSION

Commissioner von Achen asked what would happen to the environmental protections in Horizon 2020.

Mr. McCullough said that would not go away, Horizon 2020 would remain active. He said some of the policies of Horizon 2020 were action steps, some were used to review development proposals against, and some helped create policy and code. He said the Comprehensive Plan sets up policies that often time become code. He said a lot of environmental protections supported by the Comprehensive Plan policies were part of the Development Code that they would need to comply with anyway.

Commissioner Lamer said he had some misgivings about this proposed text amendment. He said one of the most important things was the time of community members who spent working on Horizon 2020. He felt they would be taking a step backward by doing this. He felt it was important for developers to have certainty too and that uncertainty in the process could cause developers grief.

Commissioner Blaser agreed with Commissioner Lamer. He did not see a reason to make this change. He said there were a lot of resources and time spent on Horizon 2020.

Commissioner Culver said it was difficult at this time to see the defined need to remove the restriction. He said predictability and certainty were good for all parties. He said the process of Comprehensive Plan Amendments was not overwhelmingly burdensome. He felt the time and effort spent by citizens in developing the plan would be diminished by removing the restriction. He did not feel there was a compelling reason to do this. He said they may want to look into the annual review process and take the opportunity to look forward and be proactive.

Commissioner von Achen said she was stunned to even see this in the Planning Commission packet. She said everything good about development in Lawrence could be traced to Horizon 2020. She felt that without high standards no one would want to develop which would not really be business friendly. She felt it should remain as is.

Commissioner Britton said he could see both sides of the issue but also shared some of the concerns heard tonight. He felt they shouldn't fix something that wasn't broken.

Commissioner Hird said studying and amending the plan from time to time was a healthy exercise. He said there were lots of changes that could be made to the Development Code to make Lawrence more business friendly. He said this was a real sea change fundamentally in the legal requirements for this process. He said it was uncoupling Horizon 2020 as a basis and making it more of a guide. He felt it was an unhealthy direction, given the alternatives. He said compliance wasn't etched in stone and they had made exceptions with text amendments to change it. He said he was hesitant to move forward with this text amendment at this time.

Commissioner Liese said research showed Lawrence was no more difficult to develop in than many other communities.

ACTION TAKEN

DRAFT PC Minutes March 25, 2013 Page 13 of 13

Motioned by Commissioner Britton, seconded by Commissioner Lamer, to receive the staff report and forward to the City Commission with a recommendation of denial.

Motion carried 8-0.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 8:50pm

2013 LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 — 9:00 AM	Mid-Mont	Planning Commission Meetings 6:30 PM, Mon & Wed		
Jan 9	Topics fo	Jan 28	Jan 30	
Feb 13	PD Occupancy			Feb 27
Mar 13	Downtown Redevelopme	Mar 25	Mar 27	
Apr 10	Downtown Redevelopment - HRC Joint Meeting			Apr 24
May 8	APA Conference follow-up	Water/Wastewater Master Plan update	May 20	May 22
Jun 12	Horizon 2020 Review Process	2010 Census Data	Jun 24	Jun 26
Jul 12**	PC Orientation	Jul 22	Jul 24	
Aug 14	New County 2	Aug 26	Aug 28	
Sep 11	TB	Sep 23	Sep 25	
Oct 9	TB	Oct 21	Oct 23	
Nov 6	tentative		Nov 18	Nov 20
Dec 4	tentative		Dec 16	Dec 18

Suggested topics for future meetings:

How City/County Depts interact on planning issues
Stormwater Stds Update – Stream Setbacks
Overview of different Advisory Groups – potential overlap on planning issues
Open Space Acquisition/Funding Mechanisms – what do other states do?
Library Expansion Update
Joint meeting with other Cities' Planning Commissions
Joint meeting with other Cities and Townships – UGA potential revisions

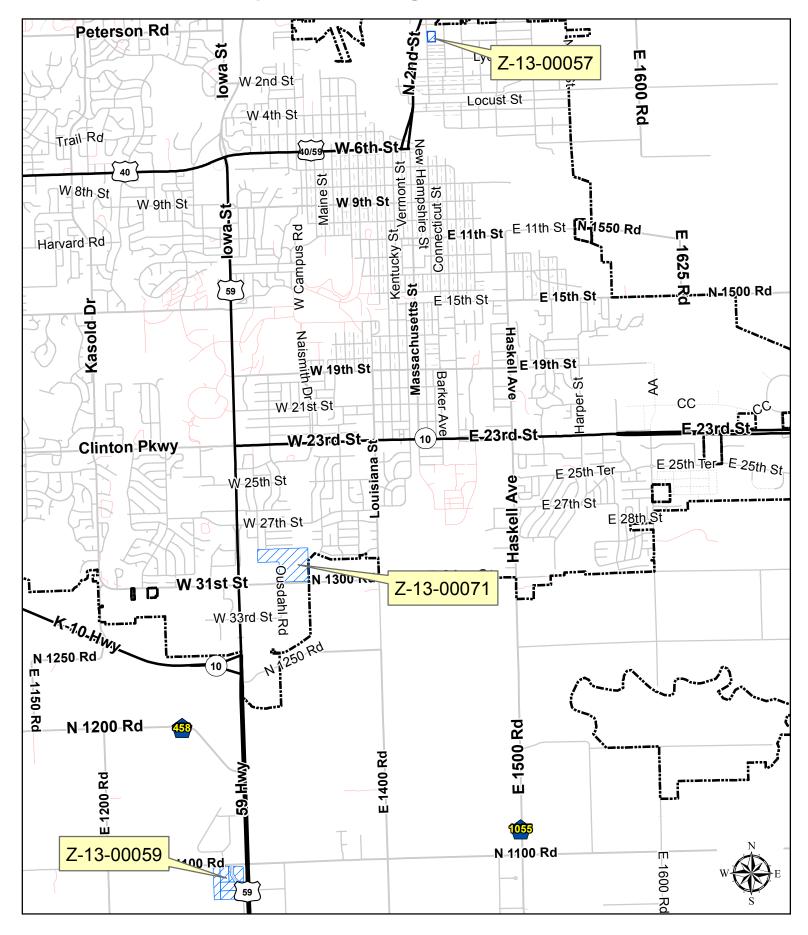
Tour City/County Facilities 2010 Census Data Oread Overlay Districts Water/Wastewater Master Plan Update Downtown Survey Memo – redevelopment options* Comprehensive Plan – Goals & Policies* *new suggestions

Meeting Locations

The Planning Commission meetings are held in the City Commission meeting room on the 1^{st} floor of City Hall, 6^{th} & Massachusetts Streets, unless otherwise noticed.

Planning & Development Services | Lawrence-Douglas County Planning Division | 785-832-3150 | www.lawrenceks.org/pds

Lawrence-Douglas County Planning Commission April 2013 Agenda Items



PLANNING COMMISSION REPORT Regular Agenda — Public Hearing Item

PC Staff Report 4/22/13

ITEM NO. 1: CS AND RS7 TO CS; 2.7 acres; 750 N 3rd Street (DDW)

Z-13-00057: Consider a request to rezone approximately 2.7 acres, from CS (Commercial Strip) District and RS7 (Single-Dwelling Residential) District to CS (Commercial Strip) District, located at 750 N 3rd Street. James Slough, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for approximately 2.7 acres, from CS (Commercial Strip) District and RS7 (Single-Dwelling Residential) District to CS (Commercial Strip) District 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.

KEY POINTS

- The property currently has split zoning with the majority of the property zoned CS and a smaller portion zoned RS7. Approval of the rezoning will zone the property entirely CS.
- The property is platted.
- A portion of the property is located within the regulatory flood plain.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

• The surrounding area is developed with a mixture of residential and nonresidential land uses. The immediate area surrounding the property is developed with single-family uses to the south and east. There are commercial uses to the north and west, with one residential use also located to the west. The City has a pump station immediately north of the subject property.

CONFORMANCE WITH HORIZON 2020

The proposed rezoning request from CS (Commercial Strip) District and RS7 (Single-Dwelling Residential) District to CS (Commercial Strip) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.
- The applicant has also submitted a Site Plan application to build a storage building on the property.
- Building permits will be required for the new structure and any attempt to renovate the farmhouse as a habitable dwelling unit.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No written comments received prior to the publishing of this staff report.

Project Summary

The property currently has split zoning with CS for the majority of the property, including where a house is located, and RS7 on the remainder. Approval of the rezoning will zone the property entirely to the CS District.

The applicant wishes to construct a storage building on the property to be used to store items related to his property rental business. The existing house on the property is not habitable, but the applicant also wishes to preserve the ability to use the house as a residence in the future. Detached Dwellings are not permitted in the CS District. However, the subject property was platted in 1866 and annexed in 1867. It is believed that the house was constructed approximately in 1890. Therefore, staff has determined that the detached dwelling use of the property is considered to be a legal nonconforming use.

GENERAL INFORMATION

Current Zoning and Land Use: CS (Commercial Strip) District and RS7 (Single-

Dwelling Residential); single-family residence in

disrepair.

Use:

Surrounding Zoning and Land To the north: -- CS (Commercial Strip) District; City of

Lawrence pump station.

To the east: RS7 (Single-Dwelling Residential) District;

mobile home park.

To the south: RS5 (Single-Dwelling Residential)

District; single-family residences.

To the west: CS (Commercial Strip) District and RS7 (Single-Dwelling Residential) District; single-family residence, vacant land, and commercial property.

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Horizon 2020, Map 3-2 Lawrence Future Land Use, designates N. 2nd Street and the portion of N. 3rd Street where this property lies as Commercial land use. In addition, *Horizon 2020* Chapter 6, Commercial Land Use designates N. 2nd Street and N. 3rd Street as an existing Strip Commercial Area.

<u>Staff Finding</u> -- The proposed rezoning request conforms with *Horizon 2020*.

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

Staff Finding -- The area contains a mixture of residential and nonresidential uses. Single-family residences are located south and east of the subject property on RS7 and RS5 zoned property. Commercial businesses are located west and north of the subject property, on CS zoned property, along with one residential property to the west. The City operates a pump station immediately north of the subject property.

3. CHARACTER OF THE AREA

The immediate character of the area is most recognizable as a mixture of residential and nonresidential land uses. The subject property abuts residential to the south and east but has one residence along with nonresidential land uses to the west and north.

Staff Finding – The area contains a mixture of residential and nonresidential uses.

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

Horizon 2020 identifies future plans for the general area as appropriate for commercial land use. Horizon 2020, Map 3-2 Lawrence Future Land Use, designates N. 2nd Street and the portion of N. 3rd Street where this property lies as Commercial land use.

Staff Finding – Approval of the request is consistent with land use plans for the area.

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

Applicant's Response: The subject property is zoned with two different zoning designations. The majority of the property is zoned CS and is suitable for this use; however, the remaining ground is zoned RS7 and the portion along the back of the property is not suitable for this use due to its small width. The remainder of the RS7 zoned property should be rezoned to correspond with the remaining property.

Staff's Response: The majority of the subject property is zoned CS with a smaller portion zoned RS7. The CS zoning is compatible with the area and is suitable for the property. The split zoning for the property is not appropriate and the remainder RS7 zoning should be rezoned to CS.

Staff Finding – The RS7 designation of a portion of the subject property is not suitably zoned given the existing CS zoning of the property and the adjacent nonresidential land uses.

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

Staff Finding – The subject property is zoned CS and RS7 and has been developed as a residential use since approximately 1890.

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

Applicant's Response: Nearby properties will not be affected due to the majority of the property already being zoned CS. This rezoning request is being made so the owners will only have one zoning designation on their land.

Staff's Response: The majority of the property is currently zoned CS and the area contains other nonresidential uses. Regulations mandate certain development standards for commercial developments meant to lessen impact on neighboring residential properties. Standards such as landscaping and buffer yards provide some measure of protection for nearby residential properties. In addition, access to the property will remain on N. 3rd Street.

Staff Finding – The anticipated impact on nearby properties is limited.

8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Applicant's Response: The public will likely not notice a change to the property since the majority of the land will remain the same zoning use. The hardship imposed on the owner will be that the ground carries two different zoning designations which are randomly defined for unknown reasons.

Staff's Response: 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.

There would be no impact on the public health, safety and welfare as the majority of the property is currently zoned CS, and the immediate surrounding area is a mixture of residential and nonresidential uses. If the rezoning were denied, the property would continue to have a property zoned for commercial and residential uses.

Staff Finding – There would be no gain to the public and there would be a hardship to the landowner in the denial of the rezoning request. The rezoning request will assign the CS District to the entire property rather than continuing with the split zoning.

9. PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the rezoning to the CS District as it is an appropriate zoning district for the subject property. The majority of the property is currently zoned CS. Zoning the entire property to the CS District is an appropriate for the property.

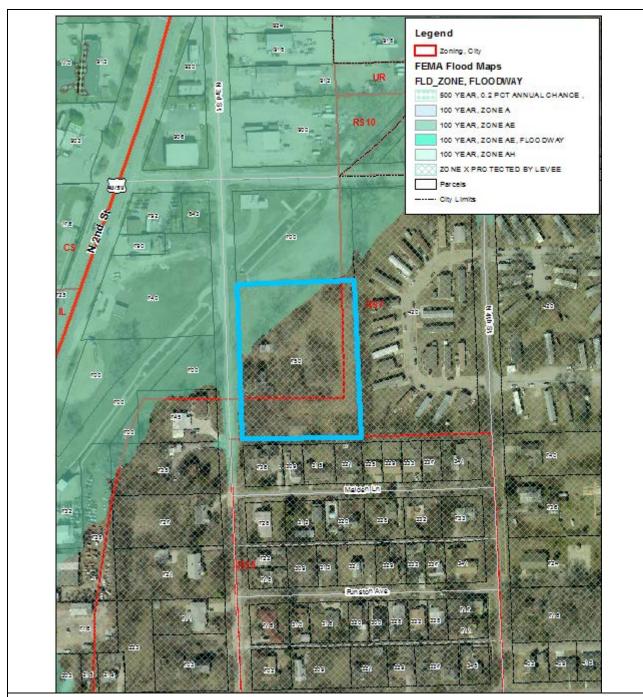
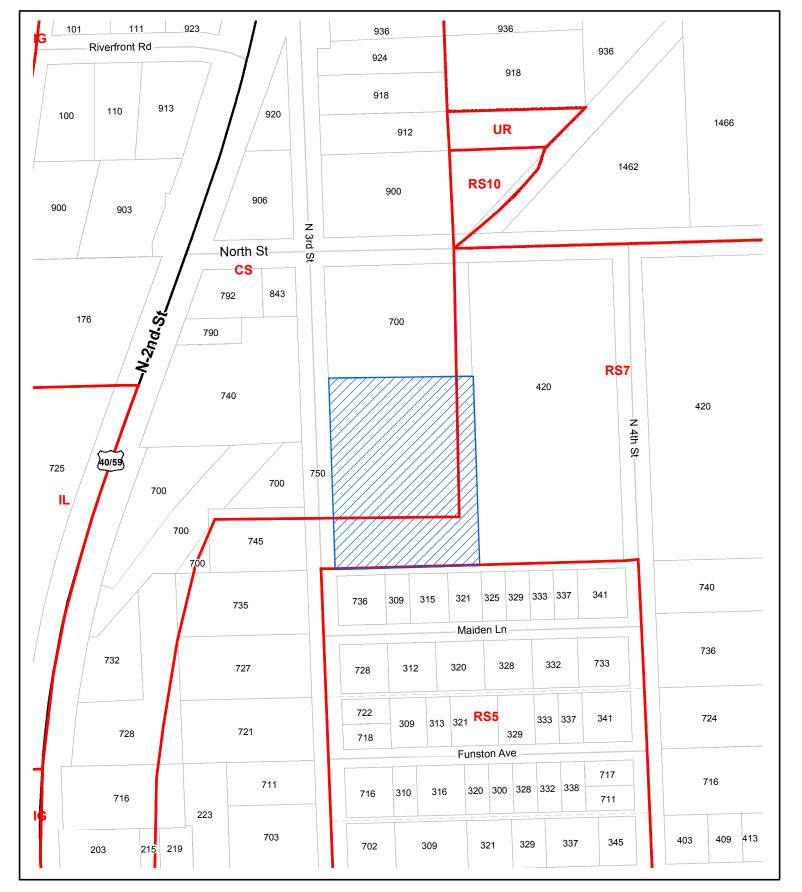


Figure 1. Base Zoning Districts and Flood Hazard Area in nearby area. The boundary of the property which is the subject of this rezoning request is outlined in blue.



Z-13-00057: Rezone 2.54 acres from CS & RS7 to CS 750 N. 3rd St

Lawrence-Douglas County Planning Office April 2013



Scale: 1 Inch = 200 Feet

PLANNING COMMISSION REPORT Regular Agenda — Public Hearing Item

PC Staff Report 4/20/13

ITEM NO. 2: A TO B2; 21 ACRES; SW CORNER OF N 1100 RD & HWY 59 (MKM)

Z-13-00059: Consider a request to rezone approximately 21 acres from County A (Agricultural) to County B-2 (General Business District), located in the southwest corner of the intersection of N 1100 Road and Hwy 59. Submitted by Grob Engineering, for Michael Flory, property owner of record.

STAFF RECOMMENDATION: Staff recommends forwarding the rezoning request for approximately 21 acres from A (Agricultural) District to B-2 (General Business) to the Board of County Commissioners with a recommendation for denial based on the findings of fact found in the body of the staff report.

Applicant's reason for request:

"To rezone approximately 29 21 acres from Agriculture 'A' to General Business District 'B-2', and provide a business zoning district within the urban growth area."

KEY POINTS

- The applicant requested rezoning of 29 acres in the rezoning application. This was revised prior to the printing of this staff report to 21 acres.
- The property is located within the City of Lawrence Urban Growth Area but City sewer and water is not available at this time.
- The rezoning request precedes the long range planning of the area. Now that the City's Wastewater Master Plan has been adopted, the area south of the Wakarusa River will be included in a sector plan in a future planning effort. This plan will evaluate the character of the area and recommend specific land uses and zonings.
- It is not necessary to rezone for the proposed use, mini-storage, as this use is permitted in the A (Agricultural) District with approval of a Conditional Use Permit.
- The request is speculative in nature and the surrounding area is served by commercial uses approximately 2 miles to the north in the City of Lawrence.

ATTACHMENTS

Attachment A: Revised Zoning Area and Concept Plan

Attachment B: Sections 12-309-2 and 12-310-2 of the Zoning Regulations for the Unincorporated Territory of Douglas County with permitted uses in the B-1 and B-2 Districts.

OTHER ACTION REQUIRED

- Approval of rezoning by Board of County Commissioners and publication of resolution.
- Platting and site-planning are required prior to development.
- Building permit is required prior to development.

PUBLIC COMMENT

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

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; Residential and agricultural uses. (Figure 1)

Surrounding Zoning and Land Use:

To the north and southeast: A-1 (Suburban Home) District; developed residential subdivisions. N 1100 Road, a minor arterial, is located to the north of the subject property.

To the east: A (Agricultural) District; clustered rural residences. Hwy 59, a principal arterial, is located to the east of the subject property.

To the south, and west: A (Agricultural) District; Agricultural uses and scattered rural residences. (Figure 2)



Figure 1. Subject property zoning and land use. (app. 21 acres)

Figure 2. Zoning and land use of area. A-1 (Suburban Home) platted residential subdivision to north and southeast, Remainder is zoned A (Agricultural) with rural residential neighborhood to the east and agricultural uses and scattered rural residences to the west and south.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES

The surrounding area is zoned A (Agricultural) and A-1 (Suburban Home Residential) Districts. Residential development is the primary use of the area with rural subdivisions within the A-1 (Suburban Home) Districts to the north and southeast and rural residential neighborhoods with parcels between approximately 1 and 4 acres to the east and west. Land to the south is zoned A (Agricultural) and the primary land use is agriculture with scattered rural residences. The area is divided north and south by US Hwy 59, a principal arterial, and east and west by N 1100 Road, a minor arterial.

Staff Finding –The area contains a major transportation network with the intersection of US Hwy 59 and N 1100 Road, a minor arterial. The area contains land within the A (Agricultural) and A-1 (Suburban Home Residential) Districts and the principal land use is residential with agricultural uses to the south. A B-2 District could be compatible with the surrounding uses; however, the request remains too large in area to ensure compatibility, in staff's opinion, and is also somewhat speculative in nature.

II. CHARACTER OF THE AREA

This is a rural residential and agricultural area with a concentration of residential uses in the vicinity of the subject property. A US Highway and a minor arterial intersect in this area. The subject property is located approximately 1 1/2 miles south of the Lawrence city limits and is within the City of Lawrence UGA. A rural water district provides water to this area and on-site systems are utilized for solid waste management.

Staff Finding -- This is predominately a rural residential and agricultural area. The subject property is located on a major transportation corridor within the Lawrence Urban Growth Area. The size of the commercial development being proposed, 21 acres, could alter the rural residential character of the area.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"The property has partially been dissected by a new frontage road for Hwy 59. While it is still suitable for agriculture, its close proximity to Hwy 59 lends itself to commercial development."

The property contains seven parcels which are currently zoned A (Agricultural) District. A frontage road installed with the relocation of Hwy 59 divides the parcels. Per Section 12-306-2 of the Zoning Regulations for the Unincorporated Territory of Douglas County permitted uses in the A District include agricultural uses; animal hospital or clinic; commercial dog kennel; commercial greenhouse; commercial riding stable; detached dwelling; churches, parish halls, etc; schools; and country clubs. Property within the A District in the Urban Growth Area may be divided for residential uses through a Cluster Development Certificate of Survey.

The property is developed with a residence and is suitable for the uses permitted within the A District. However, as the property is located at the intersection of Hwy 59, a principal arterial, and N 1100 Road, which is classified as a minor arterial, the property may be suited for commercial uses as well. (Figure 3) As the intersection of Hwy 59 and N 1100 Road is an at-grade non-controlled intersection, the nature and intensity of permitted uses would be determined following analysis of traffic data provided to the County Engineer and Kansas Department of Transportation to determine suitability at this location. The property is served by Rural Water District #5. The Water District Manager



Figure 3. Transportation network in area. Subject property marked with a star.

indicated that there is one meter on the property at this time and that there should not be a need for many upgrades to accommodate future uses as a larger waterline is at west end of property on north side of N 1100 Road. This would be determined at the platting and site-planning stage when a specific use is known and the water demand of the use and fire-protection is established.

As the property is located in the unincorporated portion of Douglas County, it will be served with Rural Water and will utilize an on-site solid waste management system. The nature and

size of future commercial uses may be limited by the availability of water and the on-site solid waste management system requirements.

Staff Finding –The property is suited to the uses which are permitted in the A District. The property is located adjacent to a principal arterial and may also be suited to the uses which are permitted in the B-2 District. Suitability of specific commercial uses would require evaluation of traffic data associated with proposed use, water availability and compliance with sanitary code requirements.

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

Staff Finding – One of the parcels is developed with a residence. The other parcels are used for agricultural uses.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's response:

"The removal of restrictions should have minimal detrimental effect to the nearby property. It would act as buffer between the highway and future residential development to the west."

The property is located at the intersection N 1100 Road which is classified as 'minor arterial' on the Future Thoroughfares Map and US Hwy 59, a principal arterial. Given this transportation network, the additional traffic generated by commercial uses at this location should have limited negative impact on nearby properties.

The subject property is separated from other properties to the north and east by right-of-way which ranges from approximately 60 ft to 100 ft in width for N 1100 Road to the north and from 300 ft to 400 ft for Hwy 59 to the east. The right-of-way width could serve to buffer nearby properties from a commercial use. However, given the size of the proposed commercial development, the right-of-way may not be seen as an adequate buffer area. Additional buffering and screening would be necessary to minimize the impact of commercial development on nearby residential uses. In staff's opinion, the size of the commercial development being proposed could prematurely alter the rural residential character of the area at a time when urban services are not yet provided.

Staff Finding – A small area of B-2 (General Business) Zoning should have minimal detrimental effect on nearby properties; however, the 21 acres included in this rezoning request would be a large commercial complex which could prematurely impact the rural residential character of the area.

VI. RELATIVE GAIN TO THE PUBLIC HEAL TH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on 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 use of the property would remain limited to uses which are permitted in the Agricultural District. The proposed use, mini-storage, is a permitted use in the A District when approved as a Conditional Use. Denying the rezoning request would protect the character of the area as a 21 acre commercial development could alter the character of the area prior to urbanization of the area.

Approval of the rezoning request would allow the development of the property with commercial uses.

Staff Finding –Denial of the rezoning request would protect the welfare of the public by insuring that the character of the area would remain rural and residential in nature until City infrastructure is available and the area urbanizes. Denial of the request would not impose a hardship on the property owner as the property could continue to be used for uses permitted within the Agricultural District which includes the proposed use, mini-storage, through approval of a Conditional Use Permit.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The request does conform to Horizon 2020 for B-2 zoning district will provide a business node within the UGA."

The following section provides language from the Comprehensive Plan in bold followed by staff's evaluation:

CHAPTER SIX. COMMERCIAL

Unincorporated Douglas County – New Commercial Areas

"As Douglas County continues to urbanize, the need for additional commercial space in the unincorporated portions of Douglas County will increase. New commercial areas shall not be located within a four mile radius of any existing commercial area." (page 6-22)

STAFF EVALUATION:

The area is served with commercial uses located at South Iowa Street within 2 miles of the subject property. (Figure 4)

"The Comprehensive Plan recommends that only one new commercial area be created in the unincorporated portion of the county. The southeastern area of the county does not have any commercially zoned areas. To serve this area a commercial development could be located at the intersection of US-56 and K-33 or US-56 and County Route 1061." (page 6-22)

STAFF EVALUATION:

The proposed rezoning is not compliant with this recommendation of the Comprehensive Plan. (Figure 4)

"The amount of gross square footage of a commercial development shall be limited to a total of 15,000 gross square feet to serve the surrounding rural area." (page 6-22)

There is inconsistency between this section of the Comprehensive Plan and the County Zoning Regulations. The Zoning Regulations limit the size of a warehouse in the B-2 District to 20,000 sq ft. A larger structure requires approval of a Conditional Use Permit. Staff interprets this recommendation to apply to individual buildings within a commercial district, with the understanding that larger structures are permitted by the Zoning Regulations.

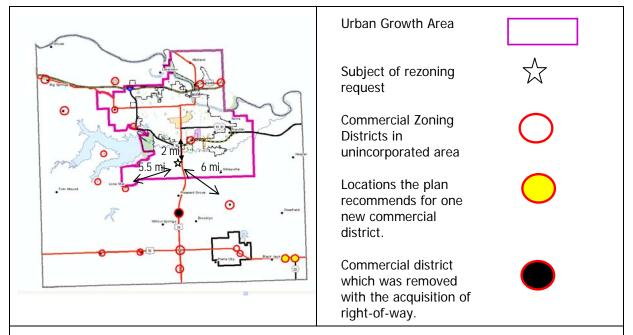


Figure 4. Existing commercial zoning districts in the county. Subject property, shown with a star, is located 2 miles from the commercial district to the northeast at the intersection of Louisiana and 31st Streets.

Policy 1.5 Provide Opportunities for Limited Commercial Development in the Unincorporated Areas of Douglas County.

(B) "No new commercial development shall occur within the UGA." (page 6-25)

STAFF EVALUATION

The proposed rezoning is not compliant with this recommendation of the Comprehensive Plan as the subject property is within the Urban Growth Area.

When the comprehensive plan was adopted long range planning beyond the City limits was limited. Recent planning efforts have planned areas of the Urban Growth Area; however, this area has not been planned. As the *City Wastewater Master Plan* was recently completed and adopted, long range planning efforts will focus on the area south of the Wakarusa River in the future. Following approval and adoption, the sector plan will be incorporated into the Comprehensive Plan. It is possible that the area may be identified for commercial development with the sector plan; however, the rezoning request is premature at this time.

Policy 3.12 Criteria for Commercial Development in Unincorporated Areas

- (A) "Existing commercial areas that are located at the intersection of a hard surfaced County Route and a state or federally designated highway should be allowed to expand if the necessary infrastructure (water, road, approved wastewater treatment facility, etc.) is available.
- **(B)** "Encourage new commercial development at key access points on major corridors only if served by adequate infrastructure, community facilities and services.
- (C) "The Commercial gross square footage of a development shall be limited to a total of 15,000 gross square feet."
- (D) "The only new commercial area shall be located at the intersection of either US-56 and K-33 or US-56 and County Route 1061." (page 6-38)

STAFF EVALUATION

Criterion A does not apply as this is not an existing commercial area. The rezoning request complies with Criteria B as the Rural Water District and Health Department have indicated the infrastructure would be adequate. The nature and intensity of the individual uses proposed in this district would be dependent upon the ability of the infrastructure to serve them. The proposal does not comply with Criterion C; however, as noted earlier there is inconsistency with this recommendation and the standards in the Zoning Regulations. The proposal does not comply with Criterion D. As the comprehensive plan provides locational criteria, it is staff's opinion that while the Plan recommends only one new commercial development, other development may be acceptable when the locational criteria in the plan are met. In this case, the locational criteria are not met.

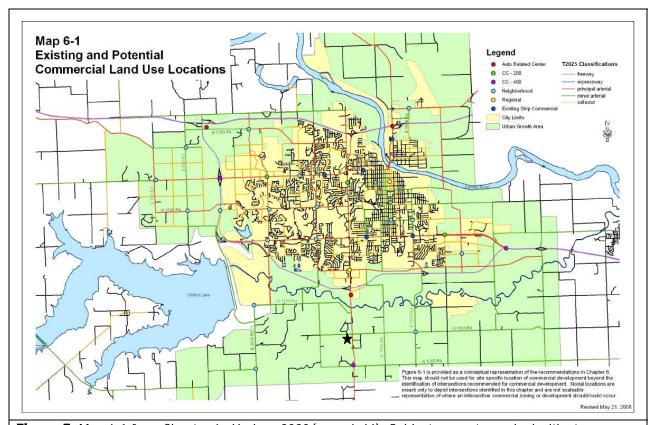


Figure 5. Map 6-1 from Chapter 6, Horizon 2020 (page 6-44) Subject property marked with star.

Map 6-1 shows the location of existing and potential commercial development in the City of Lawrence and the Urban Growth Area. The area included in this rezoning request is not identified on the map for potential commercial land use. (Figure 5)

STAFF REVIEW

The rezoning request is for several parcels and portions of parcels which are currently zoned A for agricultural uses. The subject property is split by an access road which was constructed to provide access to a property to the south with KDOT's relocation of Highway 59. The concept plan shows the initial phase being a mini-storage facility with the possibility of a gas station/convenience store in the future to the east of the frontage road. No plans are proposed at this time for the area to the west of the frontage road.

The Comprehensive Plan recommends that commercial uses be compatible with the surrounding area. The subject location is primarily a rural residential neighborhood. While the proposed mini-storage is being designed to reflect the residential character of the area, (Figure 6) the size of speculative commercial development being proposed in this location would not, in staff's opinion, be compatible with the surrounding neighborhood. As an alternative, the use being proposed for the current phase, mini-storage, could be reviewed in the A District through the Conditional Use Permit process. This would limit the use to one specific use, providing neighbors assurance as to the type of development, and the site design and layout would also be a part of the public hearing. The CUP process would allow greater input into the design and should result in a compatible product.



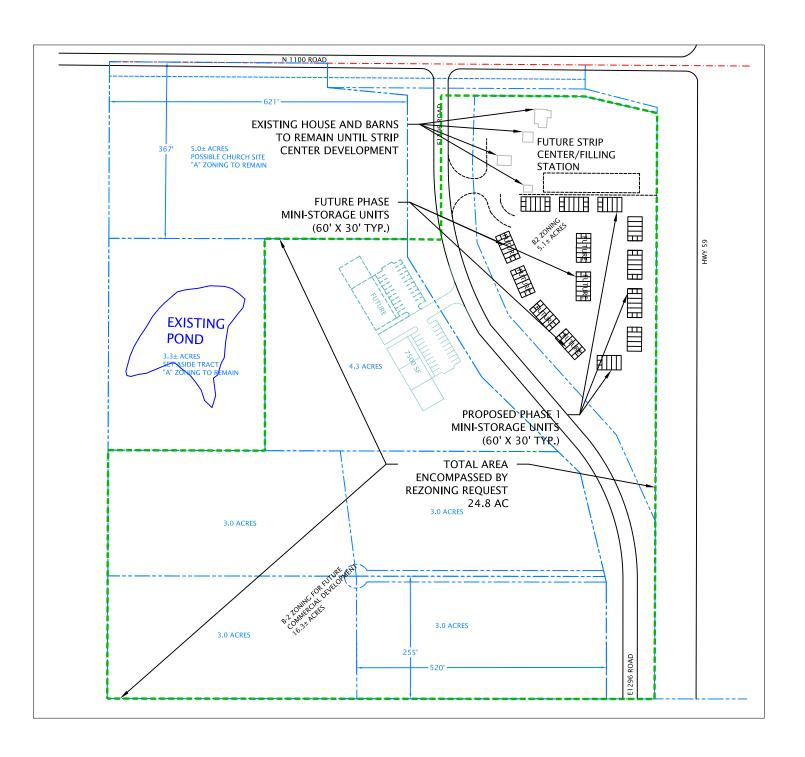
Figure 6. Conceptual elevation of mini-storage from road frontage.

The rezoning request is premature as a sector plan of the area south of the Wakarusa River has not yet been completed or adopted. The sector plan will identify the character and features of the area and provide detailed land-use recommendations for urbanization based on this evaluation.

Staff recommends denial of the rezoning request based on the following:

- 1) Request is not compliant with the recommendations in the Comprehensive Plan;
- 2) Request is premature as the area is within the UGA but has not been included in a sector plan; and
- 3) Size of commercial development proposed is speculative and would be incompatible with the surrounding area.

MIKE FLORY PROPERTY AT N1100 ROAD AND 59 HWY





SCALE: 1"=200' 4-11-13 MINI-STORAGE, STRIP CENTER, AND OTHER COMMERCIAL DEVELOPMENT

12-309 "B-1" NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS

12-309-1.

The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section, are the regulations in the "B-1" Neighborhood Business District. This district provides primarily for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods.

12-309-2. USE REGULATIONS

A building or premises shall be used only for the following purposes:

- **12-309-2.01.** Any use permitted in the "R-1" Single-Family Residential District.
- **12-309-2.02.** Automobile parking lots and storage garages.
- **12-309-2.03.** Display room for merchandise to be sold on order where merchandise sold is stored elsewhere.
- **12-309-2.04.** Dressmaking, tailoring, decorating, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing and bakery, with sale of bakery products on the premises and other uses of a similar character; provided that no use permitted in this item shall occupy more than 2,500 square feet of floor area.
- **12-309-2.05.** Filling stations, so long as bulk storage of inflammable liquids is underground.
- **12-309-2.06.** Frozen food lockers for individual or family use.
- **12-309-2.07.** Hospital or clinic for large or small animals, such as cattle, horses, dogs, cats, birds and the like, provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed building with soundproof walls and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls and located on a sewer.
- **12-309-2.08.** Offices and office buildings, including clinics.
- **12-309-2.09.** Outdoor advertising structure or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of 30 square feet in area shall be attached flat against a wall of the building, and in no case shall any sign or display attached to a building project above the roof line. The permitted 30 square feet of sign area for projecting or free-standing signs may be in one sign or the aggregate area of several signs.
- **12-309-2.10.** Personal service uses including barber shops, banks, beauty parlors, photographic or artists' studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, (but not drive-in restaurants), taverns, undertaking establishments and other personal service uses of a similar character.
- **12-309-2.11.** Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
- **12-309-2.12.** Self-service laundry or self-service dry cleaning establishment.

12-309 "B-1" NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS 12-309A "B-3" LIMITED BUSINESS DISTRICT REGULATIONS

- **12-309-2.13.** Accessory buildings and uses.
- **12-309-2.14.** A retail fireworks stand only as authorized by permit issued and operated pursuant to applicable resolutions of the Board of County Commissioners.

12-309 Page 31 of 128 Amended 06/11/2007

12-310 "B-2" GENERAL BUSINESS DISTRICT REGULATIONS

12-310-1.

The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "B-2" General Business District. The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of business, commercial, and miscellaneous service activities, particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise associated with manufacturing.

12-310-2. USE REGULATIONS

A building or premises shall be used only for the following purposes:

12-310-2.01. Any use permitted in the "B-1" Neighborhood Business District.

12-310-2.02. Amusement place, skating rink, swimming pool or dance hall in a completely enclosed building, auditorium or theater, except open-air drive-in theaters. (See section 12-319-4)

12-310-2.03. Bottling works, dyeing and cleaning works or laundry, plumbing and heating shop, painting shop, upholstering shop not involving furniture manufacture, tinsmithing shop, tire sales and service including vulcanizing but no manufacturing, appliance repairs, and general service and repair establishments, similar in character to those listed in this item; provided that no outside storage of material is permitted, and further provided that no use permitted in this item shall occupy more than 6,000 square feet of floor area.

12-310-2.04. Bowling alleys and billiard parlors.

12-310-2.05. Drive-in restaurants.

12-310-2.06. Food storage lockers.

12-310-2.07. Hotels, motels, or motor hotels.

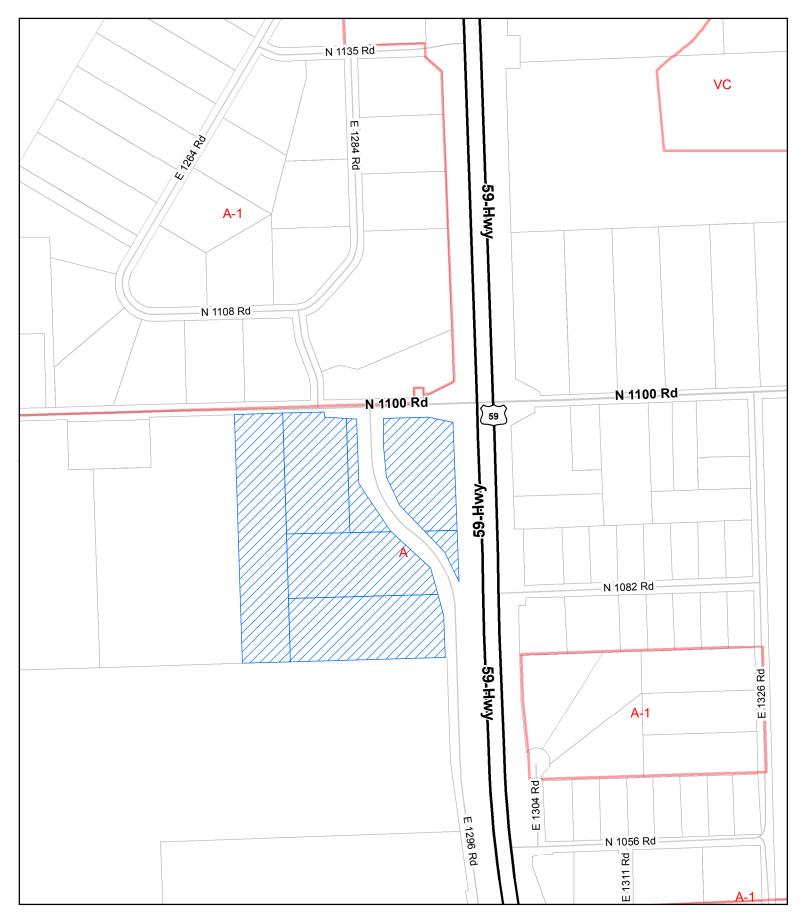
12-310-2.08. Material storage yards, in connection with retail sales of products where storage is incidental to the approved occupancy of a store, provided all products and materials used or stored are in a completely enclosed building, or enclosed by a masonry wall, fence, or hedge, not less than six feet in height. Storage of all materials and equipment shall not exceed the height of the wall. Storage of cars and trucks used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment, such as road-building or excavating equipment.

12-310-2.09. Outdoor advertising structure or sign and any sign or display in excess of 100 square feet in area shall be attached flat against a wall of a building. See section 12-306-2.18 for height and location of sign requirements.

12-310-2.10. Printing, publishing, and engraving establishments.

12-310 "B-2" GENERAL BUSINESS DISTRICT REGULATIONS

- **12-310-2.11.** Public garage.
- **12-310-2.12.** Wholesale establishment or warehouse in a completely enclosed building so long as floor area devoted to such uses shall not exceed 20,000 square feet.
- **12-310-2.13.** Used car lot.
- **12-310-2.14.** Accessory buildings and uses.



Z-13-00059: Rezone 29 acres from A to B2 N 1100 Rd & Hwy 59



Scale: 1 Inch =500 Feet

Mary Miller

From: Denny Ewert

Sent: Tuesday, April 16, 2013 9:03 AM

To: Mary Miller

Subject: FW: ITEM NO. 2: REZONING FROM A TO B2; 21 ACRES; SW CORNER OF N 1100 RD

&HWY 59

Ms. Denny Ewert, Administrative Support

dewert@lawrenceks.org
City of Lawrence, Planning & Development Services
6 E 6th Street, Lawrence, KS 66044
office (785)-832-3159 | fax (785)-832-3160
www.lawrenceks.org/pds/

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: http://lawrenceks.org/pds/survey/satisfaction."

From: Burress, David A. [mailto:d-burress@ku.edu]

Sent: Tuesday, April 16, 2013 8:57 AM

To: Denny Ewert

Subject: RE: ITEM NO. 2: REZONING FROM A TO B2; 21 ACRES; SW CORNER OF N 1100 RD &HWY 59

April 16, 2013

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

Dear Chairman Liese and Planning Commissioners

RE: ITEM NO. 2: REZONING FROM A TO B2; 21 ACRES; SW CORNER OF N 1100 RD &HWY 59

(MKM)

The League primary position on Land Use Planning begins by stating, "Growth should be controlled in a manner to avoid the unplanned proliferation of residential and other land uses, and also to avoid pollution of air, water, and land." Therefore, we support our Comprehensive Plan, Horizon 2020, which recommends that no new commercial use should be permitted within a four mile radius of existing commercial zoning in the unincorporated area of the county. The proposed 21 acres of commercial B2 zoning is well within the four-mile radius of existing commercial zoning and therefore would be prohibited based on these recommendations of *Horizon* 2020.

There are many other reasons for not granting commercial zoning at this location, not all of which are listed here.

The Urban Growth Area (UGA is preserved for urbanization following annexation and provision of urban services. It does not now anticipate urban-type intensive uses in the County portion of the area around the cities; at least not where it isn't planned. The UGA is a very special area that has provided provisions to preserve the areas around the cities in Douglas County so as to enable future annexation and connection with urban services at urban densities.

If the request is granted and it does not conform to the Comprehensive Plan, there is no other provision in the County planning documents or system that would prevent similar commercial requests and/or other intensive uses from being randomly granted in the County, especially along the Highway 59 Corridor.

If the CP is ignored here, because of the configuration of the new Highway 59 Corridor with several similar access points, there is no reason why similar requests would not also be made all up and down the Corridor. Similarly, there is no planning document, once our current Comprehensive Plan is ignored, to prevent these rezoning requests from being granted.

Once urban-type development occurs, it encourages similar development, leading to random urbanization of both the Urban Growth Area and the County Rural Area and the proliferation of residential uses in the Rural Area.

It would also prohibit the logical expansion and planning for neighborhoods and other urban areas within the cities, so important to providing a well-functioning, livable and sustainable community.

We believe that neither the Planning Commission nor the County Commission would want to see such an expansion of urban-type development in the unincorporated county, either in the UGA or Rural Area.

Therefore, we ask that the Planning Commission deny the current request of B2 zoning for any of the 21 acres on this SW corner of North 1100 Road and Highway 59.

Thank you for your consideration of our letter.

Sincerely,
/s/
David Burress
President-Elect
League of Women Voters of Lawrence/Douglas County
Cille King
/s/

Land Use Committee

UNITARIAN FELLOWSHIP



OF LAWRENCE, KANSAS

RECEIVED

Date: April 15, 2013

APR 16 2013

To: Dr. Bruce Liese, Chair, Lawrence-Douglas County Planning Commission From: Rebecca K. Gant, Chair, Executive Board, Unitarian Fellowship of Lawrely Planning Office

Lawrence, Kansas

Re: April 22 Agenda Item Z-13-00059

ITEM NO. 2 A TO B2; 21 ACRES; SW CORNER OF N 1100 RD & HWY 59

Rezoning Request from County A to County B2; of the Flory property on the SW corner of the Intersection of N. 1100 Rd. and Highway 59.

Dear Chairman Liese and Planning Commissioners:

The Unitarian* Fellowship of Lawrence, a church and faith community of approximately 200 members, is the second property owner to the West of the area in question on 1263 N. 1100 Rd., and has been at that location for 52 years. Many of its members and their children consider the Fellowship their second home. We enjoy the location, the rural atmosphere, and believe we have been good neighbors and good stewards of the property, renovating, and investing in the expansion of, the historic Pleasant Valley schoolhouse, and maintaining attractive buildings and grounds.

The UFL Executive Board recently passed a resolution opposing the proposed rezoning and the plans for developing the property. Some of our reasons include 1) uncertainly in intended and actual use; 2) increased urbanization and lack of compliance with the Horizon 2020 Comprehensive Plan; 3) increased traffic and pollution; and 4) detrimental effect on the area.

-- **Uncertainty in intended use.** We are deeply concerned with the uncertainty in this plan; there are no guarantees that it will be developed according to the plans presented. How could there be? If, in fact, the storage units (housing large vehicles, RVs, etc.) are built, the next stages of the plan are much less clear. Of particular concern is the uncertain nature of the businesses that would occupy the strip center. We can only imagine more noise, lights at night, large signs, a great increase in traffic, and possibly the necessity for a traffic light at the intersection. That will end the rural environment we and our neighbors enjoy.

Will there in fact, be a convenience store/filling station? Or might it be something else? While we would welcome a neighboring church, as mentioned in the proposal, there is no guarantee that one could be located to occupy that space. What then? Will there be a request for additional commercial zoning even closer to our property? Another strip center?

--Increased urbanization and lack of compliance with the Comprehensive Plan. We understand that this commercial zoning request is in the Urban Growth Area. However, we also believe that this proposal is not in compliance with the County Comprehensive Plan outlined in Horizon 2020. The existence of commercial enterprises at this corner will inevitably result in more such enterprises, severely compromising the Plan. Right now we have a new, open Highway 59 corridor, a welcoming southern entrance into the Lawrence area. The property, surrounded for a minimum of two miles in all directions by agricultural land or large-lot

residential properties, is remote from any other commercial sites. This "leapfrogging" is bound to result in more urbanization and a degradation of the value and rural quality of the Highway 59 corridor and our neighborhood. Once this rezoning is approved there would seem to be no reason to stop any further such requests. This would cause all of the unwanted effects of urban sprawl that we know the Plan was trying to prevent.

- -- **Increased traffic and pollution**. Commercial development of the corner will result in more traffic, sound and light pollution, and, potentially should a filling station be present, ground, water, and air pollution from underground fuel storage. The need to put up a traffic signal would likely follow.
- --Detrimental effect on the area. The surrounding area will become less desirable for future residential use and very likely lead to an increase in unplanned and unsightly commercial enterprises. We believe that Mr. Flory could instead develop the property for residential use in spite of his stated objections. We see that the proposal calls for a possible church site. However, if we were looking for church property today, we would not be attracted to a location next to a filling station or strip center. This could end up being a very busy, possibly unsightly, possibly polluting, 21 acres that would change the land around it in all directions.

We are not opposed to growth, but are in favor of healthy growth, beneficial to the entire community near the intersection, *planned growth* that would lead to an increasingly beautiful part of Douglas County and be favorable to the entire county.

In short, we see this proposal as detrimental to growth in Douglas County.

Please do not rezone this property for commercial use.

Sincerely,

Rebecca K. Gant

Chair, Executive Board

Obeceak Court

Unitarian Fellowship of Lawrence

^{*}Unitarians were among the 1854 founders of the City of Lawrence; Kansas' first governor, Charles Robinson was a Unitarian.

From: King, Ron G [mailto:RKING@amfam.com]

Sent: Friday, April 19, 2013 3:11 PM **To:** Sheila Stogsdill; Scott McCullough

Cc: 'mgaughan@douglas-county.com'; 'nthellman@douglas-county.com'; 'jflory@douglas-county.com'

Subject: rezoning SW corner of 59 hi and 1100 rd

Dear Scott, Sheila, Mike, Nancy and Jim;

I am the President of Oakwood Association and a concerned property owner in the Oakwood subdivision concerning the request for rezoning the land just south of our subdivision. I am sending you a condensed version of the Horizon 2020 document with some sections highlighted that we feel pertain to this request. At a recent Oakwood Association meeting this rezoning request was unanimously opposed by our subdivision. We don't feel it fits the current nature of the area, creates some potentially dangerous traffic situations at the divided highway and does not come close to qualifying for rezoning under any of the Horizon 2020 guidelines.

Please feel free to take a look at this attachment and let me know if you have any questions or comments.

Thanks very much for your time and consideration.



RON KING AGENCY, INC.

RONALD G KING, AGENT | AMERICAN FAMILY INSURANCE

3010 Four Wheel Dr | Lawrence, KS 66047 Office: 785.841.8008 | Fax: 785.841.1318





Excerpts From

HORIZON 2020

The Comprehensive Plan for Lawrence and Unincorporated Douglas County

> July 26, 2012 Amendment

Plan prepared by the Lawrence/Douglas County Metropolitan Planning Office based upon recommendations from the HORIZON 2020 Steering Committee. Adopted by the Planning Commission

on

May 22, 1996. Adopted by the City Commission January 28, 1997.
Reprint May 2004

Page 1-3

Through the planning process, the Steering Committee developed the following set of overall HORIZON 2020 planning goals which provides the foundation on which the plan was developed: General Goal

The overall community goal for planning is to provide, within the range of democratic and constitutional processes, for the optimum in public health, safety, convenience, general social and physical environment and individual opportunities for all the residents of the community, regardless of racial, ethnic, social or economic origin. It is the goal of the planning process to achieve a maximum of individual freedom, but public welfare must prevail. It is the intent to meet and safeguard individual rights and vested interests in a manner which will create the minimum disruption in individual freedoms and life values.

Planned and Managed Growth

Douglas County will experience growth. We will remain a separate and identifiable community, and face the challenge of encouraging growth in a planned and responsible manner.

Diversity

We will strive to increase the diversity of employment, housing, cultural, economic and educational opportunities for the community.

Pursuit of Quality

We will govern our city and county with an emphasis on increased efficiency, improved service and stronger interrelationships among public and private organizations.

Compatibility

We will work to ensure that development is compatible with its surroundings and the community.

Sustainability

We will strive to ensure the sustainability of our physical environment, both natural and built, the health of our economy and the efficient and effective functioning of our community.

Pages 1-3 and 1-4

ASSUMPTIONS OF THE PLAN AND THE PLAN'S MAPS

The plan maps are a supportive part of the Comprehensive Plan. The foundation of the plan is the Goals and Policies. The maps provide a graphic representation of the community's land use goals and policies. The maps, together with the text, will help decision makers understand how the community envisions future development.

A spatial arrangement of land uses is shown on the Plan maps. These land use patterns are based, in part, on an assumption that future development trends will be similar to past trends and will be consistent with adopted goals for the community. Additional factors that were considered in the development of the plan maps include:

- The compatibility of land uses based upon the relationships between land uses, the transportation network, population projections, expected community facilities, services and utilities capacities, and environmental features of the land;
- The needs and desires of the community as identified in surveys and public forums conducted throughout the planning process; and
- The proposed goals and policies.

Page 3-3 shows Oakwood Estates in Service Area 4

GROWTH MANAGEMENT GOALS AND POLICIES

Guidelines are needed to ensure that adequate facilities and services are provided, or are planned, in connection with development.

GOAL 1: Establish Urban Growth Areas

Urban Growth Areas are needed surrounding the cities of Lawrence, Eudora, Baldwin City and Lecompton to direct and guide new development.

Policy 1.1: Establish Residential and Commercial/Industrial Development Standards for Growth within Urban Growth Areas [based on adopted development policies of each incorporated community in Douglas County]

- a. Direct development to the corporate limits of municipalities and develop a process for the division of land for rural residences within the Urban Growth Area.
- b. Impact studies can be provided by the proponent to demonstrate the community benefit and associated community costs for development proposals within the UGA's.
- c. Site layout and design of developments shall be planned with attention: to natural topography and drainage, adjacent land uses, road classifications, minimum frontage and entrance spacing requirements, availability of rural water and other public services, and the future integration of the rural residential parcels within the urban subdivision patterns and design standards.
- d. Priority should be given to developments proposed in conformance with adopted Plans for infrastructure extensions.
- e. Placement of developments should comply with the intent of Locational Criteria Policies for residential and non-residential land uses as identified in the Plan. [Locational Criteria are found in Low-Density Residential Land Use, Goal 1; Commercial Land Use, Goal 3; and Industrial and Employment-Related Land Use, Goal 1]

Policy 1.2: Evaluate Traffic Impact

An evaluation of the traffic impacts of a development on the surrounding area should consider the existing and projected traffic conditions and their impact on the existing transportation system. This evaluation should be based on planned

improvements identified in the Capital Improvement Plan (CIP), the Comprehensive Plan, or the Long-Range Transportation Plan. These documents shall be updated periodically to recognize changes in priorities and to add new projects with designated priorities.

Pages 4-7 and 4-8

Policy 1.3.2: Nonresidential Land Uses

- a. Require proponents of commercial and/or industrial development beyond the corporate limits to provide reasonable documentation to substantiate that similar competitive sites are not available within the municipalities.
- b. Non-residential developments should be developed in a planned manner with respect to adjacent uses, common access and integration of uses with the surrounding neighborhood.
- c. Location of non-residential uses should occur only at designated nodes of intersecting street/roads.

- d. Require developments within the UGA's to be platted.
- e. Environmentally sensitive areas within the UGA should be protected, conserved and incorporated within the design context of a proposed development.

Page 4-9

Guidelines are needed to protect and maintain the rural character of Douglas County and to ensure adequate facilities and services are provided or planned in connection with limited development.

GOAL 2: Conserve the Rural Character of Douglas County

The pattern of rural residential development should be to cluster residences to minimize impacts on the rural character of Douglas County and to protect existing agricultural and natural uses in those areas beyond the UGA of Lawrence, and the other incorporated cities of Eudora, Baldwin City and Lecompton.

Policy 2.1: Limit Development beyond the Planned Growth Areas

Direct rural residential development to group or cluster residential parcels in or adjacent to existing subdivisions, growth centers and to be in near proximity to transportation corridors to consolidate and reduce the costs associated with the extension of public services.

Policy 2.2: Rural Residential Development

Non-farm residential development should be directed to urban areas. Rural residential development should be encouraged to locate within the Urban Growth Areas; and smaller lot, urban density residential development should be directed to the municipalities.

Policy 2.3: Rural Commercial Development

a. Commercial development beyond the UGA's shall be limited and carefully reviewed based on the intensity of use; impact on surrounding land uses; and impact on public services and transportation systems.

b. Commercial development should be platted and shall comply with the intent of the Locational Criteria Policies for commercial land uses as identified in this Plan. [Locational Criteria are found in Commercial Land Use, Goal 3]

Page 5-1

CHAPTER FIVE - RESIDENTIAL LAND USE

Lawrence and Douglas County have traditionally been strong and desirable residential communities. The Comprehensive Plan strives to strengthen and reinforce existing residential areas and promote quality new residential development in select areas. It includes strategies

and general development policies for guiding improvement and development within residential areas, and specific recommendations for the type and location of new residential development. STRATEGIES: RESIDENTIAL DEVELOPMENT

The principal strategies for approaching residential land use areas are:

- Requests for annexation shall be consistent with approved watershed/sub-basin, sector, neighborhood, nodal, corridor, specific issue/district plans.
- Infill residential development should be considered prior to annexation of new residential areas.
- A mixture of housing types, styles and economic levels should be encouraged for new residential and infill developments.
- Compatible densities and housing types should be encouraged in residential

neighborhoods by providing appropriate transition zones between low density residential land uses and more intensive residential development, and between higher density residential uses and non-residential land uses.

- The character and appearance of existing residential neighborhoods should be protected and enhanced. Infill development, rehabilitation or reconstruction should reflect architectural qualities and styles of existing neighborhoods.
- Neighborhood plans, area development plans and sector plans should be developed or amended to reflect the Comprehensive Plan's goals and policies for residential development.
- Design, site improvements and infrastructure shall be consistent with adopted neighborhood plans, with the development of a neighborhood concept and with area plans and sector plans.
- New residential development in Douglas County should protect and enhance the rural character and quality of unincorporated portions of the County.
- Clustering of development shall be encouraged when considering residential development in the unincorporated portions of the county to preserve the rural character, protect environmentally sensitive areas and to more efficiently provide services.

Page 5-5

LAWRENCE URBAN GROWTH AREA

A key element of the Plan is the designation of urban growth or "service" areas and the adoption of policies pertaining to future growth and development of Lawrence. The urban service approach to guiding growth and development relies on establishing future areas where municipal facilities are planned and can be provided. These requirements are a primary land use planning consideration and should be used in conjunction with the other land use planning considerations discussed in other sections of this Plan. In the Plan, land within the city is part of the "existing service area" and is deemed to meet the test of adequate facilities and services.

The Plan identifies four service areas in the overall UGA which have specific recommendations for growth and development. All land divisions within the Lawrence UGA will have an administrative review procedure. The timing of development, and any conditions prerequisite

to development in each of the service areas, are described in Growth Management.

Page 5-7

Urban Growth Areas and Planning Areas

Map 3-3, Douglas County Urban Growth Areas illustrates the UGA boundaries for Lawrence and each of the other incorporated cities in Douglas County, with the recognition that these boundaries will change over the planning period. The Planning Commission shall utilize the Comprehensive Plan for the unincorporated areas with overlapping UGA's in the communities of Baldwin City, Eudora and Lecompton, unless lands are lawfully annexed. The change in individual growth boundaries of the communities of Baldwin City, Eudora and Lecompton shall not require amendment to this Plan. However, future planning efforts of all these incorporated communities are encouraged to coordinate with the Douglas County Commission.

The Plan suggests the use of Cluster Rural Residential development with a minimum residential development parcel size of 3 acres in/near sensitive areas within the Urban Growth Areas of the incorporated cities in Douglas County. Development in this manner is intended to create a cluster type of pattern that is respectful of the conservation of natural and historic resources and other sensitive lands. This development pattern should also anticipate the future extension

of urban services, and the potential for resubdivision for more urban densities of development after annexation by a city. Modified development standards are recommended to permit integration with minimal disruption to the natural features and the character of the area.

Zoning and Subdivision Regulations should be amended to create the flexibility needed for modifying standards where it would reflect the low-density character of the area and not be harmful to the public interest.

Development and growth within Lawrence UGA shall be governed by this Plan

Page 5-12

RESIDENTIAL LAND USE GOALS AND POLICIES

Low-Density Residential Land Use

Non-farm residential development in the unincorporated areas is anticipated to continue as a desirable housing alternative for community residents. Guidelines are needed to ensure that future development is consistent with and sensitive to the rural character of the area. This document recognizes the need for different degrees of regulation of development in Urban Growth Areas and the Rural Area.

GOAL 1: Criteria for Low-Density Residential Development within the Unincorporated Areas

Adopt criteria which will provide housing opportunities while conserving the overall open character of the County. Residential development beyond any incorporated city limits should be directed to areas designated as future Urban Growth Areas.

- * Urban Growth Area (UGA) is defined as that area adjacent to existing city limits for which city services may be easily extended over a given period of time, and which are specifically related to capital improvement project(s) or service delivery plan(s).
- Policy 1.1: Consider Land Use Relationships within the Urban Growth Area a. Require development contiguous to the city limits to annex and develop to city standards.
- b. Direct development to the corporate limits of municipalities and develop a process for rural residential division of land within the Urban Growth Area.
- c. Encourage the clustering of new residential development which maximizes open space and protects natural and environmentally sensitive areas.
- d. Continue to support and recognize the importance of conserving the environmentally sensitive areas identified within the UGA.
- e. Minimum lot sizes in subdivisions should generally be three acres or larger and clustered or grouped based on an urban density of development plan that can economically, at the time of development and in the future, be served by utilities. Require identification of building envelopes on each development site within large-lot subdivisions to pre-plan housing locations to allow for future resubdivision and development.

f. Consider proposed development in the context of the neighborhood concept, supporting plans which are compatible with the creation of neighborhoods.

Page 5-13

Policy 1.2: Protect Areas Planned for Low-Density Development a. Require an administrative review procedure or platting for residential development within the UGA's.

- b. Prohibit the installation of new on-site wastewater management systems on property within Service Area 1 of the UGA.
- c. Develop a utilities extension policy for Lawrence which ensures the phased connection of all development in its UGA to water and wastewater services as property is annexed into the city.
- d. Use the development review process to seek the preservation of natural features through sensitive site planning and design.

Policy 1.3: Identify Suitable Sites

- a. Lawrence, Eudora, Baldwin City and Lecompton should establish UGA's to ensure optimum utilization of facilities and services.
- b. Identify suitable land areas of adequate size to accommodate residential development in order to facilitate well-planned, orderly development with increased coordination of public services and facilities.

Policy 1.4: Limit Premature Development

- a. Encourage the gradual expansion of urbanization outward from corporate limits to avoid leapfrog development. Require annexation agreements for developments in the Urban Growth Areas of a city.
- b. Require subdivisions contiguous to the city limits to annex and develop to city standards.
- c. Adopt an annexation plan and policy consistent with Growth Management techniques described in this document.

Policy 1.5: Ensure Adequate Infrastructure Facilities

Develop a utilities extension policy for Lawrence which ensures the phased connection of all development in its UGA to water and wastewater services.

Policy 1.6: Provide for Small-Lot Subdivisions

Create standards for clustering developments that achieve the conservation of natural features and which minimize the impact of development in environmentally sensitive areas.

Page 5-15 and 5-16

Lawrence is made up of many distinct neighborhoods, each with differing physical characteristics. Much of the community's overall image and appearance is related to the unique character of its neighborhoods, and these features should be preserved.

GOAL 3: Neighborhood Conservation

The character and appearance of existing low-density residential neighborhoods should be protected and improvements made where necessary to maintain the values of properties and enhance the quality of life.

Policy 3.1: Maintain Public Improvements

- a. Utilize community-wide capital improvements planning to update and improve facilities and services within existing neighborhoods.
- b. Promote new community-wide beautification improvements within public and private areas.

Policy 3.2: Protect Existing Housing Stock

- a. Encourage the improvement and upgrading of housing units through the consistent enforcement of housing and property maintenance codes in a timely manner.
- b. Preserve existing dwelling units.
- c. Use innovative planning and financing to minimize or eliminate conditions

causing decline.

- d. Consider the development of alternate standards for the rehabilitation of existing residential structures.
- e. Consider the development of minimum maintenance standards to prevent/discourage "demolition by neglect" of existing housing stock.

Policy 3.3: Encourage Compatible Infill Development

- a. Encourage redevelopment and infill as a means of providing a variety of compatible housing types within neighborhoods.
- b. Utilize development regulations to ensure compatibility of different housing types within neighborhoods.
- c. Infill development should conform to lot size, housing type, scale and general architectural style of the area in which it is proposed.
- d. Discourage the conversion of existing single-family residences to multiple-family use unless the existing zoning of the property permits multiple-family development.
- e. Discourage concentrations of high-density multiple-family infill within neighborhoods.
- f. Maintain the physical form and pattern of existing, established neighborhoods to the extent possible by incorporating the following principles:
- 1. Building orientation should reflect the predominant neighborhood pattern and existing street/roadscape.
- 2. Continuity of vehicular and pedestrian circulation patterns should be considered.
- 3. Open space patterns and front, side and rear yards characteristic of the neighborhood should be maintained.
- 4. Building height should be compatible with the average height of homes in the neighborhood, especially adjacent residences.

Policy 3.4: Minimize Traffic Impact through Neighborhoods

- a. The street/road network should be designed and enhanced to discourage nonlocal traffic through neighborhoods.
- b. The site design of a residential development should accommodate multiple points of access (direct and indirect) with attention to directing vehicular traffic to and from a development to collector and/or arterial street/roads.

Policy 3.5: Minimize Encroachment of Nonresidential Uses

Carefully consider and evaluate transition areas between different land uses with differing densities, building types and intensities of use to ensure compatibility of uses.

Policy 3.6: Promote Neighborhood Identity

Preserve and enhance the visual and environmental character of existing neighborhoods.

Policy 3.7: Involve Neighborhood Residents

Encourage the participation and organized involvement of neighborhoods in the planning of and development process for their neighborhoods.

Page 5-17 and 5-18

A framework is needed to provide direction related to the location and scale of new lowdensity residential developments.

GOAL 4: Criteria for Location of Low-Density Residential Development

Adopt criteria to guide the placement and design of stable, safe and pleasant neighborhoods.

Policy 4.1: Consider Land Use Relationships

Development proposals should be reviewed for compatibility with existing land uses, including any neighborhood plan. This review should include use, building type, density, intensity of use, scale, access and its relationship to the existing or planned circulation patterns of the surrounding neighborhood, and the amount and treatment of screening and open space.

Policy 4.2: Protect Areas Planned for Low-Density Development Avoid concentrations of medium- or higher-density residential development within the interior of a neighborhood.

Policy 4.3: Identify Suitable Sites

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.

Policy 4.4: Limit Development beyond Growth Service Areas

- a. Encourage development only in or adjacent to existing growth centers and corridors in order to reduce the cost and extension of public services.
- b. Priority should be given to developments proposed in conformance with adopted Plans for infrastructure extensions.

Policy 4.5: Ensure Adequate Infrastructure Facilities

Encourage the development of housing located to maximize the use of existing infrastructure and minimize the cost of expanding community facilities and services.

Policy 4.6: Provide for Small-Lot Subdivisions

- a. Provide affordable housing options throughout the city through the adoption of residential zoning classifications with modified minimum lot sizes and setbacks.
- b. Allow the use of small-lot subdivisions in low-density residential areas where flexibility in subdivision design is necessary to preserve natural features, provide open space linkages or avoid floodplains.

Page 5-19 and 5-20

Guidelines are needed to allow for the provision of low-density development which is safe, attractive and accessible to necessary facilities and services.

GOAL 5: Create a Functional and Aesthetic Living Environment Create and maintain neighborhoods that are aesthetically pleasing and functionally efficient and practical.

Policy 5.1: Preserve and Protect the Environment

Natural environmental features within residential areas should be preserved and protected. Natural vegetation and large mature trees in residential areas add greatly to the appearance of the community as a whole and should be maintained. Changes to the natural topography should be minimal.

Policy 5.2: Encourage Proper Lot Orientation

- a. Encourage subdivision design in which residential lots are oriented towards, and take access from the neighborhood of which they are a part.
- b. Residential developments should be sited so an individual residential dwelling does not take direct driveway access from an arterial or section line road. Existing urban residences with direct access to arterial street/roads, or suburban

and rural residences that take direct access from a section line road or future arterial street/roads should be allowed to create a circular driveway so residents do not have to back out onto arterial street/roads.

c. Fronting low-density residential lots on collector street/roads should be discouraged. Driveway access to individual residential lots should be from a local street/road.

Policy 5.3: Provide for Extra Buffering in Special Circumstances Encourage subdivision design which provides additional buffering between homes and adjacent arterial street/roads. Extra buffering can be provided by any of the following: additional lot depth, berms, landscape screening and/or fences.

Policy 5.4: Ensure Adequate Ingress and Egress

- a. The site design of a residential development should accommodate multiple points of access (direct and indirect), with attention to directing vehicular traffic to and from a development to collector and/or arterial street/roads.
- b. Provide sidewalks on one side of local street/roads (public and private) and both sides of collector and arterial street/roads.

Policy 5.5: Ensure Convenient and Logical Street/Road System Design Design internal street/road systems in new neighborhoods so that collector street/roads will not encourage through traffic.

Policy 5.6: Provide Access to Park Land

Integrate the design of subdivisions to provide planned access to parks and open space.

Page 5-25 and 5-26

Guidelines are needed to allow for the provision of medium- and higher-density residential developments which are safe, attractive and accessible to necessary facilities and services.

GOAL 2: Create a Functional and Aesthetic Living Environment

Create and maintain medium- and higher-density residential developments that are aesthetically pleasing and functionally efficient and practical.

Policy 2.1: Preserve and Protect the Environment

Preserve natural features such as natural drainageways, ridgelines and stands of mature trees through sensitive site layout and design.

Policy 2.2: Ensure Quality Development

- a. Encourage pedestrian use and neighborhood interaction through inclusion of pedestrian easements and sidewalks in subdivision design.
- b. Provide pedestrian and/or bicycle paths to provide access to all parts of a neighborhood and beyond.

Policy 2.3: Provide for Extra Screening in Special Circumstances

- a. Higher-density residential areas shall be screened from lower-density areas. Where possible, natural barriers and dense vegetation and/or berms shall be used.
- b. Encourage subdivision design which provides additional buffering between homes and adjacent arterial street/roads. Extra buffering can be provided by a combination of additional lot depth, berms, landscape screening, fences or walls, clubhouses, recreation areas, and/or carports and garages.

Policy 2.4: Provide Open Space

a. Encourage the provision of usable open space on site by clustering buildings to

minimize the creation of narrow, marginal-use areas in front of and between buildings.

b. Open space recreation areas shall be located within walking distance of all residential areas within a neighborhood.

Policy 2.5: Provide Access to Park Land

Provide pedestrian and/or bicycle access to nearby parks through the subdivision design process.

Policy 2.6: Consider Residential Density and Intensity of Use

a. The number of dwelling units per acre in any residential category should be viewed as representing a potential density range rather than a guaranteed maximum density. Potential development should be approved based upon consideration of natural features, public facilities, street/roads and traffic patterns, neighborhood character, and surrounding zoning and land use patterns.

b. Develop standards for density and intensity of uses.

Policy 2.7: Provide for a Variety of Housing Types

- a. Intersperse low- to moderate-income housing throughout the city.
- b. Encourage the use of a variety of housing types, including townhomes, patio homes, zero lot line homes, cluster housing, garden apartments and retirement housing.

Page 5-30 and 5-31

Traffic impacts continue to be a major concern in multiple-family developments.

GOAL 4: Transportation Considerations

Promote a transportation system which provides or improves access and circulation within and adjacent to medium- and higher-density residential areas.

Policy 4.1: Levels of Service

The construction of new medium- or high-density residential development or the expansion of existing medium- or higher-density residential development shall not be approved until the surrounding street/road system can provide an acceptable level of service.

Policy 4.2: Evaluate Traffic Impacts

An evaluation of the traffic impacts of a development on the surrounding area should consider the existing and projected traffic conditions and their impact on the existing transportation system. This evaluation should be based on planned

improvements identified in the Capital Improvement Plan (CIP), the Comprehensive Plan, and/or the Long-Range Transportation Plan. These plans shall be updated periodically to recognize changes in priorities and to add new projects with designated priorities.

Policy 4.3: Minimize Traffic Diversion

Discourage the diversion of traffic to or from medium- and higher-density residential developments onto local residential street/roads through low-density residential neighborhoods.

Policy 4.4: Ensure Adequate Ingress and Egress

Adequate ingress and egress for residential developments should strive to provide a minimum of two access points.

Policy 4.5: Limit Access

Lot access and street/road configurations should be designed to avoid curb cuts

and local street/road intersections on arterial street/roads and coordinate access with adjacent developments.

Policy 4.6: Provide Vehicular Circulation

Medium- and higher-density residential developments should provide internal vehicular circulation.

Policy 4.7: Provide Pedestrian Access

- a. Provide sidewalks on one side of local street/roads (public and private) and both sides of collector and arterial street/roads.
- b. Provide pedestrian access linking dwelling units to neighborhood facilities while ensuring physical separation from vehicles along both public and private street/roads and within parking areas.

Policy 4.8: Provide Bicycle Access

- a. Include bicycle access within medium- and higher-density developments.
- b. Provide bicycle links between major activity generators within the community

Page 6-1

CHAPTER SIX - COMMERCIAL LAND USE

The Plan's goal is to strengthen and reinforce the role and function of existing commercial areas within Lawrence and Douglas County and promote economically sound and architecturally attractive new commercial development and redevelopment in selected locations.

STRATEGIES: COMMERCIAL DEVELOPMENT

The principal strategies for the development and maintenance of commercial land use areas are:

- Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, scale, and location of other mixed-use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.
- Establish and maintain a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period.
- Require commercial development to occur in "nodes", by avoiding continuous lineal and shallow lot depth commercial development along the city's street corridors and Douglas County roads.
- Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways. Sensitivity in the form of site layout and design considerations shall be given to important architectural or historical elements in the review of development proposals.
- Improve the overall community image through development of site layout and accessibility plans that are compatible with the community's commercial and retail areas.
- Require new Commercial Centers in the unincorporated portion of Douglas County to be located at the intersection of two hard surfaced County Routes or the intersection of a hard surfaced county route and a state or federally

designated highway and no closer than four miles to another Commercial Center in the unincorporated portion of Douglas County.

Page 6-2 NODAL DEVELOPMENT

The Goals and Strategies in this chapter center on the Nodal Development Concept for new commercial development and the definitions of the four different categories of commercial nodes: Neighborhood, CC200, CC400, and Regional Commercial. The Nodal Development Concept encompasses all four corners of an intersection, although all four corners do not need to be commercially developed. The concept of nodal development shall also be applied to the redevelopment of existing commercial areas when the redevelopment proposal enlarges the existing commercial area. The following text provides a detailed description of the appropriate uses and development patterns for each respective category of commercial development. Nodal Development is the antithesis of "Strip Development". "Strip Development" is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection. Commercial development that does not occur directly at the corner of an intersection must be integrated, through development plan design and platting with the property that is directly at the intersection's corner. Termination of commercial development can be accomplished through a number of methods, including: 1) Placement of transitional uses, such as office and multi-family to buffer the adjoining neighborhood from the commercial area; 2) restricting the extension of new commercial uses past established commercial areas; and 3) defining the boundaries of the development through the use of "reverse frontage" roads to contain the commercial uses.

DESIGN STANDARDS

The city shall strive to improve the design of shopping areas. The objective will be to work with commercial developers to achieve compact, pedestrian-oriented centers versus conventional strip malls. The overall goal of these standards is to improve community aesthetics, encourage more shopping per trip, facilitate neighborhood identification and support, and make shopping an enjoyable event.

New design standards shall be developed and adopted which better integrate the centers into the surrounding neighborhoods and create a focal point for those that live nearby. They should include elements that reflect appropriate and compatible site design patterns and architectural features of neighboring areas. Site design and building features shall be reflective of the quality and character of the overall community and incorporate elements familiar to the local landscape. Using a variety of building incentives to encourage mixed use development will bring consumers closer to the businesses

Design elements of particular interest that will receive close scrutiny include:

- 1. Site design features, such as building placement, open space and public areas, outdoor lighting, landscaping, pedestrian and bicycle amenities, interfacings with adjacent properties, site grading and stormwater management, parking areas and vehicular circulation (including access management).
- 2 Building design features, such as architectural compatibility, massing, rooflines, detailing, materials, colors, entryways, window and door treatments, backsides of buildings, service/mechanical/utility features and human-scale relationships.

COMMERCIAL CENTER CATEGORIES

The Comprehensive Plan includes recommendations for the improvement of existing commercial areas and the development of compatible new commercial areas. It establishes a system of commercial and retail development that applies to both existing and new development locations. This system involves the designation of different types of commercial areas to distinguish between the basic role and types of land uses and the scale of development. These include the neighborhood, community and regional commercial classifications. The following descriptions are based upon recognized standards formulated by the Urban Land Institute (ULI) and knowledge gathered by the community through past experiences.

An integral component in the description of each commercial center category is the designation of an amount of commercial gross square footage deemed appropriate for each center classification. However, this plan recognizes that there will be instances in which a rezoning request for a commercial district will not be accompanied by a development plan showing the total amount of gross square footage associated with the rezoning request. In such circumstances, part of the commercial rezoning request shall include a statement regarding the maximum amount of commercial square footage that will be permitted with each particular commercial rezoning request.

■ Commercial Uses

For the purposes of this section of the Plan, the term "commercial" means retail businesses that sell goods and services on-site for which sales tax is collected. This definition does not include offices or similar uses.

Page 6-4 and 6-5 Neighborhood Commercial Centers

The typical nodal development concept for Neighborhood Commercial Centers includes commercial on only one corner of an arterial/collector street intersection or arterial/arterial street intersection. The remaining corners are appropriate for a variety of other land uses, including office, public facilities and high density residential. Commercial development shall not be the dominant land use at the intersection or extend into the surrounding lower-density residential portions of the neighborhood. The surrounding residential area shall be provided adequate buffering from the commercial uses through transitional zoning or lower-intensity developments. Transitions shall be accomplished by using a number of methods, such as intensive landscaping and berming, grouping of lower-intensity developments, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

Neighborhood Commercial Centers may contain a variety of commercial uses, including a grocery store, convenience store, and other smaller retail shops and services such as a barbershop or beauty salon. To insure there are a variety of commercial uses and that no one use dominates a Neighborhood Commercial Center, no one store shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers shall contain no more than a total of 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers that have a grocery store larger than 60,001 gross square feet may have up to a total of 125,000 gross square feet of commercial space.

To ensure that the commercial area in a new Neighborhood Commercial Center has adequate lot size and depth, any proposal for a commercial development shall have a length-to-depth ratio between 1:1 and 3:2.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

If a nodal plan had not been created by the city, the need to create a nodal plan for a specific intersection shall be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

Page 6-6 and 6-7 and 6-8 and 6-9 Community Commercial Center

A Community Commercial Center provides goods and services to several different neighborhood areas. It requires a site of sufficient size to accommodate buildings, parking, stormwater detention and open space areas. Although it may include a food or drug store, it is likely to provide a broad range of retail uses and services that typically generate more traffic and require larger lot sizes then found in a Neighborhood Commercial Center. Community Commercial Center uses may include hardware stores, video outlets, clothing stores, furniture stores, grocery store, movie theaters, home improvement stores, auto supply and services, athletic and fitness centers, indoor entertainment centers, etc.

Community Commercial Center (under 200,000 square feet): CC200

The primary purpose of the CC200 category is to provide for the expansion and redevelopment of existing Community Commercial Centers. However, a new CC200 Center can be designated. Expansion of an existing CC200 Center shall not intrude into surrounding residential areas or lower-intensity land uses. Any proposal for commercial expansion or redevelopment occurring in an area designated as a CC200 Center shall include a plan for reducing curb cuts, improving pedestrian connections, providing cross access easements to adjacent properties, and creating and/or maintaining buffering for any adjacent non-commercial uses.

All corners of CC200 Center intersections should not be devoted to commercial uses. CC200 Centers should have a variety of uses such as office, employment-related uses, public and semipublic uses, parks and recreation, multi-family residential, etc.

To insure that there are a variety of commercial uses and that no single store front dominates the CC200 Center, no individual or single store shall occupy more than 100,000 gross square feet. A general merchandise store (including discount and apparel stores) that does not exceed 65,000 gross square feet in size may be located in a CC200 Center. The sum of the gross square footage for all stores that occupy space between 40,000 and 100,000 cannot exceed 50 percent of the gross commercial square footage for the corner of the intersection where it is located. To provide adequate access and adequate circulation, CC200 Centers shall be located at an arterial/collector street intersection or arterial/arterial street intersection.

CC200 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for

neighborhood traffic. The surrounding street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

In the absence of a city created nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

Community Commercial Center (under 400,000 square feet): CC400

The second category of Community Commercial Centers is the CC400 Center. Although these centers usually average 150,000 gross square feet, they may be as large as 400,000 gross square feet of retail commercial space if justified by an independent market study. CC400 Centers shall be located at the intersection of two arterial streets that have at least a four-lane cross-section or the intersection of a four-lane arterial with a state or federally designated highway.

CC400 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surround street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

The nodal development concept for CC400 Centers includes the possibility of commercial development on more than one corner of an intersection. The non-commercial corners of a community commercial node are appropriate for a variety of non-commercial retail uses including office, public or religious facilities, health care, and medium- to high-density residential development. Community Commercial development shall not extend into the surrounding lower-density residential portions of neighborhoods. The adjoining residential area shall be provided adequate buffering from the commercial uses through transitional zoning or development. Transitions may be accomplished by using a number of methods, including extensive landscaping and berming, grouping of lower-intensity uses, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

To insure that a specific intersection complies with the CC400 Center nodal standards, a nodal plan for each new CC400 Center must be created. The nodal plan will define the area of the node and provide details including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each

specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners maybe considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

In order to facilitate the orderly development of future commercial nodes; Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

If the city has not created a nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

At least 95 percent of the commercial gross square footage in a new CC400 Center shall be located on two corners of the intersection. The remaining five percent shall be located on one of the remaining two corners. To comply with the square footage maximum for a CC400 Center and to ensure that the commercial area has adequate lot size and depth, any commercial development proposal for a single corner shall have a length-to- depth ratio between 1:1 and 3:2 and be a minimum of 20 acres in size. Proposals in which the commercial gross square footage is less than ten percent of the total square footage of the proposal do not have to meet the minimum acreage and lot length-to-depth ratio requirements.

No one store in a CC400 Center shall occupy more than 175,000 gross square feet. The sum of the gross square footage for all stores that occupy space between 100,000 gross square feet and 175,000 gross square feet shall not exceed 70 percent of the gross commercial square footage for the corner of the intersection. If a proposal for a corner of the intersection includes more than 100,000 gross square feet of commercial space, the proposal shall include a single store building that has at least 40,000 gross square feet of commercial space.

Page 6-15 S. Iowa Street (23rd Street to K-10)

S. Iowa Street is considered an existing Regional Commercial Center. S. Iowa is a strip development that is intensely development between 23rd Street and K-10. The corridor connects with existing commercial development along 23rd Street. With recent development at the northeast corner of 31st Street and Iowa Street, and the location of several discount stores in close proximity to one another, this commercial corridor has evolved into a Regional Commercial Center, serving regional shopping and entertainment needs.

K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses shall not occur south of the highway, except for the possible location of an Auto-Related Commercial Center. Two of the four corners of the intersection have existing auto-related uses. Located at the northwest corner is a hotel and an automobile dealership is located on the northeast corner. Because of access to two major highways (K-10 and US-59) the area south of K-10 could be a location for an Auto-Related Commercial Center. Both corners are an appropriate location for an Auto-Related Commercial Center, provided that the floodplain issues for the southwest corner can be addressed.

Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial

corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor.

In general, development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development. Development signage should be in scale with sites and should complement and not compete with signage of adjoining parcels. Improved landscaping would enhance the visual appeal of the corridor. Landscaped transition yards should be established between residential and non-residential uses.

Page 6-20

LAWRENCE - NEW COMMERCIAL AREAS

All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance. Nodes shall be positioned and oriented to the primary street intersections where they are located, avoiding a "strip" pattern as a result of extension of commercial uses along the streets from where the node originated.

Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assists the integration of the commercial area into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas. The Comprehensive Plan includes recommendations for the location of new commercial development. As the community grows, it may be necessary to change the recommended location of a Commercial Center(s) or not use a designated intersection for a commercial uses. If there is a need to move the recommended location of a Commercial Center or downgrade the recommended size of a center, the Comprehensive Plan shall be amended. Through the amendment process, the proposed location and/or change in size of the Commercial Center will be reviewed based on the effects the change will have on infrastructure systems, the surrounding land uses, the neighborhood and the community-at-large.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers, however small, new inner-neighborhood centers are possible and/or anticipated as part of an overall new planned neighborhoods.

Page 6-20 and 6-21

Inner-Neighborhood Commercial Centers

New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.

A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center shall be located on a local, collector or arterial street. It may also take access from an alley. Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc. Inner-Neighborhood Commercial Centers may also include residential uses.

New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the

surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.

Horizon 2020 does not specifically indicate the location of new Inner-Neighborhood Commercial Centers due to their unique situations.

Neighborhood Commercial Centers

The Comprehensive Plan recommends the following intersections as potential locations for new Neighborhood Commercial Centers.

- 1. Franklin Road extended and E. 28th Street extended
- 2. E 1500 Rd and N 1100 Rd
- 3. E 1000 Rd and N 1000 Rd
- 4. E 1000 Rd and N 1200 Rd
- 5. Clinton Parkway and K-10
- 6. W. 15th Street and K-10
- 7. E 800 Rd and at the potential east/west arterial 1 mile north of US-40
- 8. E 700 Rd and US-40
- 9. E 800 Rd and N 1500 Rd
- 10. E 1000 Rd and N 1750 Rd
- 11. E 1500 Rd and US Highway 24/40

These areas are all intended for development as small, compact commercial nodes that provide goods and services to the immediately adjoining neighborhood areas. They shall be developed in a manner that is consistent with the goals, policies and recommendations of the Comprehensive Plan.

See pages 6-6 through 6-9 above for definitions of CC200, CC400 etc

Community Commercial Centers (CC200)

The Comprehensive Plan recommends the following intersection as potential location for a new CC200 Centers.

- 1. E. 23rd Street and O'Connell Road
- Community Commercial Centers (CC400)

The Comprehensive Plan recommends the following intersections as potential locations for new CC400 Centers.

- 1. Eastern leg of the SLT and K-10 (southeast of the intersection of E 1750 Rd and K-10)
- 2. W. 6th Street and K-10
- 3. US-59 and N 1000 Rd

The development of these nodes shall carefully follow the commercial goals and policies. Commercial development shall not occur in advance of market conditions that would support such development, nor shall it be permitted to occur in a manner that is contrary to adopted city infrastructure plans.

Auto-Related Commercial Centers

The Comprehensive Plan recommends the following intersections as potential locations for new Auto-Related Centers.

- 1. I-70 and K-10
- 2. US-59/40 and I-70
- 3. US-59 and K-10

UNINCORPORATED DOUGLAS COUNTY - EXISTING COMMERCIAL AREAS

Unincorporated Douglas County currently maintains a variety of commercial areas. Each of these areas provides neighborhood level retail goods and services to both farm and non-farm residents. As the rural areas of Douglas County continue to receive new non-farm residential development, demands will increase for retail goods and services.

It is recommended that these commercial locations be developed as small convenience service nodes, providing products to meet the day-to-day requirements of rural residents. The development of these nodes shall follow the basic principles described for commercial development or redevelopment. It is important that these commercial locations provide for adequate wastewater treatment facilities in the future. Any new or expanded developments shall utilize treatment systems that minimize potential environmental impacts.

The design of these locations should be consistent with the rural character of Douglas County. Therefore, design and development standards should promote larger, more spacious settings and encourage building and site design reflective of the unique characteristics surrounding each location.

UNINCORPORATED DOUGLAS COUNTY - NEW COMMERCIAL AREAS

Commercial locations in both unincorporated Douglas County and Douglas County communities together provide reasonable accessibility in terms of distance and the type of goods and services available. As Douglas County continues to urbanize, the need for additional

commercial space in the unincorporated portions of Douglas County will increase. New commercial areas shall not be located within a four mile radius of any existing commercial area. There are already a number of existing commercially zoned areas in the unincorporated portions of Douglas County. Most of these locations are well placed at the intersection of a hard surfaced County Route and a state or federally designated highway.

Areas that are already zoned commercially and are located at the intersection of a hard surfaced county route and state or federally designated highway should be expanded to serve any increased demand for commercial space in the county. The Comprehensive Plan recommends that only one new commercial area be created in the unincorporated portion of the county. The southeastern area of the county does not have any commercially zoned areas. To serve this area a commercial development could be located at the intersection of US-56 and K-33 or US-56 and County Route 1061.

A limiting factor to the size of any commercial development in unincorporated Douglas County will be the availability of utilities, particularly water and sanitary sewer. Any on-site treatment system shall be designed to minimize its impacts on the environment. The amount of gross square footage of a commercial development shall be limited to a total of 15,000 gross square feet to serve the surrounding rural area.

Commercial activities related to conference, recreational, or tourism uses associated with Clinton Lake, Lone Star Lake, or Douglas County Lake shall be exempt from the locational criteria applied to new commercial areas or expansions of existing commercial areas. A commercial area serving the recreational needs (boat rental, bait shop, lodging, etc.) of persons using the county's lake facilities may be located at an entrance point to a lake.

Conference, recreational, or tourism uses located in the Rural Area, and which include some significant level of urban development, shall satisfy the criteria listed in Chapter Four. Such uses shall also include a mandatory minimum 200' natural buffer area or other appropriate distance as determined by the Board of County Commissioners. Proposed conference, recreational, or tourism facilities shall include a site specific site plan with rezoning applications to demonstrate that the criteria listed in Chapter 4, and the 200' buffer area, have been met.

Page 6-24

COMMERCIAL LAND USE GOALS AND POLICIES

Guidelines are needed to allow for the retention and expansion of the established commercial areas of the community.

Page 6-25

Policy 1.5: Provide Opportunities for Limited Commercial Development in the Unincorporated Areas of Douglas County

A. Encourage redevelopment and limited expansion of existing commercial areas in the unincorporated areas of Douglas County.

B. No new commercial development shall occur within the UGA.

Page 6-27 and 6-28

Guidelines are needed to allow for a compatible transition from commercial development to residential neighborhoods and other less intensive land uses. These guidelines are needed throughout the community, including both established commercial areas and anticipated development areas.

GOAL 2: Compatible Transition from Commercial Development to Less Intensive Uses

Ensure compatible transition from commercial development to residential neighborhoods and other less intensive land uses.

Policy 2.1: Use Appropriate Transitional Methods

A. Commercial areas shall minimize adverse impacts on adjacent residential areas. Screening and buffering shall be provided which may include landscaped setbacks, berms and open space areas. Traffic and parking shall not adversely affect neighborhood quality. Noise, safety and overall maintenance of commercial properties shall be carefully monitored.

- B. Use landscaped transition yards between residential and non-residential uses that include additional lot depth, berms, landscape screening, and/or fences and walls to provide additional buffering between differing land use intensities.
- C. Compatible transition from commercial uses to less intensive land uses shall consider:
- 1. Site Orientation
- a. Vehicular access shall be from collector, arterial or access streets.
- b. Pedestrian access shall be designed to provide internal and external circulation from adjacent neighborhoods.
- c. Streets designed with elements to provide visual or physical buffering may serve as boundaries between different intensities of land uses.
- 2. Building Relationships
- a. A back-to-back relationship is preferable between uses.
- b. Commercial buildings and parking lots shall not have lesser setbacks than those required of abutting residential uses.
- c. The height and massing of commercial buildings and accessory structures shall be oriented to avoid creating a negative visual effect on residential neighborhoods.
- d. Vehicular access to commercial activities should be separated from pedestrian access.
- 3. Land Features

- a. Encourage the integration of mature trees, natural vegetation, and natural and environmentally sensitive areas whenever feasible to buffer commercial developments from other more or less intensive land uses.
- b. Encourage the use of existing topography to separate commercial developments and other more or less intensive land uses.
- 4. Screening and Landscaping
- a. Encourage creative and extensive use of landscaping and berming techniques for natural transitions between differing intensities of land uses.
- b. Fences shall not be used as a sole method of providing screening and buffering between differing intensities of land uses.
- c. Encourage site design that uses existing vegetation, such as stands of mature trees, as natural buffers or focal points.
- d. Encourage the use of high quality materials in the construction of screening and landscape areas to decrease long-term maintenance costs.
- 5. Lighting
- a. Lighting used to illuminate parking areas, signs or structures should be placed to deflect light away from adjoining properties or public streets through fixture type, height and location.

Page 6-32 and 6-33

Policy 3.5: Criteria for Neighborhood Commercial Centers

- A. Neighborhood Commercial Centers shall be located at the arterial/arterial or arterial/collector street intersections.
- B. Limit the commercial uses in neighborhood centers to one corner of the intersection.

C. New Neighborhood Commercial Centers shall be at least one (1) mile from any existing or new Commercial Center.

- D. Neighborhood Commercial Centers shall contain no more than 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers with a grocery store of 60,001 or more gross square feet may have up to a total of 125,000 gross square feet of commercial space.
- E. No one commercial use in a Neighborhood Commercial Center shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.
- F. A nodal plan shall be completed before a proposal for a Neighborhood Commercial Center goes before the Planning Commission.
- G. Locate office, public, semi-public, parks and recreation or medium- and higherdensity residential developments on remaining corners of intersection to avoid excessive concentrations of commercial traffic and unnecessary duplication of commercial services.
- H. Low-density residential uses may be located at the remaining corners of the intersection if sufficient screening measures are provided to offset noise and views of the intersection are provided.
- I. Integrate neighborhood commercial centers into the surrounding residential

neighborhoods by including pedestrian access, appropriate transitional elements and, if possible, the location of public or semi-public uses or parks and recreation uses adjacent to the commercial development.

- J. Neighborhood Commercial Centers shall be designed with pedestrian mobility as a top priority.
- 1. Pedestrians shall be able to easily walk to all stores in a neighborhood center without using a vehicle.
- 2. Parking lots shall provide pedestrian accessways to reduce the potential of pedestrian/vehicle conflicts.
- K. Façades shall have a variety of textures, colors, shapes, etc. such that the buildings in a Neighborhood Center do not have a single uniform appearance.
- L. Neighborhood Centers should have dedicated open space areas that useable by the Center's employees and shoppers.
- M. Neighborhood Commercial Centers shall not expand into the surrounding portions of the neighborhood.
- N. Any commercial development proposal for a corner in a new Neighborhood Commercial Center shall have a length-to-depth ratio between 1:1 and 3:2.
- O. Neighborhood Commercial Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Page 6-38

Policy 3.12: Criteria for Commercial Development in Unincorporated Areas A. Existing commercial areas that are located at the intersection of a hard surfaced County Route and a state or federally designated highway should be allowed to expand if the necessary infrastructure (water, road, approved wastewater treatment facility, etc.) is available.

- B. Encourage new commercial development at key access points on major corridors only if served by adequate infrastructure, community facilities and services.
- C. The commercial gross square footage of a development shall be limited to a total of 15,000 gross square feet.
- D. The only new commercial area shall be located at the intersection of either US-56 and K-33 or US-56 and County Route 1061.

Page 6-41

Policy 4.3: Minimize Traffic Diversion

A. Prohibit direct vehicular access from commercial developments to local residential streets.

B. Discourage commercial traffic through residential neighborhoods.

Policy 4.4: Ensure Adequate Ingress and Egress

A. Limit the principal access of commercial development to arterial, collector or access/frontage streets.

B. Develop ways to improve access to downtown and other commercial centers within the community through improved bike and pedestrian paths, bus access (loading/unloading) and parking areas, public transportation, and vehicular access.

Page 6-44

Map 6-1 Map showing existing and potential commercial land use

---- Forwarded message -----

From: "Steve LaRue" < laruerealtor@gmail.com>

To: "amalia.graham@gmail.com" <amalia.graham@gmail.com>, "cblaser@sunflower.com"

<cblaser@sunflower.com>, "jonjosserand@gmail.com" <jonjosserand@gmail.com>,

"laraplancomm@sunflower.com" < laraplancomm@sunflower.com>, "bculver@bankingunusual.com"

<bul><bculver@bankingunusual.com</td>, "rhird@pihhlawyers.com" <rhird@pihhlawyers.com</td>, "squampva@aol.com"

<squampva@aol.com>, "clay.britton@yahoo.com" <clay.britton@yahoo.com>, "chadlamer@gmail.com"

<chadlamer@gmail.com>, "bruce@kansascitysailing.com" <bruce@kansascitysailing.com>,

 $"\underline{nthellman@douglas-county.com}" < \underline{nthellman@douglas-county.com} >, "\underline{iflory@douglas-county.com}"$

<jflory@douglas-county.com>, "mgaughan@douglas-county.com" <mgaughan@douglas-county.com>

Cc: "Scott McCullough" <smccullough@lawrenceks.org>, "cweinaug@douglas-county.com"

<cweinaug@douglas-county.com>

Subject:

Date: Mon, Apr 22, 2013 9:53 am

Dear Lawrence-Douglas County Kansas Planning Commissioners and County Commissioners,

I am writing in opposition to agenda item # 2 of tonight's Planning Commission meeting concerning the rezoning of property located at the South West corner of Highway 59 and N 1100 Rd. I currently own and reside at 1104 E 1284 Rd which is directly to the North of the subject property in Oakwood Estates.

This proposal will reduce the value of my home and property by roughly 1/3 of its current value. I say this not only as a concerned resident affected by the development, but as a seasoned Realtor in the area that specializes in rural home sales.

The proposed rezoning is not congruent to the planning practices used in our community. Typically, when a property is developed it is done in such a way to buffer residential properties from higher traffic/higher usage properties. Usually, we have heavy traffic retail, buffered by apartments, buffered by townhomes, buffered by typical single family homes, buffered to larger estate style homes. As proposed, there would be no buffer zone between a heavy traffic retail area, to larger single family rural residential homes. If developed with uses suggested by the developer, there would be a strip center, which would include a filling station and/or fast food restaurant...and they would be just a couple hundred feet from the front door of my home. The road that will service this site, as well as a proposed storage unit development and other yet to be identified commercial uses is N 1056 Rd, which ends directly looking into a window of my home. This is not overly intrusive with only a dozen or so vehicles traveling on the road currently each day, but with the type of traffic that will result from this development it will be detrimental to the use of my property.

In further regards to traffic, vehicles entering Highway 59 from N 1100 Road do so without any type of traffic control other than a 2-way stop sign. As it stands with the current use, heading South is fairly issue free, but to either continue East on N 1100 Road, or to turn North on Highway 59, you must cross the Southbound lane of 59, wait in the median, and then merge or cross when traffic is clear. In the morning, when people are heading to work, it is not unusual to have 5 or 6 cars waiting to cross at any given time. I'm not an expert in gas station traffic, but I don't think I've ever seen a successful filling station that didn't have 4 or 5 cars at a time filling up and another 4 or 5 parked out front grabbing a coffee, 6 pack of beer, lottery ticket or a donut. 10 more cars a minute will equate to about 8-10 times more traffic utilizing that intersection which is a catastrophe in the waiting. A development of this scale, along a highway that is 55 MPH, with 70 MPH just a half mile to the South really should have a better way to manage merging traffic such as the off ramps located at Highway 59 intersections at the South Lawrence Trafficway, N 1000 Rd, N 650 Rd or Highway 56.

Horizon 2020 references commercial nodes to be developed in the county, but it also identifies specific areas where these developments should occur...N 1000 Rd and Highway 59 is one, E 1500 Rd and N 1100 Rd, Highway 56 and Highway 59 is one and E 1000 Rd and N 1200 Rd is another. All of these areas either have adequate traffic control or are on roads that are not as difficult to enter as Highway 59, and they minimize the impact of high use retail upon rural

residential development. Horizon 2020 also states that rural commercial development should not occur closer than 4 miles than other commercial development. The subject property is approximately 2 miles from other commercially zoned areas to the North.

I am generally pro-growth, but this proposed development offers no benefit to the local community or the county at large. Attached to this email is a protest petition that will be filed prior to the County Commission's hearing on this rezoning. It contains witnessed signatures of approximately 90% of the adjacent land owners within 1,000 feet of the subject property who are opposed to this rezoning.

I ask you to deny this rezoning request. It will change the rural nature of the neighborhood, allows commercial/retail uses to intrude on surrounding residential single family properties, is not in line with Horizon 2020, is not congruent with planning procedures in our community and offers no benefit to the surrounding area.

Thank you for your time,

Steve LaRue 785-766-2717 <u>slarue@askmcgrew.com</u> www.larryvillehomes.com

REZONING (CONDITIONAL USE PERMIT) PROTEST PETITION

Protest Petition against KEZONING 2013 SW GUADRANT
(FILE # Z-13-00059) 1293 N. 1100 ROAD
We, the undersigned property owners, do hereby protest the granting by the Board of
County Commissioners of Douglas County, Kansas of [proposed rezoning from
(existing zoning) to B 2 (proposed zoning)] or [a
CUP to permit on the following described
property:
[Attach or insert legal description or general description of the real estate proposed to
be rezoned (or for the proposed CUP). A description of the real estate is available
through the Lawrence-Douglas County Planning Office.]
We, the undersigned, are owners of real property located within the statutory area of
notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-757(f).
Note: Print name legible below or beside signature. All owners of the property
<u>must sign.</u>
PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DATE THERESA A. MORGAN
Therese l. Fragon 1267 N1100 Road LAW, K566047 4/12/13
Theres & Trangen 1267 N1100 Road LAW, K5 66047 4/12/13 Larry E Morgan 1267 N 1108 Rd Law. K5 66047 4-12-13
EVELYN AN JOHNSTON
Exercis 16 fakmaton 1049 E 1296 RD Laurence, HS 66047 4/12/13
Marshall & Degentiff 1310 N. 1100 Pb. Lawrence RS 66046 4/12/13
Sandra S. Biggentaff 1310 N. 1100 Rd. Lawrence KS 66046 4-12-13
David W Cuken 1055 E 1296 Rd LAWRENCE, KS 66047
Kathryn L. Chanes 1312 N. 1100 Rd Lawrence, KS 66046 4-14.15
Nighan R Changey 1312N 1100 Rd Law, Kg. 66046 4-14-8

PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS
SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DATE
Hayla L. Alken
1-aul Lacker 1055 E 1296 RD LAWRENCE 66047 4/16/13
LELAINE KENNEDY
JEAN S HEIZEL 1253 N 1100 Rd Kawrence, KS 66047 4-17-13
JEANS HETZEL 1305 N 1100 Rd Lawrence, K8 66047 4-18-13
Darla Desturdevant
Darla D. Sturdenant, 1308 N. 1100 Rd. Lawrence, 45. 66046 4-18-13
YMUARO NI STURO EVANT
Rubod M Stro 1308N 1100 RO Lawrenc KS 66046 4-18-13
in local of the
1058E 1304Rd (awrence KS 66046 4-18-13
Julio Ball
1308 N. 1056 Rd Lawrence, KS 66046 4-18.
Lasa Levoux-Smith
Float Seron 1058 E. 1304 Rd Lawrence, KS 66046 4.19.13
Start 1308 N. 10568-1 Lura (56041 4.19.13
Deborah Si Hermesch
Deluh S. Jennah 1254 N. 1100 Rd Lawrence, K8 66047 4/10/15
18 . Level 1 1 1 2 2 4 2 2 2 2
Michael / Hermanh 1254 N 1100 Rd Lawring HS 660474
Repect Actor
Persona Geler 1075 € 1326 Rd Lawr KS 66046 4-20-1=
NOTARY PUBLIC - State of Kansas
STATE OF KANGAG
STATE OF KANSAS) SS: My Appt. Exp. \$-5-15
COUNTY OF DOUGLAS)
I am the circulator of this Protest Petition and a resident of the state of Kansas and possess the qualifications of an elector of the State of Kansas. I have personally witnessed the signing of the Protest Petition by
each person whose name appears thereon.
Lacey Margan
Circulator Signature Printed Name
Circulator's Residence and Address 1267 N 1100 Rd Date 4-22-2013
Signed and sworn to (or affirmed) before me on this 22 nd day of April
203, by Larry Morgan, circulator of this Protest Petition.
Notany Dublic
Notary Public My appointment expires: 8-5-15

REZONING (CONDITIONAL USE PERMIT) PROTEST PETITION

		REZONING 2013		
County Commissioners of Douglas County, Kansas of [proposed rezoning from A (existing zoning) to B2 (proposed zoning)] of CUP to permit] on the following descriptory: [Attach or insert legal description or general description of the real estate proposed be rezoned (or for the proposed CUP). A description of the real estate is available through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located within the statutory are notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-75 Note: Print name legible below or beside signature. All owners of the proposed signature. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME Signature of Owner Within Notification AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAME AND SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT)	(FILE # Z-12	3-00059) 1293	N. 1100 ROA	ŁD
(existing zoning) to B2 (proposed zoning)] of CUP to permit] on the following descriptor property: [Attach or insert legal description or general description of the real estate propose be rezoned (or for the proposed CUP). A description of the real estate is available through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located within the statutory are notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-75 Note: Print name legible below or beside signature. All owners of the proposed signature. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAY Share Law Holly E178 Rd Same 4-10 Share Law Holly E178 Rd Same 4-10	We, the undersigned pr	roperty owners, do hereby pro	test the granting by	the Board
CUP to permit				
[Attach or insert legal description or general description of the real estate propose be rezoned (or for the proposed CUP). A description of the real estate is available through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located within the statutory are notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-75 Note: Print name legible below or beside signature. All owners of the proposed signature. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DATE LAME 4-10 Sugar Nieder Hall 1124 F 1284 Rd Same 4-10 Stall Dam Journel.	(existing	zoning) toB2	(proposed z	oning)] or
[Attach or insert legal description or general description of the real estate propose be rezoned (or for the proposed CUP). A description of the real estate is avail through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located within the statutory are notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-75 Note: Print name legible below or beside signature. All owners of the proposestion. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DA Share 104 E1784 Rd Same 4-10 Stull Dam James	CUP to permit		_] on the followi	ng describ
be rezoned (or for the proposed CUP). A description of the real estate is available through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located within the statutory are notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-75 Note: Print name legible below or beside signature. All owners of the proposition. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DA Sheel La Man High Hall Hay F 1284 R d. Same 4-10 Stall Complaints	property:			
through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located within the statutory are notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-75 Note: Print name legible below or beside signature. All owners of the prop must sign. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DA Short La	[Attach or insert legal c	lescription or general description	on of the real estate	e proposed
We, the undersigned, are owners of real property located within the statutory are notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-75 Note: Print name legible below or beside signature. All owners of the prop must sign. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DA Show La	be rezoned (or for the	proposed CUP). A description	n of the real estat	e is availat
Note: Print name legible below or beside signature. All owners of the proposition of property. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAY Steve Lo Ru 1124 F 1284 Rd Same 4-10 Suban Nieden Had 1124 F 1284 Rd Same 4-10 Saul Van Joenen	through the Lawrence-D	ouglas County Planning Office.]	
notification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-75 Note: Print name legible below or beside signature. All owners of the proposition of property. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DAY Steve Lolu 104 £ 1284 Rd Same 4-10 Stell Comploined				
SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DA Steve Life 1104 E 1284 Rd SAME 4-10 Suban Niedenthal 1124 E 1284 Rd Same 4-10	Note: Print name legi must sign.	ible below or beside signatur	e. All owners of	the proper
Sugan Niedenthal 1124 F 1284 Rd Same 4-10				DATE
Feel Van Joener	Steve Wh	1104 E 1281 RE	SAME	4-10-
Gail Van Loenen 1280 N 1108 Rd Same 20/A: Alan Van Loenen 1280 N 1108 Rd Same Apr 30		al 1124 1284 Rd	Same	4-10-
ATANVAN LOENEN 1280 N 1108 Rd SAME APA 30	Gail Van Loener	1280 N 1108 Rd	Same	20/Apr
	ATANVAN LOENEN	1280 N 1108 Rd	SAME	Apr 30.
	Alan VAN LOENEN	1280 N 1108 RQ	SAME	Apr. 30,
	Alan VAN LOENEN	1280 N 1(08 Rd	SAME	Apr. 30,
	Alan VAN LOENEN	1280 N 1(08 RQ	SAME	Apr. 30,
	Alan VAN LOENEN	1280 N 1(08 RQ	SAME	Apr. 30,

PRINTED NAME AND SIGNATURE OF OWNER	DESCRIPTION OF PROPERTY RESIDENCE ADDRESS WITHIN NOTIFICATION AREA (IF DIFFERENT) DATE	
rew Wedermyer A	Consequence 1271 N. 1103 Rd. Lawrence KS 66047 Lindage Vectory 1271 N. 1105 RD. Lawrence, KS	4/20/
,	100 1 1 1 1 100 10 10 10 10 10 VI	- LIDU
day Wedermyer	Dishter belong 1211 No 1105 Rd. Lawrence, 15	4/2
		1/0
		i.
		ę.
		Ą
	Or the of Venner	
STATE OF KANSAS	NUTARY PUBLIC - State of Kansas Steve LaRue	
COUNTY OF DOUGLAS) ss: E My Appt. Exp. 8-5-15	
	f this Protest Petition and a resident of the state of Kansas and possess the the State of Kansas. I have personally witnessed the signing of the Protest Petition by	
each person whose name appe	pears thereon.	
	Ronald G. King	
Circulator Signature	Printed Name	
Circulator's Residence and Add	dress 1283 N-1108 NV Lawrence 4-22-13	
Signed and sworn to	77hb	
	(or affirmed) before me on this day ofHor, \	
	(or affirmed) before me on this 77 ht day of Apr. \ Start Point Regulator of this Protect Petition	
20 <u>13</u> , by	(or affirmed) before me on this day of Her. \ Start Rival & King circulator of this Protest Petition.	
	(or affirmed) before me on this day of	
	(or affirmed) before me on this day of	

REZONING (CONDITIONAL USE PERMIT) PROTEST PETITION

Protest Petition against REZONING 2013 SW QUADRANT

	(FILE # Z-13-00059) 1293 N. 1100 ROAD
W	/e, the undersigned property owners, do hereby protest the granting by the Board of
Co	ounty Commissioners of Douglas County, Kansas of [proposed rezoning from
	(existing zoning) to $\underline{B2}$ (proposed zoning)] or [a
CI	UP to permit] on the following described
pı	roperty:
[<i>A</i>	Attach or insert legal description or general description of the real estate proposed to
_	e rezoned (or for the proposed CUP). A description of the real estate is available
th	rough the Lawrence-Douglas County Planning Office.]
	'e, the undersigned, are owners of real property located within the statutory area of
	otification related to the area for which the rezoning (or CUP) is sought. See K.S.A. 12-757(f).
	ote: Print name legible below or beside signature. All owners of the property ust sign.
	RINTED NAME AND DESCRIPTION OF PROPERTY RESIDENCE ADDRESS GNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DIFFERENT) DATE
R	longk King, Mg 1283 N. 1108 Rd. Lawrence Kst-10-1)
	is 12in Jose K. King 1283 N 1108 Rd. Lauxence Ko 4/10/13
4	Mike Niedenthal Mike Pretty to 1124 F 1234 Rd Lawrence, Ks 4/14/13
Rich	CK EDMONDS 1115 E 1284 RD LAWRENCE, KS 4/10/13
	eathor Indheren 1275 N 1108 Rd Lawrence KS 4/10/13
	FAN JORDAN Deanh Jordan 1270 N 1108 RD LAWRENCE KS 4/10/13
Jo	oyce Jordan Jack CJerdan 1270 N 1108 Rd Lawrence KS 4/10/1
Ī	Hawley Suzame Hawley 1125 E. 1284 TD Contract 15. 4/10/13
R	Suzame Hawley

PRINTED NAME AND SIGNATURE OF OWNER		N OF PROPERTY TIFICATION AREA	RESIDENCE ADDRES	S <u>DATE</u>
ebecca Gart Roberdo	1	of the Fellowshi		4/12/13
nold G. King	Presid		RESERVATE	Oakward Commer Avea
Julie Dunkle			1268 N 1108 Rd.	4/21/13
rel Windheuser			1275N 1108 Rd	4/21/13
Kenna LaRue Kenna	1Rnc		1104 E 1284 Rd	4/22/13
Jan & Solle			129 N 1108 B	4/20/13
DOPNB. DUNILLE	j		1115 E 1764 Re	9/22/13
Donia BFueihart			7773	7/10/13
		184		
STATE OF KANSAS COUNTY OF DOUGLAS)) SS:			
	State of Kansas. I	nd a resident of the st have personally witne Steven Printed Name		the test Petition by
Circulator's Residence and Address	1104 E	1784 Rd	Date 4-22-	13
Signed and sworn to (or a 20/3, by Steven La Ru	affirmed) before m	ne on this <u>33 vo</u>	day of april	
Seelie Fourt Notary Public My appointment expires:	A LESLI Notary Public My Appt. Expires	E FOUST - State of Kansas		

REZONING (CONDITIONAL USE PERMIT) PROTEST PETITION

We, the undersigned property owners, do hereby protest the ground commissioners of Douglas County, Kansas of [proposed (existing zoning) to (proposed (existing zoning) to (property) on the property: [Attach or insert legal description or general description of the be rezoned (or for the proposed CUP). A description of the through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with notification related to the area for which the rezoning (or CUP) is sough the county property located with the coun	ROSO
County Commissioners of Douglas County, Kansas of [proposed	
(existing zoning) to	
CUP to permit	
[Attach or insert legal description or general description of the be rezoned (or for the proposed CUP). A description of the through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located with notification related to the area for which the rezoning (or CUP) is sough the print name legible below or beside signature. All of the must sign. PRINTED NAME AND SIGNATURE OF OWNER BERNAR'S HUSS BERNAR'S HUSS JAJ N 1082 Rd DOUNDENDY PURAN SAMUET SOLUTION OF PROPERTY RESIDENTIAL (IF DISTRIPTION AREA (I	
be rezoned (or for the proposed CUP). A description of the through the Lawrence-Douglas County Planning Office.] We, the undersigned, are owners of real property located with notification related to the area for which the rezoning (or CUP) is soughted. Note: Print name legible below or beside signature. All comust sign. PRINTED NAME AND SIGNATURE OF OWNER BERNARS HUSS BERNARS HUSS AND 1082 Rd DOUGLEDURY DOUGLEDU	
We, the undersigned, are owners of real property located with notification related to the area for which the rezoning (or CUP) is sour Note: Print name legible below or beside signature. All comust sign. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDENT SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DISTANCE HUSS) BERNARD HUSS BERNARD HUSS BURNAL HUSS BURNAL SAUNGER CONTRE LANGUAGE CONTRE LANGUAGE LOGIC CONTRE Sole MARIORY MERKEL SOLE	the real estate proposed to
We, the undersigned, are owners of real property located with notification related to the area for which the rezoning (or CUP) is sough the second of the area for which the rezoning (or CUP) is sough the second of the second o	the real estate is available
Note: Print name legible below or beside signature. All comust sign. PRINTED NAME AND SIGNATURE OF OWNER BERNARD HUSS BERNARD JAT N 1082 Rd DOUND FINE DOUND FINE SAME CONSEL TO BERNARD LEGICA COVSEL TO BERNARD LEGICA COVSEL TO BERNARD LEGICA CONSEL LEGICA	
Note: Print name legible below or beside signature. All comust sign. PRINTED NAME AND SIGNATURE OF OWNER BERNARD HUSS BERNARD JAT N 1082 Rd DOUND FINE DOUND FINE SAME CONSEL TO BERNARD LEGICA COVSEL TO BERNARD LEGICA COVSEL TO BERNARD LEGICA CONSEL LEGICA	
Note: Print name legible below or beside signature. All comust sign. PRINTED NAME AND SIGNATURE OF OWNER BERNARD HUSS BERNARD JAT N 1082 Rd DOUND FINE DOUND FINE SAME CONSEL TO BERNARD LEGICA COVSEL TO BERNARD LEGICA COVSEL TO BERNARD LEGICA CONSEL LEGICA	
Note: Print name legible below or beside signature. All of must sign. PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDEN SIGNATURE OF OWNER WITHIN NOTIFICATION AREA (IF DI BERNARIO HUSS) BERNARIO HUSS BONDO HOSO REPRETE BOLL HUSS NOTHIN PUCKET Melus DRAK 1310 N 1056 EN Melus DRAK 1310 N 1056 EN Melus DRAK 1310 N 1056 EN	
PRINTED NAME AND DESCRIPTION OF PROPERTY RESIDEN SIGNATURE OF OWNER BERNARD HUSS Bernard Husb 1313 × 1082 Rd DOUND FINAY DOWN SOLVY I 322 NIDEZ Rd Repella Conser 5-8 + MARJORY MERKEL Bold Manay Marke 1089 E 1326 Rd Connic White Connic Notice Normal Pucket 1315 N. 1082 Rd Normal Pucket Melus Deak 1310 N 1056 EN Melus Deak 1310 N 1056 EN	
SIGNATURE OF OWNER BERHARD HUSS BERHARD HUSS BERHARD HUSS BUNDED HUSS BUNDED HUSS BUNDED HUSS BODONDEND HUSS DONNA JOHN HUSS BODONDEND HUSS BODONDEND HUSS BODONDEND HUSS BODONDE HUSS REPECCA CONSER 1322 NIDEZRA REPECCA CONSER 1322 NIDEZRA REPECCA CONSER 1322 NIDEZRA REPECCA CONSER 1322 RU CONTRE WARDEN HOUSE 1089 E 1324 RU CONTRE WARDEN HOUSE 1093 E 1324 RU CONTRE WARDEN HOUSE 1093 E 1324 RU CONTRE WARDEN HOUSE 1093 E 1324 RU NOTIMBN PUCKET MELOD DRAK 1310 N 1056 EA Melod DRAK 1310 N 1056 EA	ii owners of the property
Bernard Husb 1313 × 1082 Rd DOUNDEND Y DONNA JAMEN 1305 N 1082 Rd PRIAMEN STANKEN (31) Reflecte Conser 1322 NIDEZRO Reflecte Conser 5-8 + MARJORY MERKEL Bole + Manying Markel 1089 E 1326 Rd Connic Notes 1093 E 1326 RD NETHER Med 4/CM 1075 E 1726 ES Norman Pucket 1315 N. 1082 RD Norman Pucket 1315 N. 1082 RD Norman Pucket 1310 N 1056 EN Meluo DRAK = 1310 N 1056 EN	DENCE ADDRESS - DIFFERENT) DATE
Subject Sanger (31) Repella Conser 1322 NIDEZROL Repella Conser 1322 NIDEZROL Sob + MARJORY MERKEL Bok + Mangun Marko 1089 E 1326 RU Connie North 1093 E 1326 RU Connie North 1093 E 1326 RD Keric Guer Malfilla 1095 E 1326 RD North Pucket 1315 N. 1082 RD North North Pucket 1315 N. 1082 RD Melus Drak 1310 N 1056 RM Melus Drak 1310 N 1056 RM	4-8-13
Subject Sanger (31) Repella Conser 1322 NIDEZROL Repella Conser 1322 NIDEZROL Sob + MARJORY MERKEL Bok + Mangun Marko 1089 E 1326 RU Connie North 1093 E 1326 RU Connie North 1093 E 1326 RD Keric Guer Malfilla 1095 E 1326 RD North Pucket 1315 N. 1082 RD North North Pucket 1315 N. 1082 RD Melus Drak 1310 N 1056 RM Melus Drak 1310 N 1056 RM	4-8-13
Rebecca Conser 1322 NIDEZROL Rebecca Conser 508 + MARJORYMERKEL 30h & Manay Marko 1089 E 1326 Rd Connie William 1093 E 1326 Rd Connie William 1093 E 1326 RD Neire Guer Malyka 1095 E 1326 RD Norman Puckett 1315 N. 1082 RD Norman Puckett 1315 N. 1082 RD Meluo Drak = 1310 N 1056 EN Meluo Drak = 1310 N 1056 EN	4-8-13
Sole & MARJORYMERKEL Bole & Manay Marke 1089 E 1326 Rd Connie William 1093 E 1326 RD KEIN GUER Malylla 1095 E 1326 PS Norman Pucket 1315 N. 1082 RD Norman Pucket Meloo Drak 1310 N 1056 EN Meloo Drak 1310 N 1056 EN	
Connie Walter 1093 E 1326 Rd Connie Nothis 1093 E 1326 RD KEIN GUER Med 466 1075 E 1726 ES Norman Pucket 1315 N. 1082 RD Norman Pucket Meluo Drak = 1310 N 1056 EN Meluo Drak = 1310 N 1056 EN	4-8-13
Norman Pucket 1315 N. 1082 RD Norman Pucket Meluo Drak - 1310 N 1056 EN Meluo Drak - 1310 N 1056 EN	4-8-13
Norman fucket 1315 N. 1082 RD Norman Pucket Meluo Drak - 1310 N 1056 EN Meluo Drak - 1310 N 1056 EN	4-8-13
Meluo Drak = 1310 N 1056 EX Meluo Drak = 1310 N 1056 EX	4-8-13
Meluo DRAKT 1310 N 1056 EN	4-8-13
Merry	4-10-13
John Supervert 1315 N1100 Rd.	
MATTER CONDITIONS	1, 4-10-13

PRINTED NAME AND	DESCRIPTION OF PROPERTY RESIDENCE ADDRE	
SIGNATURE OF OWNER	WITHIN NOTIFICATION AREA (IF DIFFERENT)	DATE
DON L. Gillett	(D) 1317 NO. 1082 K	7/8/2013
alan Butter	1316N 1082 Rd	4-8-13
ALAN BUTTON Lee Button	1316 N. 1082 Rd	4-8-16
Zee Button		4-8-1
Bruce Wooden	FF 13/0 N. 1082-Rd	A/8/3
Sondra Wilson	1066 E 1304 Rd	4/8/13
Sandia Wilson		
John Wilson	1066 E 1304 Ad	4/8/13
STEVE HANSEN		
Story & Kansen	1314 N. 1082	4/8/13
MADE MORROW	13(8 N 1082	4/9/13
Dam More	/3/8 N /082	4/9/13
Daunita Drake	/3/0 n /056	4-10-13
Ganet Eluss	13/0 N 1082 Rd	4-10-13
STATE OF KANSAS)	
COUNTY OF DOUGLAS) SS:)	
I am the circulator of this qualifications of an elector of the S each person whose name appears	Protest Petition and a resident of the state of Kansas and possestate of Kansas. I have personally witnessed the signing of the Pthereon.	ss the rrotest Petition by
Circulator Signature	Printed Name	17
Circulator's Residence and Address	()	-13
	10th 1001	·
110000	ffirmed) before me on this \day of \day of \day of	
2013, by Bernard L	circulator of this Protest Petition.	
1/2	NOTARY PUBLIC State	of Kansas
Notary Públic My appointment expires: 4/2	JESSICA L. WE My Appt. Exp. 4/2	MPLE
	The state of the s	

* *

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report 4/22/13

ITEM NO. 3: HORIZON 2020 CHAPTER 6 AND REVISED SOUTHERN DEVELOPMENT PLAN (MJL)

CPA-13-00067: Consider Comprehensive Plan Amendment, CPA-13-00067, to *Horizon 2020* Chapter 6 Commercial Land Use and Chapter 14 Specific Plans, *Revised Southern Development Plan*, to expand the S. Iowa Street commercial corridor east along W. 31st Street to include 1900 W 31st Street and identify the area as a Regional Commercial Center. Submitted by Menards, Inc.

STAFF RECOMMENDATION: Staff recommends denial of this comprehensive plan amendment to *Horizon 2020*, including the *Revised Southern Development Plan*, to change the designated land use from medium-density residential to commercial for the property located at 1900 W. 31st Street and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation of denial.

KEY POINTS

- 1. The S. Iowa Street corridor is classified as an existing Regional Commercial Center with the intersection of S. Iowa and W. 31st Streets being a commercial node.
- 2. This is a request to accommodate a Menards home improvement store, as well as additional commercial retail space, at the northeast corner of W. 31st St. and Ousdahl Rd.
- 2. The S. Iowa Regional Commercial Center limits the amount of retail to 1.5 million square feet. The center currently contains 1,996,450 square feet and this request would add 255,328 retail square feet in an area outside the designated commercial center, bringing the total for the center to 2,251,778 square feet (2.25 million sf) of retail.
- 3. This area, since the 1970's and through multiple planning efforts, has been identified for residential development including the most recent *Revised Southern Development Plan*.
- 4. Policy 3.11(K) in Chapter 6 of *Horizon 2020* states that existing centers shall not intrude or expand into the surrounding residential or lower-intensity uses. The proposal would expand into a lower-intensity area along an arterial street.
- 5. Policy 3.1(B) in Chapter 6 of *Horizon 2020* states: "Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern".
- 6. The submitted market study does not support increasing the amount of commercial use available in this center when other approved locations are taken into account.
- 7. There are limited commercial areas to accommodate a Menards store in the city. W. 6th and SLT is one location and there is the potential to extend the Regional Commercial Center south of the S. Iowa and SLT interchange to maintain commercial uses along the S. Iowa Street corridor while taking advantage of the planned S. Iowa St. and SLT interchange. Menards has stated that these locations do not meet their needs at this time.

PROJECT SUMMARY

This comprehensive plan amendment (CPA) was requested by Menards, Inc. in order to develop the former Gas Light Village mobile home park located at the northeast corner of W. 31st St. and Ousdahl Rd. commercial development. Currently Chapter 6 of *Horizon 2020* states, "Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor." The *Revised Southern Development Plan* which is incorporated by reference into Chapter 14 – Specific Plans, identifies this property as medium-density residential uses.

STAFF REVIEW

S. Iowa Street corridor is classified as an existing Regional Commercial Center. A Regional Commercial Center attracts and serves a population greater than and beyond that of the community. Within the Regional Commercial Center, nodal development occurs. The S. Iowa Regional Commercial Center is an existing strip commercial development between 23rd Street and K-10 with nodal development specifically centering around the intersection of W. 31st and S. Iowa Streets. Nodal development requires the clear termination of commercial development within near proximity of an intersection.

Area History:

The S. Iowa Street Regional Commercial Center has had a long history of a large amount of commercial space that generally fronts S. Iowa Street, with a small amount of commercial use expanding west and east along W. 31st Street. The applicant is requesting extension of the S. Iowa and W. 31st Street node beyond its current boundaries to the east along W. 31st St. The argument was made that W. 6th, 23rd and Iowa Streets have similar commercial development and similar traffic counts as the area of S. Iowa and W. 31st Streets and should be developed with a similar strip commercial pattern. It was stated that the property east of the Home Depot site would be an island of residential before the undevelopable floodplain further east on W. 31st Street making the property suitable for commercial development. Long-range documents have made a point to discontinue strip commercial development along street corridors that are not already stripped out, in favor of nodal development.

Below is a timeline summary of planning and zoning recommendations and actions over the past 20+ years regarding this commercial center. The history reflects continuous support for limiting the commercial node from expanding along W. 31st Street. The current commercial uses at the intersection of W. 31st and S. Iowa are considered nodal development and is approximately .3 miles west and east of S. Iowa St., along W. 31st Street.

- <u>Plan '95</u> Approved in 1977. The plan identifies minimal commercial development on the northeast corner of the intersection of S. Iowa and W. 31st Streets and then stepdown of residential to the east. Policy 13 for Commercial Land Use states that strip commercial shall be avoided.
- <u>South Lawrence Trafficway Corridor Land Use Plan</u> Approved July 1989. The proposed land use map limits commercial development to the S. Iowa Street corridor.

- <u>Southern Development Plan</u> Approved January 1994. Commercial land uses were restricted to the corner of W. 31st and S. Iowa Streets with areas east along W. 31st Street identified for Planned Residential Development.
- <u>City Commission Resolution 5606</u> Approved March 1994. The resolution stated the City Commission endorsed the *Southern Development Plan* Land Use Policies and endorsed the Conceptual Land Use Map with the following amendment: "that no more than 25 acres of the land be used for commercial development in the area identified as PUD, that this commercial development be contiguous, be located as a commercial node at the SLT, and appropriately consider the existing mobile home park located south of 33rd Street." (The JC Penney/Cinema development was approved after adoption of the plan and contains approximately 22 acres.) The northeast corner of S. Iowa and W. 31st Street remained identified for Planned Residential Development.
- <u>Horizon 2020</u> Approved May 1998. Chapter 6 Commercial Land Use is built around the concept of nodal development. It states that nodal development is the antithesis of strip development and that nodal development concept requires the clear termination of commercial development within near proximity of an intersection. Discussion of the center as it exists today states that "Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor."
- Home Depot Proposed Zoning Change Denied August 2000. Requested to rezone
 entire trailer park to commercial. The proposal was denied based on *Horizon 2020* and
 Southern Development Plan commercial development should not be extended
 east/west along W. 31st Street.
- Home Depot Proposed Zoning Change (smaller area) Modified version approved December 2001. The original request for 24 acres was approved with a reduction in commercial area and Tract A rezoned to PRD with a restriction that the property be only used for open space & right-of-way to specifically provide a boundary for the eastern limits of the commercial zoning along W. 31st Street.
- <u>Revised Southern Development Plan</u> Approved January 2008. The planning area for the *Revised Southern Development Plan* was expanded to include property along the W. 31st Street corridor to allow the consideration of future transportation issues. The plan identifies the north side of W. 31st Street between Ousdahl Road & Louisiana Street as appropriate for medium-density residential development.
- <u>Aspen Heights Development</u> Medium-density residential development approved for this site in 2012 but subsequently abandoned by the developer.

Horizon 2020:

Horizon 2020 states that a nodal development concept requires a clear termination of commercial development and has policies regarding the discontinuation of strip type commercial (Policy 3.1(B)). In 2001, when the Home Depot project was approved, the City Commission provided for that clear edge of the S. Iowa and W. 31st Street commercial node by zoning a tract at the edge of the development for open space and right-of-way for a transition to the residential to the east. If the subject property is changed to be the new edge of the node, a precedent may be set for requests for the continuation of commercial development east along W. 31st Street to Haskell Street where a new interchange is planned for the SLT. This would create strip commercial development similar to W. 6th and 23rd Streets. Below is a map showing the vacant properties which could potentially become a part of a strip commercial development pattern if requested and approved. The subject property is shown in blue stripe and the vacant or potentially redevelopable property is shown in pink and gray stripe.



The S. Iowa Street corridor is designated as a Regional Commercial Center. Policy 3.11 in Chapter 6 identifies criteria for Regional Commercial Centers. Policy 3.11(C)(3) limits these centers to a maximum of 1.5 million gross square feet of commercial space. Currently the center has 1,996,450 square feet and the addition of this property to the center would continue to be inconsistent with this policy, though intensification of the corridor itself is not necessarily negative given that S. Iowa is an existing strip commercial corridor. Policy 3.11(K) states that existing centers shall not intrude or expand into the surrounding residential or lower-intensity uses. The proposal would not be consistent with this policy.

Retail Market Study:

The applicant has submitted a project specific retail market study as required by Section 20-1107 of the Land Development Code and Chapter 6, Commercial Land Use of *Horizon 2020*, specifically Policy 3.13. That market study includes all of the required information, including analysis based on vacancy rates, income trends, population trends, mix of businesses, etc. The market study includes this analysis for the addition of a Home Improvement Store (189,988 sf) to be located in Phase I of the development. The report also indicates that an additional 65,350 sf will be built as part of Phase II, for a total of 255,328 sf.

Policy 3.13 in *Horizon 2020* requires a project specific retail market study for projects that would create 150,000 square feet or more of commercial space. Section 20-1107 of the *Land Development Code* applies to zoning or site plan applications that could create 50,000 square feet of retail space. Staff is reviewing the market study based on the *Land Development Code*, in addition to the criteria in *Horizon 2020* and because the criteria in the *Land Development Code* is the most recently adopted set of criteria.

Horizon 2020, Policy 3.13 (b) states that, "The project shall not be approved if the market study indicates the commercial project or any proposed phase cannot be absorbed into the community within three years from the date of its estimated completion, or that it would result in a community-wide retail vacancy rate greater than eight percent." The Development Code uses a vacancy rate threshold of 8% as one factor in order to determine market health, and the most recent citywide market study completed in Fall of 2010 figured the city-wide vacancy rate 6.7%. 7%, slightly higher than the 2006 vacancy rate (http://www.lawrenceks.org/planning/documents/2010Retail.pdf) The market study for this

project shows that, when completed and entirely vacant, the the construction of the 189,988 sf home improvement store will push the city-wide vacancy rate to 8.9%. If the total square footage for both Phase I and II were constructed (255,328) and vacant, the city-wide vacancy rate would rise to 9.6%. Staff conducted additional analysis to take into consideration other commercial projects that have received approvals, but have not been constructed to date. The below table illustrates the impact that other projects that have been approved will have on the overall vacancy rate:

	Total Square	Total	Total Vacant	City-wide
	Feet	Occupied	Square Feet	Vacancy Rate
		Square		
		Feet		
Total Current Retail	9,120,567	8,478,372	642,195	7.0%
Inventory				
Approved Northwest corner	155,000	0	155,000	
- 6 th and K-10 Node				
Mercato	359,640	0	359,640	
Fairfield Farms	200,000	0	200,000	
North Mass	217,337*	0	217,337	
31 st & Ousdahl – Phase I	189,988	0	189,988	
(Menards)				
31 st & Ousdahl – Phase II	65,340	0	65,340	
Total	10,307,872	8,478,372	1,829,500	17.8%

If all commercial space that has been approved were to be constructed and assumed vacant, the city-wide vacancy rate would rise to 17.8%.

While the market study shows that the project, upon completion, will push the city-wide vacancy rate above 8%, this figure alone is not an adequate representation of the impact of this development. This figure is computed by assuming that the project will either be entirely vacant upon completion, or that it will cause the same amount of space to become vacant in other areas of town. Because the majority of the retail space is being built to satisfy a specific tenant, the applicant has stated that there is "no possibility" that the space will be vacant upon completion. While new commercial development can lead to vacancies in other parts of town, the current economic conditions have all but halted speculative commercial building in Lawrence. The current development trend is that buildings are built with known users or committed tenants and therefore, it is unlikely that the space will be vacant upon completion.

The applicant has also provided information on the mix of business types and the potential impact on the downtown area. While the main proposed use exists elsewhere in Lawrence, it is expected to have a limited impact on downtown. The only similar use downtown is a small scale hardware store that is not a direct comparison to the large home improvement store being proposed. It is possible that a large store of this use might pull some business away from other mixed-use or smaller scale hardware stores in the area, in addition to the immediately adjacent existing home improvement store, Home Depot. However, the exact impact that this development may have cannot be determined.

Other demand factors, such as income, employment and population need to be taken into account as well, when looking at the overall impact of this project on the market as a whole. The market study does show that from 2000 to 2010, population has grown 11%, income,

adjusted for inflation, has grown 11.3%, while retail sales have only increased 4.8% for the ten year period. On the supply side of the market, retail stock has increased 70% from 2000 to 2010, however, it is important to note that some of that increase is because of changes in the methodology for figuring total retail space. Supply has increased an average of 7% annually, while population and income have only increased an average of 1.1% annually and retail sales have increased only and average of .48% annually since 2000. What is important to take away from the above number is that demand has not kept pace with supply as shown by the limited income, population, and retail sales growth.

The market study also provides an analysis of "pull factors" or a measure of local commerce based on a comparison of local spending to the state as a whole. A pull factor above 1.00 indicates that a community attracts retail sales, while a factor below 1.00 indicates that the community is losing retail sales to outside areas. The Kansas Department of Revenue issues pull factor reports for all of Kansas. The most recent, issued in December 2012, states that Lawrence's pull factor was 1.07 in 2012. In 2000, the pull factor was 1.13, but as recently as 2009, the pull factor was .99. In addition, Douglas County's pull factor has been below 1.00 for the last decade and recently is marked at .90 for 2012. Before 2011 and 2012, the pull factors for both Lawrence and Douglas has been declining since 2000, indicating that the City was losing more retail sales to other areas outside of Douglas County. The marked increase in the City's pull factor these last two years now means that the City is attracting retail sales to the community.

The market study also provides a demand analysis based on the amount of square feet of retail space per capita. Currently, in Lawrence there are approximately 104 sf of retail space per capita. With the addition of this projects square footage to the market, there would be approximately 107 sf of retail space per capita. In Section 20-1107 (c)(3)(iv) of the Land Development Code, a maximum threshold of 100 square feet per resident is established to help maintain market health. It would take more than 5 years for the ratio to fall below 100 sf per capita if no more retail space were added to the market. However, this analysis does not take into consideration any of the other approved commercial development. The addition of Mercato, Fairfield Farms, NW Corner of 6th and the SLT, and the remainder of the Bauer Farm development that is approved, but not constructed, would result in a ratio of 117 retail square feet per capita.

The market study satisfies the submission requirements of the Land Development Code and *Horizon 2020.* In staff's opinion, proposals to add retail space should be carefully scrutinized with respect to the indicators associated with demand not keeping pace with supply and because vacancy rates are arguably reaching unhealthy levels. In light of the availability of other suitable commercially zoned sites, including Mercato, NW Corner of 6th and SLT, and Fairfield Farms, the fact that retail demand is not keeping pace with supply, the high retail space per capita figures, and a vacancy rate that is approaching unhealthy levels, this project is not supportable based on the market study.

Other Considerations:

If the Planning Commission wishes to recommend approval of the CPA, staff has provided draft language to Chapter 6 and Chapter 14 - Specific Plans, *Revised Southern Development Plan* to address the requested changes.

The changes to Chapter 6 include revising on pg. 6-15 and 6-16 where the center should be permitted to expand east along W. 31st St.

The changes to Chapter 14 include the *Revised Southern Development Plan*, Future Land Use Maps 3-1 and 3-2, to change the current medium-density residential designation to commercial and the land use descriptions as to where the designations are located.

Copies of the revised Chapter 6: Commercial Land Use and Chapter 14: Specific Plans, *Revised Southern Development Plan* are attached to this staff report with the changes marked.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?

Applicant Response: When the plan was adopted, it was anticipated that commercial development could be pushed to the outskirts of the city limits and the market conditions would drive the need for more multifamily housing on the interior. Since the economic downturn multifamily housing has decreased significantly because it requires a developer with enough financing to build the housing units with no guarantee of occupancy. The subject tract is 41 acres and because of the shape it would have to be sold as a whole to ensure no parts of the property was not wasted. It is not longer a reasonable expectation that lenders will finance a project of such a large magnitude. Commercial development has also slowed significantly and retailers are becoming much more selective on the sites they choose. If the site will not be profitable they will not make the investment to build there, it is unreasonable to expect retailer to develop on sites that are on the outskirts of the town away from the consumers they are trying to serve. It is very common for retailers to locate near each other to promote multi trip shopping outings and competition. During the time the plan was adopted Lawrence was home to several national big box retailers and 17 acres of additional land required for a large store near the commercial center was not anticipated.

Staff's Response: Horizon 2020 anticipates changes and additions over time. Chapter 6 discusses current commercial developments and future developments. It also outlines how development and redevelopment should occur. The chapter is specific on requiring commercial development to be nodal and not continuing strip development as it has occurred in the past. Commercial nodes have been added or changed over time in order to address type and location. Past plans for this area and the city as a whole have supported nodal development vs. strip type development and not expanding the existing S. Iowa Regional Commercial Center west and east along W. 31st Street. The most recent plan, the *Revised Southern Development Plan*, which was approved in 2008, identified the subject property as medium-density residential. That designation was utilized with the recent Aspen Heights plan, though that potential developer choose not to develop at this time. Additionally the apartment complex at the southeast corner of W. 31st and Ousdahl established a residential pattern consistent with the sector plan.

Some may consider the approval and forward movement of the completion of the SLT project as a change in circumstances. A land use plan for the SLT corridor was completed in 1989 (*South Lawrence Trafficway Corridor Land Use Plan*) and in general, circumstances have not changed since the completion of this plan. Plans completed since 1989 have maintained limiting the commercial uses along S. Iowa St.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

Applicant Response: Yes, the existing subject property is a former mobile home park. the owner was under contract with another purchaser during 2011 and 2012, during that time the tenants left the park leaving about 10 holdouts, 25 abandoned trailers, and a lot of garbage. Trailer parks provide affordable housing to low income residents, however they also tend to have higher crime rates and are generally not maintained in the same first class condition as a single family house. The park that occupied the subject property was deteriorating and needed some major renovations to the roads and the housing units. Because the park is currently empty it is likely that it would stay that way until a residential developer stepped in with the capital to develop 41 acres of residential units. The second possibility is the park owners restart the former use as a trailer park and operate it under those conditions until it is sold to another user. The third option is that Menards purchases the property and develops all 41 acres into a commercial node attracting additional businesses to Lawrence in a well maintained development. Under this option the land would not site empty and would be developed into a first class retail development center that complements the city of Lawrence and fits well within the character of the neighborhood.

Staff's Response: The proposed amendment is not consistent with the goals and policies outlined in Horizon 2020 or in the Revised Southern Development Plan. Chapter 6 specifically states that the commercial node at S. Iowa and W. 31st Streets shall be maintained. Recent amendments to Horizon 2020 have given direction to offer large retail locations at the intersection of W. 6th St and SLT and included discussion regarding expanding the Regional Commercial Center designation south of the SLT on S. Iowa St. Specifically the Mercato development at the northeast corner of the intersection of W. 6th and SLT would be the only location that would be able to accommodate a store of that size.

The *Revised Southern Development Plan* identifies the subject property as medium-density residential and the commercial node at S. Iowa and W. 31st Street to be maintained.

In order for the proposal to be consistent with long-range plans, changes to the *Revised Southern Development Plan* and Chapter 6 will need to be made.

C. Is the proposed amendment a result of a clear change in public policy?

Applicant's Response: Menards, Inc. is requesting the amendment because it does not conform with the future land use designation of this property. The long range goals listed in Horizon 2020 include Diversity, Pursuit of Quality, Compatibility, and Sustainability. These goals can be met through the comprehensive design of the development and the developments buildings, landscaping, and open space. The property location on a busy arterial road and access points are ideal for a commercial property however the future land use plan did not take these matters into consideration and designated the property residential. The comprehensive plan was designed to prevent unrestricted commercial growth and encroachment into residential areas. It is the intent of this project to prevent any impacts on the adjacent residential properties and increase the quality of living by providing a new aesthetically appealing commercial development.

Staff's Response: This policy from pg. 6-2 states: Nodal Development is the antithesis of "Strip Development". "Strip Development" is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to

access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection. Further, Policy 3.1B states: "Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern".

Public policy has not changed regarding nodal commercial development versus strip commercial development. The policy directs stand alone commercial uses to commercial nodes. In this case, a mostly built commercial center. The description of the commercial center states that commercial development along W. 31st Street should not expand in order to maintain the node in its current boundaries. A transitional area has been provided between the existing commercial node edge and planned medium-density residential on the north side of W. 31st Street and an existing medium-density residential development on the south side of W. 31st Street offers a boundary for the commercial node. A proposal for a medium-density residential development was approved in 2012 for this site and there was no discussion that this site would be more appropriate for commercial development during that process.

In addition, the following shall be considered for any map amendments:

A. Will the proposed amendment affect the adequacy of existing or planned facilities and services?

Applicant's Response: The proposed project and amendment will not have a negative impact on any facilities or services. There are no public facilities around the site that could be impacted by the change from residential to commercial. Menards, Inc. is performing the required due diligence on traffic impacts and will be responsible for maintaining adequate intersection operations. All utilities will be analyzed as part of the civil engineering plans and will be reviewed by the city engineering staff prior to any permits being issued.

Staff's Response: The property is currently served by existing facilities and services. Further review would be completed as part of site planning to address the potential issues but the property is generally able to be served.

B. Will the proposed change result in reasonably compatible land use relationships?

Applicant's Response: Adjacent to the subject property to the west is the largest commercial node in the City of Lawrence. The Menards development project would extend this commercial development along a well traveled arterial road. The same development has taken place along 23rd St. to the north and 6th St. along the north edge of town. The land to the east is undevelopable due to the expansive floodway that runs through it, leaving this property as an island of residential in the city's largest commercial district.

Staff's Response: This development conflicts with the nodal development policy by extending an already existing commercial node and transforming it into strip development along W. 31st St. The proposal does not meet Goal 2 in Chapter 6 which is to ensure a compatible transition between the commercial development and less intensive uses. There is no transition in land use or zoning to the existing low-density, planned medium-density residential to the east or RS7 zoned property to the north.

C. Will the proposed change advance the interests of the citizens of Lawrence and Douglas County as a whole, not solely those having immediate interest in the affected area?

Applicant's Response: Yes, the proposed commercial development will draw more consumers into the city of Lawrence increasing the economic impact on the entire community. The project will create 250 new jobs for the Menards store along and depending on the final uses at least 50-200 jobs when the outlots are developed. The city of Lawrence has on national home improvement retailer within 30 miles, this allows that retailer to sell merchandise at a non-competitive pricing. Competition would allow the consumers that will come from 25+ miles to shop in Lawrence to purchase goods at competitive prices increasing the economic value of each trip, and increasing the likely hood of a return trip.

Staff's Response: The expansion of this commercial node will provide new retail opportunities for the community as a whole, as well as potentially attract visitors to the city, contributing non-local dollars to the local economy which can be considered an advancement of the interests of the citizens of Lawrence and Douglas County if the potential is realized.

PROFESSIONAL STAFF RECOMMENDATION

While staff welcomes the opportunity to accommodate Menards at an appropriate location, the request is not, in staff's opinion, compatible with the existing land use designations of the *Revised Southern Development Plan* and revising the plan is not appropriate for the reasons outlined in this report and when the comprehensive plan policies are reviewed as a whole.

Staff recommends denial of this comprehensive plan amendment to *Horizon 2020*, including the *Revised Southern Development Plan*, to change the designated land use from medium-density residential to commercial for the property located at 1900 W. 31st Street and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission with a recommendation of denial.

Findings for recommendation of denial:

- 1. The S. Iowa Street corridor is designated as Regional Commercial Center which limits the amount of retail to 1.5 million square feet. The center currently contains 1,996,450 square feet and this request would add 255,328 retail square feet in an area outside the designated commercial corridor, bringing the total for the corridor to 2,251,778 square feet (2.25 million sf) of retail.
- 2. The proposal is in conflict with *Horizon 2020* Policy 3.11(K) which states that existing centers shall not intrude or expand into the surrounding residential or lower-intensity uses.
- 3. The proposal is in conflict with *Horizon 2020* policy 3.1B which states: "Strip Commercial Development: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern."
- 4. This development does not comply with the *Revised Southern Development Plan* which is adopted as part of *Horizon 2020*, Chapter 14: Specific Plans and identifies the subject property as medium-density residential. The applicant has not demonstrated a clear change in public policy or change in circumstances to support a change in the plan.
- 5. The submitted market study does not support increasing the amount of commercial use available at this center when other approved locations are taken into account.

In the event that the Commission desires to accommodate the proposed project, staff has provided draft language in order to make the necessary changes to *Horizon 2020*, including the *Revised Southern Development Plan*.

CHAPTER SIX - COMMERCIAL LAND USE

The Plan's goal is to strengthen and reinforce the role and function of existing commercial areas within Lawrence and Douglas County and promote economically sound and architecturally attractive new commercial development and redevelopment in selected locations.

STRATEGIES: COMMERCIAL DEVELOPMENT

The principal strategies for the development and maintenance of commercial land use areas are:

- Support downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center with associated residential uses through the careful analysis of the number, scale, and location of other mixed-use commercial/retail developments in the community. Downtown Lawrence is the cultural and historical center for the community and shall be actively maintained through implementation of the adopted design guidelines that regulate the architectural and urban design character of this regional center.
- Establish and maintain a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period.
- Require commercial development to occur in "nodes", by avoiding continuous lineal and shallow lot depth commercial development along the city's street corridors and Douglas County roads.
- Encourage infill development and/or redevelopment of existing commercial areas
 with an emphasis on Downtown Lawrence and existing commercial gateways.
 Sensitivity in the form of site layout and design considerations shall be given to
 important architectural or historical elements in the review of development
 proposals.
- Improve the overall community image through development of site layout and accessibility plans that are compatible with the community's commercial and retail areas.
- Require new Commercial Centers in the unincorporated portion of Douglas
 County to be located at the intersection of two hard surfaced County Routes or
 the intersection of a hard surfaced county route and a state or federally
 designated highway and no closer than four miles to another Commercial Center
 in the unincorporated portion of Douglas County.

NODAL DEVELOPMENT

The Goals and Strategies in this chapter center on the Nodal Development Concept for new commercial development and the definitions of the four different categories of commercial nodes: Neighborhood, CC200, CC400, and Regional Commercial. The Nodal Development Concept encompasses all four corners of an intersection, although all four corners do not need to be commercially developed. The concept of nodal development shall also be applied to the redevelopment of existing commercial areas when the redevelopment proposal enlarges the existing commercial area. The following text provides a detailed description of the appropriate uses and development patterns for each respective category of commercial development.

Nodal Development is the antithesis of "Strip Development". "Strip Development" is characterized by high-intensity, auto-oriented uses, shallow in depth and extending linearly along a street corridor, with little consideration given to access management and site aesthetics. The Nodal Development concept requires the clear termination of commercial development within near proximity of an intersection. Commercial development that does not occur directly at the corner of an intersection must be integrated, through development plan design and platting with the property that is directly at the intersection's corner. Termination of commercial development can be accomplished through a number of methods, including: 1) Placement of transitional uses, such as office and multi-family to buffer the adjoining neighborhood from the commercial area; 2) restricting the extension of new commercial uses past established commercial areas; and 3) defining the boundaries of the development through the use of "reverse frontage" roads to contain the commercial uses.

DESIGN STANDARDS

The city shall strive to improve the design of shopping areas. The objective will be to work with commercial developers to achieve compact, pedestrian-oriented centers versus conventional strip malls. The overall goal of these standards is to improve community aesthetics, encourage more shopping per trip, facilitate neighborhood identification and support, and make shopping an enjoyable event.

New design standards shall be developed and adopted which better integrate the centers into the surrounding neighborhoods and create a focal point for those that live nearby. They should include elements that reflect appropriate and compatible site design patterns and architectural features of neighboring areas. Site design and building features shall be reflective of the quality and character of the overall community and incorporate elements familiar to the local landscape. Using a variety of building incentives to encourage mixed use development will bring consumers closer to the businesses

Design elements of particular interest that will receive close scrutiny include:

- 1. Site design features, such as building placement, open space and public areas, outdoor lighting, landscaping, pedestrian and bicycle amenities, interfacings with adjacent properties, site grading and stormwater management, parking areas and vehicular circulation (including access management).
- Building design features, such as architectural compatibility, massing, rooflines, detailing, materials, colors, entryways, window and door treatments, backsides of buildings, service/mechanical/utility features and human-scale relationships.

COMMERCIAL CENTER CATEGORIES

The Comprehensive Plan includes recommendations for the improvement of existing commercial areas and the development of compatible new commercial areas. It establishes a system of commercial and retail development that applies to both existing and new development locations. This system involves the designation of different types of commercial areas to distinguish between the basic role and types of land uses and the scale of development. These include the neighborhood, community and regional commercial classifications. The following descriptions are based upon recognized standards formulated by the Urban Land Institute (ULI) and knowledge gathered by the community through past experiences.

An integral component in the description of each commercial center category is the designation of an amount of commercial gross square footage deemed appropriate for each center classification. However, this plan recognizes that there will be instances in which a rezoning request for a commercial district will not be accompanied by a development plan showing the total amount of gross square footage associated with the rezoning request. In such circumstances, part of the commercial rezoning request shall include a statement regarding the maximum amount of commercial square footage that will be permitted with each particular commercial rezoning request.

Commercial Uses

For the purposes of this section of the Plan, the term "commercial" means retail businesses as defined as one whose primary coding under the North American Industrial Classification System (NAICS) falls into at least one of the following sectors:

- 1. Sector 44-4S: Retail Trade;
- 2. Subsector 722: Food Services and Drinking Places;
- 3. Subsector 811: Repair and Maintenance; and
- 4. Subsector 812: Personal and Laundry Services

■ Downtown Commercial Center

The Downtown Commercial Center is the historic core of governmental, commercial, institutional, social and cultural activity. Transitions to adjacent neighborhoods are traditionally provided through alleyways or landscaping improvements rather than a change in use or density. The Downtown Commercial Center is restricted to the historic commercial core of Lawrence. The boundaries of Downtown Lawrence correspond with the boundaries outlined in the "Comprehensive Downtown Plan", and are described as: *starting at the Kansas River, south along Kentucky Street to just south of Vermont Towers, then east to Vermont Street, south along Vermont Street to North Park Street, east along North Park Street to Rhode Island Street, north along Rhode Island Street to 11th Street, west along 11th Street to the alley east of New Hampshire Street, north along the New Hampshire Street alley to 9th Street, east on 9th Street to Rhode Island Street, then north on Rhode Island Street to the Kansas River.*

The Downtown Commercial Center is the Regional Retail/Commercial/Office/Cultural Center for the community and is considered a destination driver that attracts and serves the area beyond that of the local community. The Downtown Commercial Center has an established development and architectural/urban design pattern. Unique among commercial centers in Lawrence, the Downtown Commercial Center combines a variety of land uses, including governmental, retail, office, public facilities, institutions, churches, and residential. Linear in

design, the Downtown Commercial Center is focused along Massachusetts Street with New Hampshire and Vermont Streets serving as secondary activity areas. General building patterns are urban. Mixed-use, multi-story buildings are the most common building form and parking is provided on-street and through community parking lots and parking structures.

Building designs and public improvements are focused on providing a pedestrian-oriented commercial experience. Massachusetts Street has a distinct streetscape with sawtooth parking and a focus on first floor (pedestrian oriented) retail use. Vermont and New Hampshire Streets provide the major vehicular movement patterns and provide access to the majority of the community parking areas. Alleyways, which provide service access, are one of the main character-defining elements that distinguish the Downtown Commercial Center from other commercial centers. To ensure there are a variety of commercial uses, the maximum footprint for an individual store is limited to approximately 25,000 gross square feet. One of the keys to the success of the Downtown Commercial Center is the ability to provide a wide range of leasable square footage that is both flexible and capable of being tailored to a specific use. Construction within the Downtown Commercial Center is regulated by a set of design guidelines administered through an Urban Conservation Overlay Zoning District.

An important ingredient to ensuring the continued viability of Downtown is keeping it the center of the city's social and institutional activities. To maintain downtown as the city and County's hub of governmental functions; uses and buildings such as City Hall, the County Courthouse, Municipal Library, Douglas County Senior Center, Fire/Medical Department's Main Office, Police and Sheriff Offices, the Municipal Pool and the Municipal and District Courts shall remain located in Downtown.

Neighborhood Commercial Centers

The typical nodal development concept for Neighborhood Commercial Centers includes commercial on only one corner of an arterial/collector street intersection or arterial/arterial street intersection. The remaining corners are appropriate for a variety of other land uses, including office, public facilities and high density residential. Commercial development shall not be the dominant land use at the intersection or extend into the surrounding lower-density residential portions of the neighborhood. The surrounding residential area shall be provided adequate buffering from the commercial uses through transitional zoning or lower-intensity developments. Transitions shall be accomplished by using a number of methods, such as intensive landscaping and berming, grouping of lower-intensity developments, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

Neighborhood Commercial Centers may contain a variety of commercial uses, including a grocery store, convenience store, and other smaller retail shops and services such as a barbershop or beauty salon. To insure there are a variety of commercial uses and that no one use dominates a Neighborhood Commercial Center, no one store shall occupy an area larger than 40,000 gross square feet. The only exception is a grocery store, which may occupy an area up to 80,000 gross square feet.

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers shall contain no more than a total of 100,000 gross square feet of commercial space with the exception of Neighborhood Commercial Centers that include a grocery store. Neighborhood Commercial Centers that have a grocery store larger than 60,001 gross square feet may have up to a total of 125,000 gross square feet of commercial space.

To ensure that the commercial area in a new Neighborhood Commercial Center has adequate lot size and depth, any proposal for a commercial development shall have a length-to-depth ratio between 1:1 and 3:2.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

If a nodal plan had not been created by the city, the need to create a nodal plan for a specific intersection shall be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

■ Mixed-Use Redevelopment Center

The City of Lawrence includes areas where existing structures that have not been utilized for their original purposes for an extended period of time, have experienced a high turnover rate, or have remained vacant for an extended period of time and, therefore, are suitable for redevelopment. Such areas present potential opportunities for redevelopment into mixed-use centers, offering a mix of residential, civic, office, small-scale commercial, and open space uses. This mixed use is encouraged in individual structures as well as throughout the area.

Mixed-use redevelopment centers shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than six acres in size. As such, retail uses within mixed-use redevelopment centers shall not exceed 25% of the net floor area within the subject area, and a single retail shop or tenant shall not occupy more than 16,000 square feet of a ground-floor level, net floor area. Neighborhood integration shall also be accomplished by providing transitions through alleyways and use and landscaping buffers, and by ensuring existing structures are incorporated into the new center where possible. New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods. The City's Historic Resources Administrator shall be contacted if it is likely that historic structures exist within or near the project area.

Centers shall provide multi-modal services, allowing bicycle, pedestrian, vehicular, and, if available, transit options. Pedestrians should be able to navigate the site safely and efficiently, and travel to and from the site with ease. Pedestrian-scaled street furnishings, plantings, and gathering places shall be utilized to allow for social activity in public places. Bicycle parking shall be provided when required by the Zoning Regulations, and transit services shall be incorporated into the design where necessary.

■ Mixed-Use Districts

The City of Lawrence includes areas where infill and new development opportunities exist that would appropriately be developed or redeveloped as a mixed-use district. Such areas present

potential opportunities for development and redevelopment as mixed-use districts, offering a mix of residential and non-residential uses. This mixed use is encouraged in individual structures as well as throughout the area. There are also areas that are currently mixed use in nature that should be preserved.

Mixed-use districts shall include a mix of uses designed to maintain the character of the surrounding neighborhood, achieve integration with adjacent land uses, and be no larger than 20 acres in size. Neighborhood integration may also be accomplished by providing transitions through alleyways, variation among development intensity, implementation of landscaping buffers, or by ensuring existing structures are incorporated into the development where possible. New development shall respect the general spacing, mass, scale, and street frontage relationships of existing structures and surrounding neighborhoods. The City's Historic Resources Administrator shall be included in the review process if it is likely that historic structures exist within or near the project area.

Mixed use districts shall provide multi-modal services, allowing bicycle, pedestrian, vehicular, and transit options. Pedestrians should be able to navigate the site safely and efficiently, and travel to and from the site with ease. Pedestrian-scaled street furnishings, plantings, and public spaces shall be planned to be utilized to allow for social activity. Bicycle parking shall be provided when required by the Zoning Regulations, and transit services shall be incorporated into the design where necessary.

■ Inner-Neighborhood Commercial Centers

A subcategory of this section is Inner-Neighborhood Commercial Centers. Typically, this is an existing commercial area within an established neighborhood. Existing Inner-Neighborhood Commercial Centers are located at:

- Southeast corner of 12th Street and Connecticut Street
- West side of the intersection of 14th Street and Massachusetts Street
- Intersection of N. 7th Street and Locust Street
- 6th Street between Indiana Street and Mississippi Street
- E. 9th Street corridor starting at Rhode Island and going east
- Northeast corner of Barker Street and 23rd Street
- 7th Street and Michigan Street.
- Northeast corner of 13th and Haskell

Redevelopment of these existing Inner-Neighborhood Commercial Centers should be facilitated through the use of alternative development standards that allow for reductions in required parking, open space, setbacks, lot dimensions and other requirements that make it difficult to redevelop existing commercial areas

■ Community Commercial Center

A Community Commercial Center provides goods and services to several different neighborhood areas. It requires a site of sufficient size to accommodate buildings, parking, stormwater detention and open space areas. Although it may include a food or drug store, it is likely to provide a broad range of retail uses and services that typically generate more traffic and require

larger lot sizes then found in a Neighborhood Commercial Center. Community Commercial Center uses may include hardware stores, video outlets, clothing stores, furniture stores, grocery store, movie theaters, home improvement stores, auto supply and services, athletic and fitness centers, indoor entertainment centers, etc.

Community Commercial Center (under 200,000 square feet): CC200

The primary purpose of the CC200 category is to provide for the expansion and redevelopment of existing Community Commercial Centers. However, a new CC200 Center can be designated. Expansion of an existing CC200 Center shall not intrude into surrounding residential areas or lower-intensity land uses. Any proposal for commercial expansion or redevelopment occurring in an area designated as a CC200 Center shall include a plan for reducing curb cuts, improving pedestrian connections, providing cross access easements to adjacent properties, and creating and/or maintaining buffering for any adjacent non-commercial uses.

All corners of CC200 Center intersections should not be devoted to commercial uses. CC200 Centers should have a variety of uses such as office, employment-related uses, public and semi-public uses, parks and recreation, multi-family residential, etc.

To insure that there are a variety of commercial uses and that no single store front dominates the CC200 Center, no individual or single store shall occupy more than 100,000 gross square feet. A general merchandise store (including discount and apparel stores) that does not exceed 65,000 gross square feet in size may be located in a CC200 Center. The sum of the gross square footage for all stores that occupy space between 40,000 and 100,000 cannot exceed 50 percent of the gross commercial square footage for the corner of the intersection where it is located. To provide adequate access and adequate circulation, CC200 Centers shall be located at an arterial/collector street intersection or arterial/arterial street intersection.

CC200 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surrounding street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

In order to facilitate the orderly development of future commercial nodes, Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

In the absence of a city created nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

HORIZON 2020 6-7 COMMERCIAL

Community Commercial Center (under 400,000 square feet): CC400

The second category of Community Commercial Centers is the CC400 Center. Although these centers usually average 150,000 gross square feet, they may be as large as 400,000 gross square feet of retail commercial space if justified by an independent market study. CC400 Centers shall be located at the intersection of two arterial streets that have at least a four-lane cross-section or the intersection of a four-lane arterial with a state or federally designated highway.

CC400 Centers shall be located with primary access designed to occur from arterial or collector streets, with secondary access occurring from neighborhood feeder streets or reverse frontage roads. The purpose of the secondary access is to collect internal neighborhood traffic so that accessibility from the adjoining neighborhoods does not require exiting the neighborhood to access community shopping. These secondary access points are intended only for neighborhood traffic. The surround street design shall be done in a manner to discourage access to the Commercial Center by non-neighborhood traffic. Pedestrian and bike connection to the neighborhood shall be emphasized along the secondary routes.

The nodal development concept for CC400 Centers includes the possibility of commercial development on more than one corner of an intersection. The non-commercial corners of a community commercial node are appropriate for a variety of non-commercial retail uses including office, public or religious facilities, health care, and medium- to high-density residential development. Community Commercial development shall not extend into the surrounding lower-density residential portions of neighborhoods. The adjoining residential area shall be provided adequate buffering from the commercial uses through transitional zoning or development. Transitions may be accomplished by using a number of methods, including extensive landscaping and berming, grouping of lower-intensity uses, incorporation of existing natural land features into site layout and design (ex. open space along a creek), or a combination of these methods.

To insure that a specific intersection complies with the CC400 Center nodal standards, a nodal plan for each new CC400 Center must be created. The nodal plan will define the area of the node and provide details including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners maybe considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

In order to facilitate the orderly development of future commercial nodes; Lawrence shall attempt to complete "nodal plans" for each future commercial center in advance of development proposals.

If the city has not created a nodal plan, the need to create a nodal plan for a specific intersection will be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before approval of the development within the nodal area can move forward.

At least 95 percent of the commercial gross square footage in a new CC400 Center shall be located on two corners of the intersection. The remaining five percent shall be located on one of the remaining two corners. To comply with the square footage maximum for a CC400 Center and to ensure that the commercial area has adequate lot size and depth, any commercial development proposal for a single corner shall have a length-to- depth ratio between 1:1 and 3:2 and be a minimum of 20 acres in size. Proposals in which the commercial gross square footage is less than ten percent of the total square footage of the proposal do not have to meet the minimum acreage and lot length-to-depth ratio requirements.

No one store in a CC400 Center shall occupy more than 175,000 gross square feet. The sum of the gross square footage for all stores that occupy space between 100,000 gross square feet and 175,000 gross square feet shall not exceed 70 percent of the gross commercial square footage for the corner of the intersection. If a proposal for a corner of the intersection includes more than 100,000 gross square feet of commercial space, the proposal shall include a single store building that has at least 40,000 gross square feet of commercial space.

Community Commercial Center (under 600,000 square feet): CC600

The third category of Community Commercial Centers is the CC600 Center. The primary purpose of the CC600 center is to provide opportunities for development of new Community Commercial Centers for fringe areas as neighborhoods grow and develop,

These centers allow a maximum of 600,000 square feet of commercial retail space and shall be located at the intersection of two state or federally designated highways. Other uses of a non-retail nature do not have a space limitation. A maximum of 90 percent of the commercial retail square footage in a CC600 center shall be located on two corners of the intersection. The remaining 10 percent shall be located on one or both of the remaining two corners.

CC600 centers should be developed in a nodal development pattern and be part of a specific land use plan that includes the node. The nodal plan shall also address surrounding land uses and provide for adequate transitioning of uses.

Regional Commercial Centers

A Regional Commercial Center may provide the same services as a Community Commercial Center but should provide a greater variety and number of general merchandise, apparel and furniture stores, among other tenants. Because of the overall scale and mix of uses, a regional retail commercial center attracts and serves a population greater than and beyond that of the

community.

The minimum area for a commercial development plan on any corner is 40 acres and the minimum street frontage is 1,400 linear feet. This will ensure a new Regional Commercial Center is capable of development with the critical mass mixture, including sites for multiple big box buildings, required parking, stormwater detention, and open space areas. A Regional Commercial Center node shall not contain more than 1.5 million gross square feet of retail commercial space. The only location for the next Regional Commercial Center is at the intersection of either two state or federal highways, or the intersection of a street identified on the Major Thoroughfares Map as an arterial street and a state or federal highway.

Development of another Regional Commercial Center will have significant impacts on the Lawrence/Douglas County community and its existing retail centers, and will place increased service demands on the community's infrastructure system. Due to these impacts, consideration of a Regional Commercial Center by the Planning and City Commissions shall utilize the best available information in the analysis, public hearing and decision making process. Therefore, when the next Regional Commercial Center is proposed, an independent market analysis shall be required at the review and analysis stage and prior to public hearing. The entity proposing the Regional Commercial Center shall provide the funds necessary for the city to hire an independent consultant, selected by the applicant from a list of approved consultants established by the city, to perform the market analysis study.

The market analysis study shall be required, at a minimum, to analyze the proposed Regional Commercial Center based on the following criteria: 1) the overall viability of the commercial proposal and the impact of the proposal on the economic vitality and health of the community in the form of impacts on existing commercial centers; 2) the appropriate phasing or timing of development of the ultimate center size based on the community's ability to absorb additional commercial square footage over a three year period; 3) a comparison of the private costs versus public infrastructure and services costs to develop the commercial center proposed; and 4) other factors identified as relevant impacts on the market by either the developer or the city. The three year time period is a typical cycle for a commercial development to go from a concept to the opening of a store.

As with the Community Commercial Center, in order to insure that a specific intersection complies with the Regional Commercial Center nodal standards, a nodal plan for a new Regional Commercial Center shall be created. The nodal plan shall define the area of the node and provide details, including: 1) existing natural features; 2) appropriate transitional uses; 3) appropriate uses for each specific corner of the intersection; 4) access points for each corner; 5) necessary infrastructure improvements; 6) overall flow of traffic in and around the node and the surrounding area; and 7) any other necessary information.

A key element to a nodal plan is the designation of the appropriate uses for each corner of the node, which shall be greatly governed by the above-listed details. Those details will be used to analyze a potential node. The analysis of the node may readily reveal the appropriate use for each specific corner. However, the analysis may reveal that no one use is appropriate for each specific corner, but instead a variety of uses may be considered appropriate for a specific corner. In a situation where all the corners may be considered appropriate for commercial uses, the location of the commercial space will be dictated by the timing of the development application and the development standards located in this chapter.

If the city has not created a nodal plan, the need to create a nodal plan for a specific

intersection shall be "triggered" by the first development request (rezoning, plat, preliminary development plan, etc.) submitted to the Planning Department for any portion of the node. The creation of the nodal plan may involve input from landowners within the nodal area, adjoining neighborhoods and property owners, and appropriate local and state entities. The appropriate governing body (City or County Commission) shall approve the nodal plan before development approval within the nodal area can move forward.

■ Existing Strip Commercial Developments

Existing strip commercial development areas are characterized by developments that do not meet current standards for lot dimensions and area, lot frontage, curb cut location(s), or the presence of internal frontage roads for cross access. These areas developed at a time when development standards permitted smaller lots, shallower lot depth, minimum spacing between curb cuts and multiple access points from a site to an arterial street; traffic studies were also not required prior to development at that time. These strip commercial development areas have become obsolete as a result of their inability to adjust to increased traffic volumes and congestion, current needs for site area and depth for redevelopment, and the changing patterns of shopping of the motoring public. As these strip areas become less desirable locations, the ability to redevelop individual lots becomes a matter of both property owner and community concern. The community concern is primarily with the creation of vacant, undeveloped or underdeveloped commercial areas that have the potential to blight the city's gateways.

A combination of innovative tools should be developed to assist owners of lots within the existing strip development areas to redevelop. These tools need to include regulations that provide accommodations for shallow lot depth, the combination of lots and access points, and the creation of cross access between lots to minimize the need for individual lot access to arterial streets. In addition, other tools of a policy nature which would be helpful to redevelopment need to be considered and, where appropriate, adopted by the appropriate governing bodies. These tools may include the ability for establishment of public/private partnerships, special overlay districts, modified development standards for redevelopment based on an adopted redevelopment plan, tools to assist in lot consolidation and purchase, adopted access management plans and access point relocations, special benefit districts for sidewalks and public transportation stops, assistance in acquiring cross access easements, and similar tools providing community benefit.

Existing Strip Commercial Development areas shall not be permitted to expand or redevelop into the surrounding lower-intensity areas. Redevelopment within Strip Commercial Development areas shall be approved only when the redevelopment complies with any adopted redevelopment plan or access management plan for the area. Cross access easements and curb cut consolidation should be considered a standard element of any redevelopment plan, as shall a solid screen or buffer along all property lines that adjoin residentially zoned or developed areas.

Auto-Related Commercial Centers

A unique type of commercial development is an Auto-Related Commercial Center. These centers include a wide variety of uses such as auto sales and repair, restaurants, hotels, and other similar uses that attract a large amount of the traveling public. However, these uses are not limited to Auto-Related Commercial Centers. A common feature of all these uses is that

HORIZON 2020 6-11 COMMERCIAL

they typically have a small amount of commercial square footage under roof, but require a large amount of acreage for parking or sales display.

Because these centers have a limited variety of uses and a relatively small amount of commercial square footage, Auto-Related Commercial Centers do not fit within the definition of a Community or Regional Commercial Center. These types of centers are very intensive and therefore need to be directed to areas that have an ability to handle the intensive nature of an Auto-Related Commercial Center.

Auto-Related Commercial Centers shall be located at the intersection of two state or federally designated highways. To ensure that the Auto-Related Commercial Centers develop in a planned manner that provides a positive benefit to the community, Auto-Related Commercial Centers shall have a lot length-to-depth ratio between 1:1 and 3:2 and must be a minimum of 20 acres in size.

All the potential locations of an Auto-Related Commercial Center are in areas that serve as "gateways" into the city. Since they are in "gateway" areas, any proposal for an Auto-Related Commercial Center shall be closely scrutinized for architectural appearance, landscaping, signage, etc.

Recreational Uses

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

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

The amount of commercial gross square footage occupied by Recreational Uses located in a CC400 or a Regional Commercial Center shall not be counted toward the maximum amount of gross commercial square footage allowed in the respective Commercial Center. The square footage of a Recreational Use is not included in the total commercial square footage because CC400 and Regional Commercial Centers are typically larger-scale commercial developments. This reduces the impact of the Recreational Use on the scale and massing of the CC400 or Regional Center.

The acreage used to accommodate a Recreational Use may be used to meet the minimum acreage requirements for a respective Commercial Center, if the Recreational Use and

additional commercial uses at the corner of the node are integrated together.

Community facility-type recreational facilities can be located in non-commercial areas if given the extra scrutiny that is associated with the issuance of a special permit such as a Special Use Permit.

LAWRENCE - EXISTING COMMERCIAL AREAS

Lawrence currently has a number of commercial and retail development areas:

- Downtown Lawrence
- N. 2nd Street and N. 3rd Street
- Iowa Street (Harvard Street to W. 6th Street)
- S. Iowa Street (23rd Street to the South Lawrence Trafficway)
- W. 23rd Street (Iowa Street to the existing commercial development east of Louisiana Street)
- E. 23rd Street (Learnard Street to Harper Street)
- W. 6th Street (Alabama Street to Iowa Street)
- W. 6th Street (Iowa Street to Kasold Drive)
- W. 6th Street and Monterey Drive
- W. 6th Street and Wakarusa Drive
- Clinton Parkway and Kasold Drive
- Clinton Parkway and Wakarusa Drive
- 19th Street and Massachusetts Street
- 19th Street and Haskell Drive
- 15th Street and Kasold Drive
- 15th Street and Wakarusa Drive
- 9th Street (Kentucky Street to Mississippi Street)

Existing commercial areas in Lawrence will need to be upgraded in the future to remain viable in the marketplace. The Plan calls for the incremental improvement of these existing developments through the addition of landscaping and aesthetic improvements as uses change. Some existing developments may be converted to other uses as needs change within the community. Specific land use recommendations for the existing commercial development areas are provided below.

• Downtown Lawrence

Throughout the development of this Plan, the need to preserve, improve and enhance Downtown Lawrence has been shown to have broad community support. Goals and policies in the Plan are written to ensure Downtown Lawrence remains competitive and viable as a Regional Retail Commercial Center. Downtown Lawrence shall remain the Regional Retail/Commercial/Office/Cultural Center because it is: 1) a physical and cultural symbol of the strength of the community; 2) a gathering point for many civic and cultural functions; 3) the "historic core" of the community which establishes a vital continuity between the past and the present community; and 4) the site of major public and private investment.

The Comprehensive Downtown Plan reiterates the specific functions of a downtown. These

functions include provisions for a retail core, office space, entertainment services, peripheral residential development, cultural facilities (including performing arts, museums and libraries) community social needs (including club and organizational meeting facilities), government offices and facilities, health services, convention and hotel facilities. The Comprehensive Downtown Plan also states this area should provide, "the economic, physical and aesthetic environment around which the populace can develop an intense pride in the community, a focal point for identification and drawing together for common interests, a meeting place where people can communicate and relax -- the heart of the city".

To distinguish Downtown Lawrence from other commercial and retail areas, and to preserve and enhance its role in the community, Downtown Lawrence is designated as the Regional Retail/Commercial/Office/Cultural Center and shall be the only location within the planning area developed for such use. Gateways to Downtown Lawrence should be emphasized and enhanced to contribute to the "sense of place" of this unique area of the community.

The distinction as the Regional Retail/Commercial/Office/Cultural Center, above and beyond other commercial areas within the community, is significant. Downtown Lawrence serves the greater needs of the community as a focal point for social, community and governmental activities. The Plan's goals and policies encourage the continued development of a broad mix of uses in downtown Lawrence with an emphasis on retail as a major land use. It is vital to the community's well-being that Downtown Lawrence remain the viable Regional Retail Commercial Center.

For Downtown Lawrence to remain economically stable and vital there is a need to expand the boundaries beyond the current configuration illustrated in the adopted Comprehensive Downtown Plan. This anticipates the need to provide additional parking areas and locations for commercial and public-related development in the future. At this time, the Comprehensive Plan does not recommend areas for downtown expansion, but opportunities for expansion and redevelopment do exist within the current boundaries of Downtown Lawrence. Action to expand Downtown Lawrence can only be reasonably undertaken following a comprehensive reevaluation of downtown needs, assets, growth potentials, use mix, and preferred locations for conservation and development. Re-study of the Comprehensive Downtown Plan should explore the following options to improve Downtown Lawrence: development of a comprehensive parking plan and implementation schedule, evaluation of transportation options, improvement of access to downtown from the east, west and south, and inclusion of more uses along the river and integration of these developments into downtown.

• N. 2nd Street and N. 3rd Street

The Comprehensive Plan recommends that N. 2nd Street and N. 3rd Street play an enhanced role in the community as a commercial corridor, acting as an important entryway/gateway to Lawrence. This corridor is considered to be an Existing Strip Commercial area. The Comprehensive Plan identifies the intersection of the N. 3rd Street and I-70 as a possible location for an Auto-Related Commercial Center.

Marginal, obsolete and underutilized sites and incompatible uses along this corridor should be redeveloped or reconstructed. For example, existing heavy industrial uses along the northern portion of the corridor should be relocated within the planning area and the sites redeveloped with compatible commercial, service or retail uses. New development and redevelopment shall

HORIZON 2020 6-14 COMMERCIAL

include improved parking, signage and landscaping improvements that enhance the overall aesthetic and environmental conditions along the corridor. The city should encourage and work with land owners to undertake property improvement within the area. The city should consider special financing mechanisms, such as benefit districts or tax increment financing to assist in private and public improvement projects for the area.

Historically, the North Lawrence area including the N. 2nd and N. 3rd Street corridor has had repeated floodwater and stormwater problems. The Comprehensive Plan recommends that a comprehensive drainage study be completed as soon as possible and before any additional new development occurs along the N. 2nd Street and N. 3rd Street corridor. The study shall be a joint project between the city and private property owners. The drainage study shall provide a plan for addressing existing flooding and stormwater problems, as well as devising a plan for dealing with additional runoff from future development in the area.

• N. Iowa Street (Harvard Road to W. 6th Street)

N. Iowa Street is considered an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center). The N. Iowa Street area includes a variety of independent developments and the Hillcrest Shopping Center. Most parcels within the northern segment are already developed. Future development and redevelopment shall occur within the existing commercially zoned areas and shall emphasize coordinated access control and transition yard improvements with adjoining residential areas.

• S. Iowa Street (23rd Street to K-10)

S. Iowa Street is considered an existing Regional Commercial Center. S. Iowa is a strip development that is intensely development between 23rd Street and K-10. The corridor connects with existing commercial development along 23rd Street. With recent development at the northeast corner of 31st Street and Iowa Street, and the location of several discount stores in close proximity to one another, this commercial corridor has evolved into a Regional Commercial Center, serving regional shopping and entertainment needs.

K-10 provides a physical barrier and edge to the commercial corridor that has developed. Additional retail commercial uses shall not occur south of the highway, except for the possible location of an Auto-Related Commercial Center. Two of the four corners of the intersection have existing auto-related uses. Located at the northwest corner is a hotel and an automobile dealership is located on the northeast corner. Because of access to two major highways (K-10 and US-59) the area south of K-10 could be a location for an Auto-Related Commercial Center. Both corners are an appropriate location for an Auto-Related Commercial Center, provided that the floodplain issues for the southwest corner can be addressed.

Commercial property exists both east and west of S. Iowa Street along 31st Street. Emphasis shall be given to maintaining this commercial node and requests to extend the commercial corridor for additional retail development shall not be considered; however office and office research activities would be appropriate land uses along this arterial corridor.

In general, development and redevelopment along the Iowa Street segment shall emphasize consolidated access, frontage roads, coordinated site planning and design, and high quality development. Development signage should be in scale with sites and should complement and

not compete with signage of adjoining parcels. Improved landscaping would enhance the visual appeal of the corridor. Landscaped transition yards should be established between residential and non-residential uses.

• W. 23rd Street (Iowa Street to the existing commercial development east of Louisiana Street)

The W. 23rd Street corridor is an Existing Strip Commercial area. The commercial development along W. 23rd Street is the prototypical "strip development" that is centered on the automobile. This area was once considered to be one of Lawrence's most desirable locations for a retail business. However, the status of the W. 23rd Street corridor as a highly desirable retail location has been supplanted by retail developments at South Iowa and in the western portion of the city.

The 23rd Street corridor will remain an important commercial location in the city. For the segment of the corridor between S. Iowa Street and Tennessee Street, the Plan emphasizes visual site improvements related to signage, landscaping and development design. A key factor in the long-term stability of this area is the improvement of traffic access and operations as properties along this corridor redevelop. If access and circulation are not simplified and the area made comfortable to the motorist, shoppers may seek other portions of the community in which to do business. In cooperation with property owners, the city should undertake parkway landscaping improvements. This action, coupled with placing utility lines underground (wherever practical), will help to improve the physical image of the area. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

Landscape and screening improvements between commercial and residential areas are particularly important along this segment where development is compact and differing land uses are situated in close proximity.

• E. 23rd Street (Learnard Street to Harper Street)

E. 23rd Street is an Existing Strip Commercial Development. Redevelopment and infill opportunities are available along the entire corridor and are emphasized along the older commercial segment of 23rd Street, east of the Santa Fe Railroad. This area has historically been a "fringe location" and has not been developed as intensively as the western section of 23rd Street. The Comprehensive Plan recommends the area maintain a community commercial focus. A substantial amount of property exists between Haskell Avenue and Harper Street that should be redeveloped to geographically balance commercial development occurring in other areas of the community. The area should become more retail and office in orientation. Future development and redevelopment shall include parcel consolidation and re-subdivision to establish properly sized and configured commercial sites to encourage a coordinated and unified development pattern.

Like the Iowa Street corridor, emphasis is also placed on improved and coordinated signage in scale with development, as well as on minimizing curb cuts on 23rd Street.

• W. 6th Street (Alabama Street to Iowa Street)

This is the oldest section of the W. 6th Street corridor and is an Existing Strip Commercial Development. There are a variety of uses along this corridor, but the primary two are fast food restaurants and medical offices and supplies. This section is typical strip development with small individual lots, each with a curb cut onto W. 6th Street. The Comprehensive Plan does not recommend the expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

• W. 6th Street (Iowa Street to Kasold Street)

This portion of the W. 6th Street corridor is an Existing Strip Commercial Development. The development patterns along this section of W. 6th Street are newer than eastern portion of W. 6th Street. However, the commercial area is still a "strip development", characterized by numerous curb cuts and intensive retail development fronting the majority of W. 6th Street. The Comprehensive Plan does not recommend the expansion of this area beyond the property currently zoned commercial or office. All new development or redevelopment occurring along this corridor shall be required to consolidate curb cuts and provide access easements to adjoining properties.

• W. 6th Street and Monterey Way

The intersection of W. 6th Street and Monterey Way is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

• W. 6th Street and Wakarusa Drive

The intersection of W. 6th Street and Wakarusa Drive is an existing Community Commercial Center limited to 200,000 square feet of commercial gross square footage (CC200 Center) with a nodal development pattern. While this intersection is designated a CC200 Center, there already exists more commercial gross square footage at the intersection than is recommended for a CC200 Center.

Portions of the intersection of W. 6th Street and Wakarusa Drive are still developing. However, the southern half of the intersection is almost completely developed and shall not be expanded beyond Congressional Drive to the west. The northern half of the intersection is undeveloped. Commercial development of this portion of the intersection shall not extend beyond Overland Drive (extended) to the north, Congressional Drive (extended) to the west; and Champion Lane (extended) to the east. Development proposals for the northern portions of the intersection shall include not only commercial uses, but also a variety of other uses including office, community, recreational and multi-family uses.

• Clinton Parkway and Kasold Drive

The intersection of Clinton Parkway and Kasold Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

• Clinton Parkway and Wakarusa Drive

The intersection of Clinton Parkway and Wakarusa Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

• E. 19th Street and Massachusetts Street

The intersection of 19th Street and Massachusetts Street is an existing Neighborhood Commercial Center with a nodal development pattern. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property. New development and redevelopment proposals for this area shall include plans for the consolidation of curb cuts and provision of cross access easements to adjoining properties.

• E. 19th Street and Haskell Avenue

The southeast corner of the intersection of E. 19th Street and Haskell Avenue is an existing Neighborhood Commercial Center with a nodal development pattern. The commercial zoning at this intersection includes the city park property on the southwest corner of the intersection. The Comprehensive Plan does not recommend expanding the commercial uses beyond the current commercial zoning at the southeast corner. Enhancement of the corner's existing retail space is highly encouraged. Like the Inner-Neighborhood Commercial Centers, this area would benefit from a reduction in development standards that would increase the potential for redevelopment.

• W. 15th Street and Wakarusa Drive

The intersection of W. 15th Street and Wakarusa Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The southeast corner is commercially zoned. The current uses at this corner are a bank and small shopping center. The Comprehensive Plan does not recommend expanding the commercial uses beyond the existing commercially zoned property.

• W. 15th Street and Kasold Drive

The northeast corner of the intersection of W. 15th Street and Kasold Drive is an existing Neighborhood Commercial Center with a nodal development pattern. The commercial zoning at this intersection includes the southwest corner. The Comprehensive Plan does not recommend the expansion of commercial uses beyond the footprint of the existing retail uses on the northeast corner.

• W. 9th Street (Kentucky Street to Illinois Street)

This area is an existing Neighborhood Commercial Center with a strip development pattern that serves as a gateway into Downtown Lawrence. The group of buildings at the northeast corner of W. 9th Street and Indiana Street has a scale and configuration of structures similar to Downtown Lawrence. The majority of the development along this corridor is characterized by stand-alone structures with multiple curb cuts. New development and redevelopment proposals

HORIZON 2020 6-18 COMMERCIAL

along this corridor shall include consolidation of curb cuts and cross access easements to adjoining properties. Because the corridor serves as a gateway to Downtown Lawrence, the Downtown Architectural Design Guidelines should be amended to specifically address this area.

Existing Commercial Areas	Strip	Nodal	Approximate Built Square Footage*	Neighborhood Commercial	Existing Strip Commercial	CC200	CC400	Regional Commercial
Downtown	Χ		1.3 million					Х
N. 2 nd St and N. 3 rd St	Х		225,000		Х			
Iowa (Harvard Rd to W. 6 th St)		Χ	190,000			Х		
S. Iowa (23 rd St to K-10)	Χ		1.3 million					Х
W. 23 rd St (Iowa St to Louisiana St)	Χ		660,000		Х			
E. 23 rd St (Learnard St. to Harper St.)	Χ		190,000		Х			
6 th St (Alabama to Iowa St)	Χ		140,000		Х			
W. 6 th St (Iowa to Kasold)	Χ		209,000		Х			
W. 6 th St & Monterey Way		Χ	100,000	Χ				
W. 6 th St &Wakarusa Dr		Χ	400,000			Х		
Clinton Pkwy & Kasold Dr		Χ	110,000	Χ				
Clinton Pkwy & Wakarusa Dr		Χ	28,000	Χ				
E. 19 th St & Massachusetts St		Χ	95,000	Χ				
E. 19 th St & Haskell Ave		Χ	27,000	Χ				
W. 15 th St & Kasold Dr		Χ	50,000	Χ				
W. 15 th St & Wakarusa Dr		Х	19,000	Χ				
9 th St (Kentucky St to Illinois St)	Χ		40,000	Χ				

^{*} This column includes all approved gross square footage of commercial space.

Linear and Nodal development definitions follow the definitions found on page 6-2.

The definitions of Neighborhood, Existing Strip Commercial, CC200, CC400, and Regional Commercial Centers are on pages 6-3 through 6-12.

A list of existing Inner-Neighborhood Commercial Centers is found on page 6-7.

LAWRENCE - NEW COMMERCIAL AREAS

All new commercial and office development shall occur in accordance with the plan recommendations. New commercial, retail and related uses shall be developed as a node with shared parking areas, common access drives, and related design and appearance. Nodes shall be positioned and oriented to the primary street intersections where they are located, avoiding a "strip" pattern as a result of extension of commercial uses along the streets from where the node originated.

Commercial nodes include other important community services and facilities, such as satellite post offices, police, fire and emergency services, religious facilities, community centers and other services and institutions. Inclusion of these uses assists the integration of the commercial area into the overall neighborhood, serving multiple communities and service needs in a single location, and creating physically distinctive use areas apart from traditional commercial areas.

The Comprehensive Plan includes recommendations for the location of new commercial development. As the community grows, it may be necessary to change the recommended location of a Commercial Center(s) or not use a designated intersection for a commercial uses. If there is a need to move the recommended location of a Commercial Center or downgrade the recommended size of a center, the Comprehensive Plan shall be amended. Through the amendment process, the proposed location and/or change in size of the Commercial Center will be reviewed based on the effects the change will have on infrastructure systems, the surrounding land uses, the neighborhood and the community-at-large.

The Comprehensive Plan does not support increasing the size or number of new Commercial Centers, however small, new inner-neighborhood centers are possible and/or anticipated as part of an overall new planned neighborhoods.

• Inner-Neighborhood Commercial Centers

New Inner-Neighborhood Commercial Centers shall be allowed in very unique situations, such as when Center is part of an overall planned neighborhood development or can be easily integrated into an existing neighborhood. Inner-Neighborhood Commercial Centers are to be an amenity to the adjacent residents and serve only the immediate neighborhood.

A new Inner-Neighborhood Commercial Center shall have no gas pumps, drive-thru or drive-up facilities. The Center shall be pedestrian oriented and have no more than 3,000 gross square feet of commercial space. The Center shall be located on a local, collector or arterial street. It may also take access from an alley. Inner-Neighborhood Commercial Center uses may include book stores, dry cleaning services, food stores, beauty salons, etc. Inner-Neighborhood Commercial Centers may also include residential uses.

New Inner-Neighborhood Commercial Centers shall be designed as an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.

Horizon 2020 does not specifically indicate the location of new Inner-Neighborhood Commercial Centers due to their unique situations.

• Neighborhood Commercial Centers

The Comprehensive Plan recommends the following intersections as potential locations for new Neighborhood Commercial Centers.

- 1. Franklin Road extended and E. 28th Street extended
- 2. E 1500 Rd and N 1100 Rd
- 3. E 1000 Rd and N 1000 Rd
- 4. E 1000 Rd and N 1200 Rd
- 5. Clinton Parkway and K-10
- 6. W. 15th Street and K-10
- 7. E 800 Rd and at the potential east/west arterial 1 mile north of US-40
- 8. E 700 Rd and US-40
- 9. E 800 Rd and N 1500 Rd
- 10. E 1000 Rd and N 1750 Rd
- 11. E 1500 Rd and US Highway 24/40

These areas are all intended for development as small, compact commercial nodes that provide goods and services to the immediately adjoining neighborhood areas. They shall be developed in a manner that is consistent with the goals, policies and recommendations of the Comprehensive Plan.

• Community Commercial Centers (CC200)

The Comprehensive Plan recommends the following intersection as potential location for a new CC200 Centers.

- 1. E. 23rd Street and O'Connell Road
- Community Commercial Centers (CC400)

The Comprehensive Plan recommends the following intersections as potential locations for new CC400 Centers.

- 1. Eastern leg of the SLT and K-10 (southeast of the intersection of E 1750 Rd and K-10)
- 2. US-59 and N 1000 Rd

The development of these nodes shall carefully follow the commercial goals and policies. Commercial development shall not occur in advance of market conditions that would support such development, nor shall it be permitted to occur in a manner that is contrary to adopted city infrastructure plans.

• Community Commercial Centers (CC600)

The Comprehensive Plan recommends the following intersection as potential location for a new CC600 Center.

1. W. 6th Street and K-10

Auto-Related Commercial Centers

The Comprehensive Plan recommends the following intersections as potential locations for new Auto-Related Centers.

- 1. I-70 and K-10
- 2. US-59/40 and I-70
- 3. US-59 and K-10

• Regional Commercial Centers

The need for development of a new Regional Commercial Center within the community is not anticipated within the planning period. Consideration of requests to expand existing commercial areas shall include the potential for development of additional Regional Commercial Centers and the impact of such expansion and development on the existing commercial inventory. The need for additional regional commercial development within the community shall be evaluated on a regular basis, based upon updated land use and population data. Before a new Regional Commercial Center is considered, the Comprehensive Plan shall be amended to include the possibility of a new Regional Commercial Center.

UNINCORPORATED DOUGLAS COUNTY - EXISTING COMMERCIAL AREAS

Unincorporated Douglas County currently maintains a variety of commercial areas. Each of these areas provides neighborhood level retail goods and services to both farm and non-farm residents. As the rural areas of Douglas County continue to receive new non-farm residential development, demands will increase for retail goods and services.

It is recommended that these commercial locations be developed as small convenience service nodes, providing products to meet the day-to-day requirements of rural residents. The development of these nodes shall follow the basic principles described for commercial development or redevelopment. It is important that these commercial locations provide for adequate wastewater treatment facilities in the future. Any new or expanded developments shall utilize treatment systems that minimize potential environmental impacts.

The design of these locations should be consistent with the rural character of Douglas County. Therefore, design and development standards should promote larger, more spacious settings and encourage building and site design reflective of the unique characteristics surrounding each location.

UNINCORPORATED DOUGLAS COUNTY - NEW COMMERCIAL AREAS

Commercial locations in both unincorporated Douglas County and Douglas County communities together provide reasonable accessibility in terms of distance and the type of goods and services available. As Douglas County continues to urbanize, the need for additional commercial space in the unincorporated portions of Douglas County will increase. New commercial areas shall not be located within a four mile radius of any existing commercial area. There are already a number of existing commercially zoned areas in the unincorporated portions of Douglas County. Most of these locations are well placed at the intersection of a hard surfaced County Route and a state or federally designated highway.

Areas that are already zoned commercially and are located at the intersection of a hard surfaced county route and state or federally designated highway should be expanded to serve any increased demand for commercial space in the county. The Comprehensive Plan recommends that only one new commercial area be created in the unincorporated portion of the county. The southeastern area of the county does not have any commercially zoned areas. To serve this area a commercial development could be located at the intersection of US-56 and K-33 or US-56 and County Route 1061.

A limiting factor to the size of any commercial development in unincorporated Douglas County will be the availability of utilities, particularly water and sanitary sewer. Any on-site treatment system shall be designed to minimize its impacts on the environment. The amount of gross square footage of a commercial development shall be limited to a total of 15,000 gross square feet to serve the surrounding rural area.

Commercial activities related to conference, recreational, or tourism uses associated with Clinton Lake, Lone Star Lake, or Douglas County Lake shall be exempt from the locational criteria applied to new commercial areas or expansions of existing commercial areas. A commercial area serving the recreational needs (boat rental, bait shop, lodging, etc.) of persons using the county's lake facilities may be located at an entrance point to a lake.

Conference, recreational, or tourism uses located in the Rural Area, and which include some significant level of urban development, shall satisfy the criteria listed in Chapter Four. Such uses shall also include a mandatory minimum 200' natural buffer area or other appropriate distance as determined by the Board of County Commissioners. Proposed conference, recreational, or tourism facilities shall include a site specific site plan with rezoning applications to demonstrate that the criteria listed in Chapter 4, and the 200' buffer area, have been met.

Revised Southern Development Plan

April 2013 Draft

This page was intentional left blank.

TABLE OF CONTINENTS

	Introduction	
	Background and purpose	
	Description of planning area	1
	Policy framework	
	Existing Conditions	
	Current land use	. 4
	Current zoning	
	Current infrastructure	
	Floodplain	
	Parks and Recreational Facilities	
	Transportation	
	·	
	Recommendations	
	Land Use Plan	
	Policies	23
TZLL	OF TABLES	
LIJI	2-1: Current Land Use Acreages	1
	2-1: Current Land Ose Acreages	
	2-3: County Zoning Classification	
	2-3. County Zonning Classification	0
LIST	OF MAPS	
	1-1: Planning Area	2
	2-1: Current Land Use	5
	2-2: Current Zoning	
	2-3: City Sanitary Sewer and Water	
	2-4: City Storm Water and Southern Star Gas	
	2-5: Floodplain	
	2-6: Parks and Recreation Facilities	
	2-7: Road Classification	
	2-8: Transit Routes	
	3-1: Future Land Use	ე1
	3-2: Future Land Use, TND Option	
	3-2. Tuture Land Ose, Tivo Option	∠ ∠

This page was intentionally left blank.

INTRODUCTION

Background and Purpose

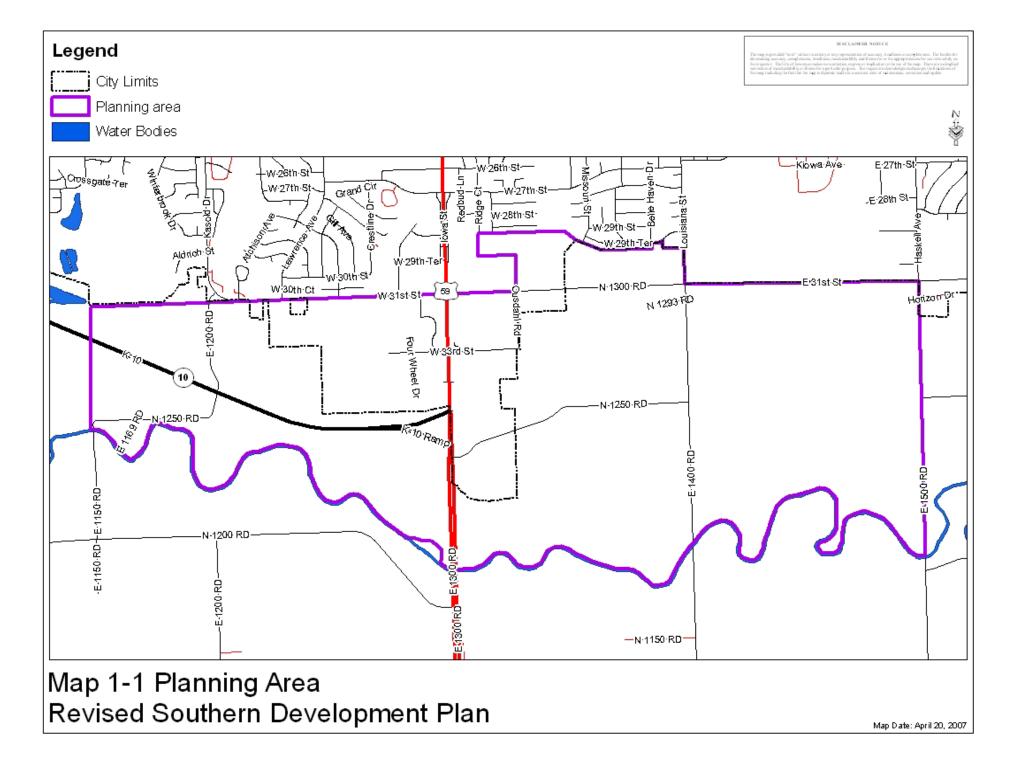
The original Southern Development Plan was adopted March 1, 1994 by the Lawrence City Commission. This plan covered an area roughly bounded on the north by W. 31st Street, to the west by Kasold Drive, to the south by the north bank of the Wakarusa River, and to the east by Louisiana Street. This land was historically used for agricultural purposes and with the growth of the city moving south and west, a guide for development was needed. The study area has not developed to the extent that the Southern Development Plan had anticipated, and the plan needs to be updated.

The purpose of the *Revised Southern Development Plan* is to update the boundaries of the study area and update the plan regarding land use, existing facilities, and transportation to show current information. Also, updated land use policies, and future land use maps are needed to reflect the current conditions and current community visions.

Description of Planning Area

The planning area for the *Revised Southern Development Plan* has been expanded to include property along the W. 31st Street corridor to allow the consideration of future transportation issues. The adjusted planning area for the *Revised Southern Development Plan* contains approximately 2,260 acres, and is shown on Map 1-1. The planning area is contained as follows:

- to the north: W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street;
- to the west: E. 1150 Road extended;
- to the south: the north side of the Wakarusa River;
- to the east: E. 1500 Road (Haskell Avenue).



Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans serve as the general "umbrella" policies under which the plan is developed. Listed, these plans are:

- Horizon 2020, The Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998.
- Transportation 2025, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and LSA Associates. September 2002.
- Lawrence-Douglas County Bicycle Plan, Lawrence/ Douglas County Metropolitan Planning Office. May 2004.
- Lawrence Parks & Recreation Department A Comprehensive Master Plan. Leon Younger & PROS. 2000.
- 31st Street Corridor Study, Iowa Street to County Route 1057. TransSystems Corporation. January 28, 2003.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

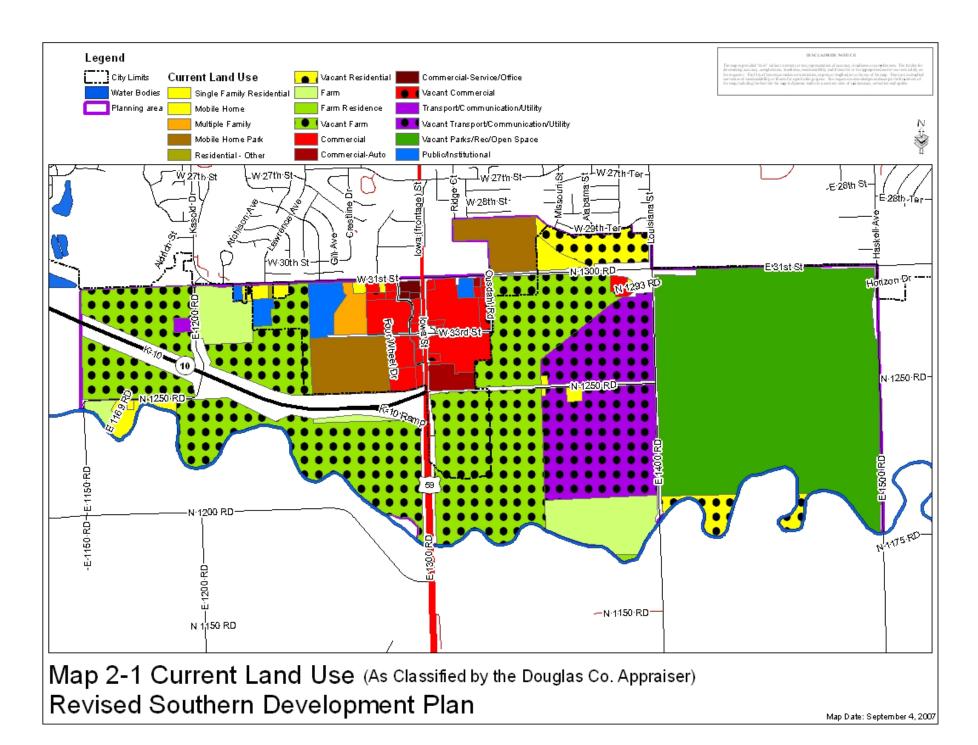
EXISTING CONDITIONS

Current Land Use

The *Revised Southern Development Plan's* current land uses vary from farmland to commercial uses within its approximately 2,260 acres. According to the Douglas County Appraiser's Office, the majority of the acreage is categorized as Parks/Rec/Open Space and Commercial land uses. These two uses comprise of over half of the planning area's acreage. The appraiser's land use acreage totals excludes most road right-of-ways.

Table 2-1

Appraiser's Land Use Classification	Acres
Single Family Residential	37.03
Mobile Home	0.74
Multiple Family	16.48
Mobile Home Park	96.87
Residential - Other	0.87
Vacant Residential	63.44
Farm	111.40
Farm Residence	1.41
Vacant Farm	692.24
Commercial	104.16
Commercial-Auto	13.69
Commercial-Service/Office	4.38
Vacant Commercial	8.10
Transport/Communication/Utility	3.51
Vacant Transport/Communication/Utility	89.08
Vacant Parks/Rec/Open Space	763.22
Public/Institutional	31.52
TOTAL	2,038.13



Current Zoning

The City of Lawrence Land Development Code and the Zoning Regulations for the Unincorporated Territory of Douglas County are intended to implement the goals and policies in Horizon 2020 in a manner that protects the health, safety, and general welfare of the citizens. The Land Development Code and the Douglas County Zoning Regulations establish zoning regulations for each land use category which development must follow.

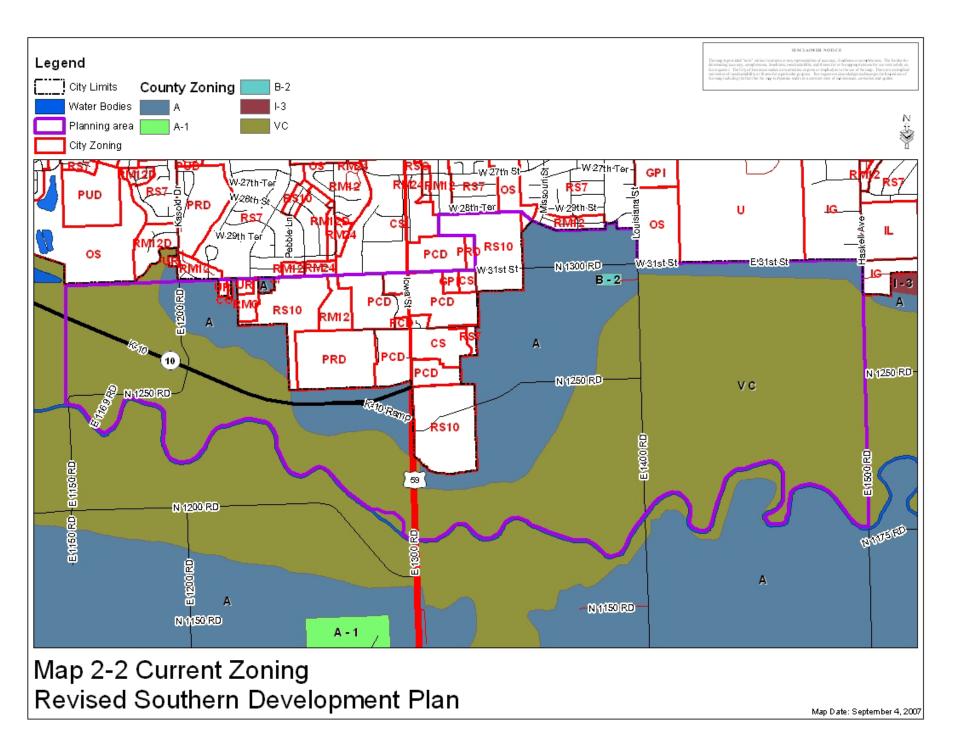
The *Revised Southern Development Plan* planning area is located partially in the county and partially within the city. Map 2-2 shows the current zoning designations and the tables below describe the map designations.

Table 2-2

City Zoning	District Name	Comprehensive Plan Designation
RS10	Single-Dwelling Residential (10,000 sq. feet per dwelling unit)	Low-Density Residential
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RM12	Multi-Dwelling Residential (12 dwelling units per acre)	Medium-Density Residential
PRD	Planned Residential Development	N/A
СО	Office Commercial	Office or Office/Research
CS	Strip Commercial	N/A
PCD	Planned Commercial Development	N/A
GPI	General Public and Institutional	N/A
UR	Urban Reserve	N/A

Table 2-3

County Zoning	District Name	Comprehensive Plan Designation
А	Agricultural District	Agriculture
B-2	General Business District	N/A
V-C	Valley Channel District	N/A



Current Infrastructure

<u>Water</u>

City water is supplied to most of the planning area that is within the city limits. The portions of the planning area that are located in the county are not located in a rural water district. These properties are obtaining water from wells located on the property. The City water lines are shown on Map 2-3.

Sanitary Sewer

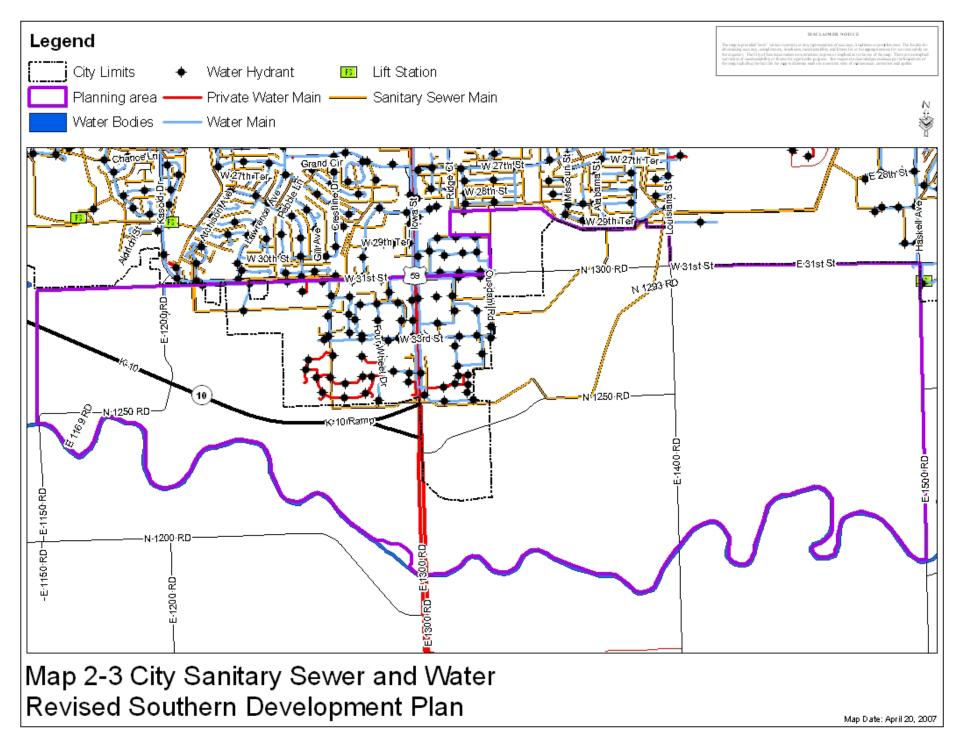
City sanitary sewer is supplied to most of the planning area that is within the city limits and to limited areas in the county. The portions of the planning area located in the county that are not serviced by City sanitary sewer are serviced by private septic systems. The City sanitary sewer lines are shown on Map 2-3.

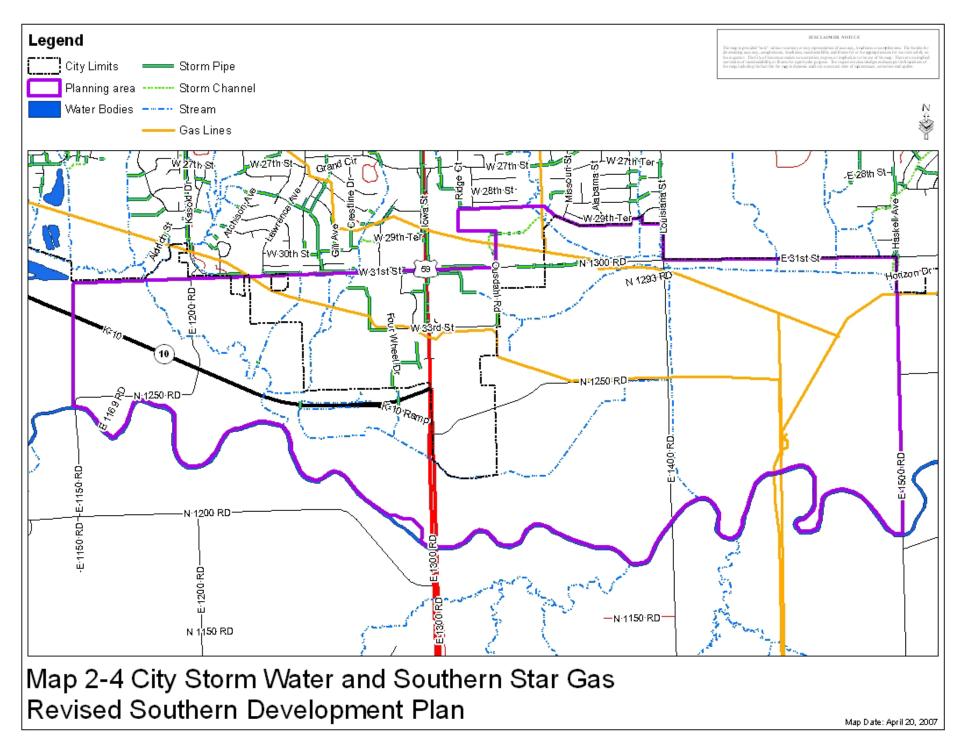
Storm Sewer

City storm sewer is provided throughout the planning area that is within the city limits by storm pipes, storm channels, or by way of streams. The portion of the planning area that is in the county is partially serviced by way of streams. The City storm sewer and streams are shown on Map 2-4.

Gas

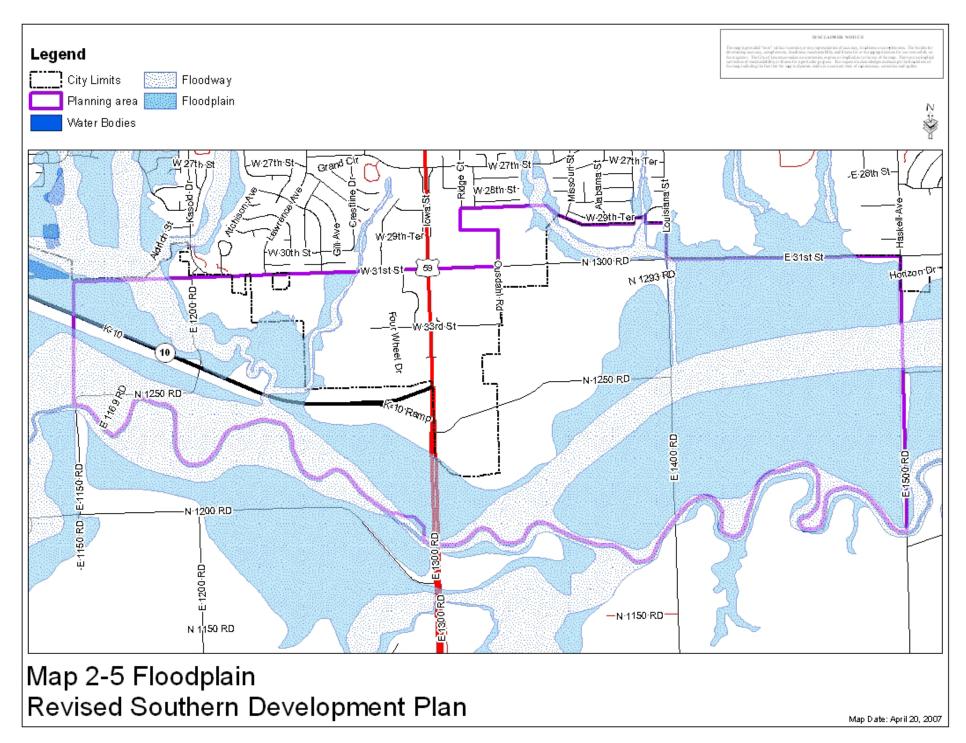
Southern Star Gas has pipes that pass though a large portion of the planning area. These pipelines are shown on Map 2-4.





Floodplain

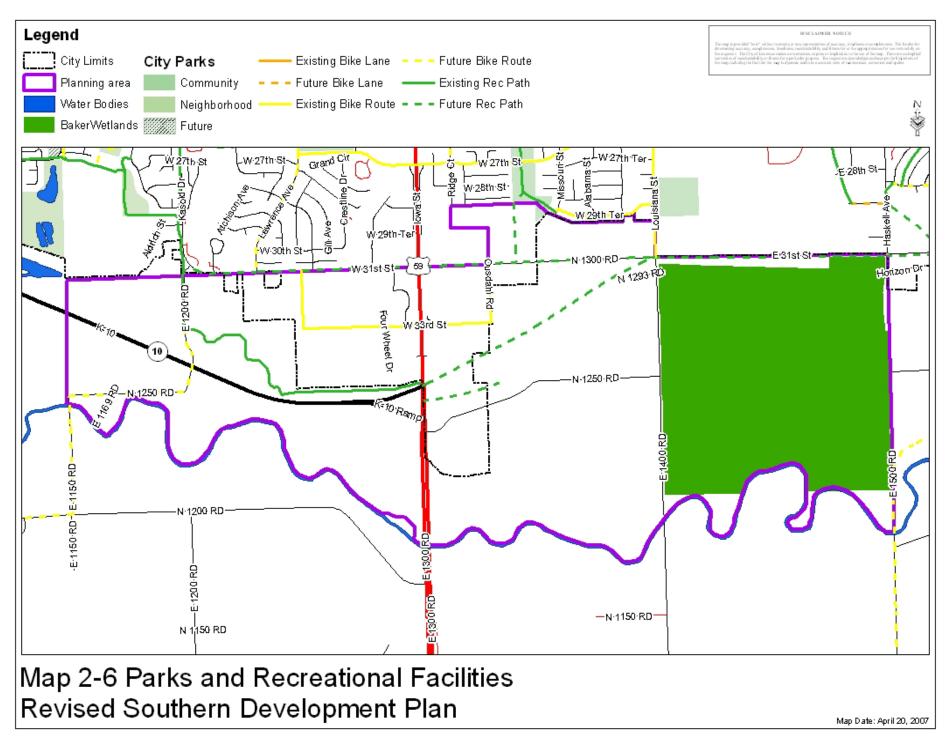
The FEMA (Federal Emergency Management Agency) designated special flood hazard area makes up a large portion of the *Revised Southern Development Plan* planning area and is shown on Map 2-5. Of the total 2,260 acres within the planning area, 1,464 acres are located within the floodplain and/or the floodway. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the City and in the County based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.



Parks and Recreational Facilities

The planning area of the *Revised Southern Development Plan* includes one park and recreational facility shown on Map 2-6. The planning area includes existing and future bike routes and recreational paths. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A Recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

The Haskell-Baker Wetlands is located on the eastern edge of the planning area and includes approximately 583 acres of wetlands. These wetlands are jointly owned by Baker University, Haskell Indian Nations University, the Kansas Department of Wildlife and Parks, and University of Kansas. The wetlands are a National Natural Landmark and they support 471 documented species of vascular plant, 254 species of bird, and 61 additional vertebrate species. A self guided tour of the wetlands via a boardwalk is provided through the wetlands.



Transportation

Streets

Transportation 2025 (T2025) is the comprehensive, long-range transportation plan for the metropolitan area. T2025 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, local streets that serve to provide direct access to adjacent property, to collector streets that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.

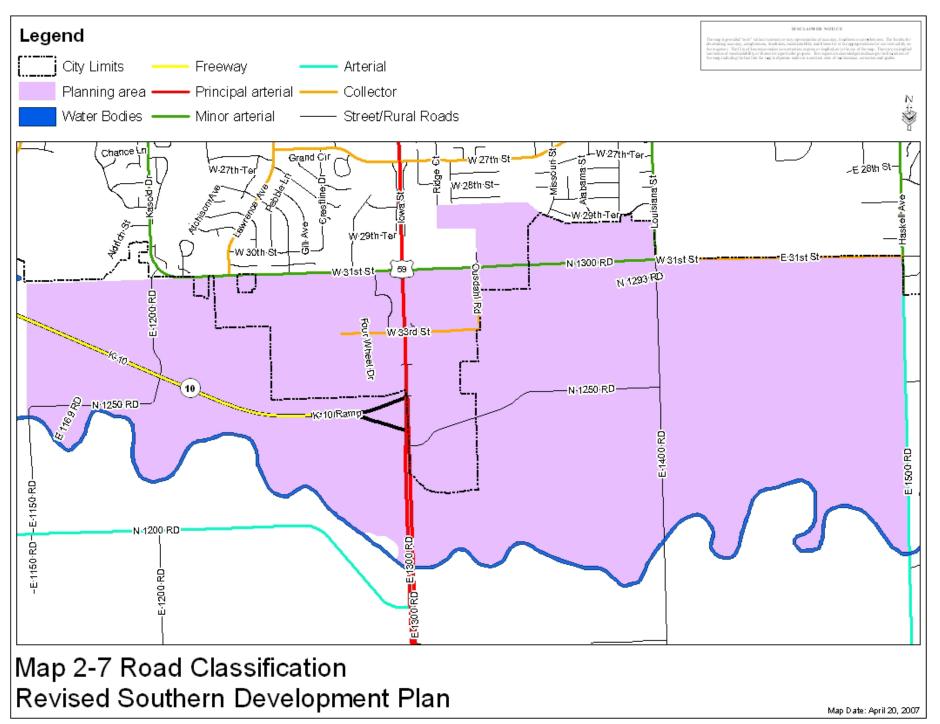
The planning area for the *Revised Southern Development Plan* includes all the *Transportation 2025* identified gateways into Lawrence from the south. S. Iowa Street/Hwy 59 is identified as a major gateway, and Louisiana Street /E. 1400 Road and Haskell Avenue/E. 1500 Road are identified as minor gateways.

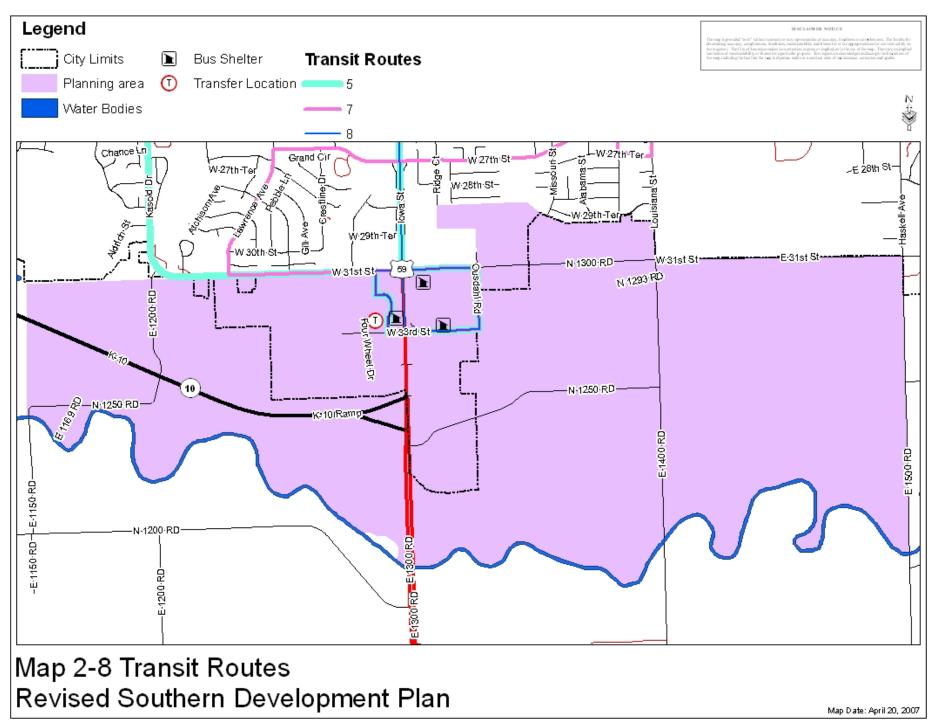
Transportation 2025 identifies the South Lawrence Traffic Way (SLT/K-10) and S. Iowa Street/Hwy 59 as truck routes.

Transit

Lawrence has a public transportation system (The "T") which operates throughout the city. This system allows people that do not live within walking distance of a neighborhood to utilize the neighborhood services without relying on an automobile. The city transit system has three routes that travel into the *Revised Southern Development Plan* planning area, which are shown along with shelters and a transfer location, on Map 2-8.

- Route 5, 23rd/Clinton Crosstown Wakarusa/South Iowa/Industrial Park, travels through the planning area along Kasold Drive, W. 31st Street, Neider Road, Four Wheel Drive, and S. Iowa Street.
- Route 7, South Iowa/Downtown, travels through the planning area along Lawrence Avenue, W. 31st Street, Neider Road, Four Wheel Drive, W. 33rd Street, Ousdahl Road, and S. Iowa Street.
- Route 8, KU/South Iowa/Downtown, travels through the planning area along Lawrence Avenue, W. 31st Street, Neider Road, Four Wheel Drive, W. 33rd Street, Ousdahl Road, and S. Iowa Street.





RECOMMENDATIONS

Land Use (See Map 3-1 or Map 3-2)

<u>Low-Density Residential</u>:

The intent of the low-density residential use is to allow for single-dwelling type uses.

Density: 6 or fewer dwelling units per acre

Intensity: Low Applicable Areas:

- Property southwest of the intersection of Kasold Drive and W. 31st Street, and west and east of E. 1200 Road.
- Property southwest of the intersection of Four Wheel Drive and W. 33rd Street.

Zoning Districts: RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, attached dwellings, group home, public and civic uses

Medium-Density Residential:

The intent of the medium-density residential use is to allow for a variety of types of residential options for the area.

Density: 7-15 dwelling units per acre

Intensity: Medium Applicable Areas:

- Property to the south of W. 31st Street and west and east of Lawrence Avenue.
- Property to the southwest of the intersection of Four Wheel Drive and W. 31st Street.
- Property between Ousdahl Road and Louisiana Street, south of W. 31st Street.
- Property to the northeast of the intersection of W. 31st
 Street and Ousdahl Road.
- Property to the north and west of the intersection of Louisiana Street and W. 31st Street.
- Property to the southwest of N. 1250 Road.

Zoning Districts: RS5 (Single-Dwelling Residential), RS3 (Single-Dwelling Residential), RM12 (Multiple-Dwelling Residential), RM12D (Multi-Dwelling Duplex Residential), RM15 (Multiple-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, attached dwellings, multi-dwelling structures, group home, civic and public uses

Residential/Office:

The intent of the residential/office use is to allow a mix of office use with low-density residential uses.

Density: 4-15 dwelling units per acre

Intensity: Low-Medium

Applicable Areas:

 Property along the east side of Ousdahl Road, south of W. 31st Street.

Zoning Districts: RSO (Single-Dwelling Residential-Office), PD (Planned Development Overlay)

Primary Uses: Single-family dwellings, duplex, group home, civic and public uses, veterinary, offices, personal improvement

Office:

The intent of the office use is to allow for general office uses that would be minimally evasive to nearby residential uses.

Intensity: Medium Applicable Areas:

 Property to the south of W. 31st Street and west and east of Lawrence Avenue.

Zoning Districts: CO (Commercial Office), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, medical offices, veterinary office and grooming, general office

<u>Traditional Neighborhood Development (TND)</u>:

The intent of Traditional Neighborhood Development areas are characterized by mixed land uses, grid like street patterns, pedestrian circulation, intensively-used open spaces, architectural character, and a sense of community.

Density: Variable Intensity: Variable Applicable Areas:

- Property between Ousdahl Road and Louisiana Street, south of W. 31st Street.
- Property to the southwest of N. 1250 Road

Zoning Districts: T3, T4, T5, T5.5

Primary Uses: Residential, retail, office, civic

Commercial:

The intent of the commercial use is to allow for retail and service type uses geared toward the community as a whole and autorelated uses geared toward traffic from Hwy K-10.

Intensity: Medium to High

Applicable Areas:

- Property to the south of W. 31st Street and west and east of Iowa Street/Hwy 59 including the northeast corner of W. 31st Street and Ousdahl Road. (Regional Commercial Center)
- Property to the southeast and southwest of the intersection of K-10 and Hwy 59. (Auto-Related Commercial Center)

Zoning Districts: CC (Community Commercial Centers District), PD (Planned Development Overlay)

Primary Uses: Civic and public uses, animal services, eating and drinking establishments, general office, retail sales and services, vehicle sales and services

Open Space:

The intent of the open space use is to protect the FEMA designated floodplain by allowing very minimal development for the public use.

Intensity: Minimal

Applicable Areas:

- Property to the north of the Wakarusa River.
- Property designated by FEMA to be 100 year floodplain or floodway.

Zoning Districts: OS (Open Space), UR (Urban Reserve)

Primary Uses: Passive recreation, nature preserve, agricultural

Public/ Institutional:

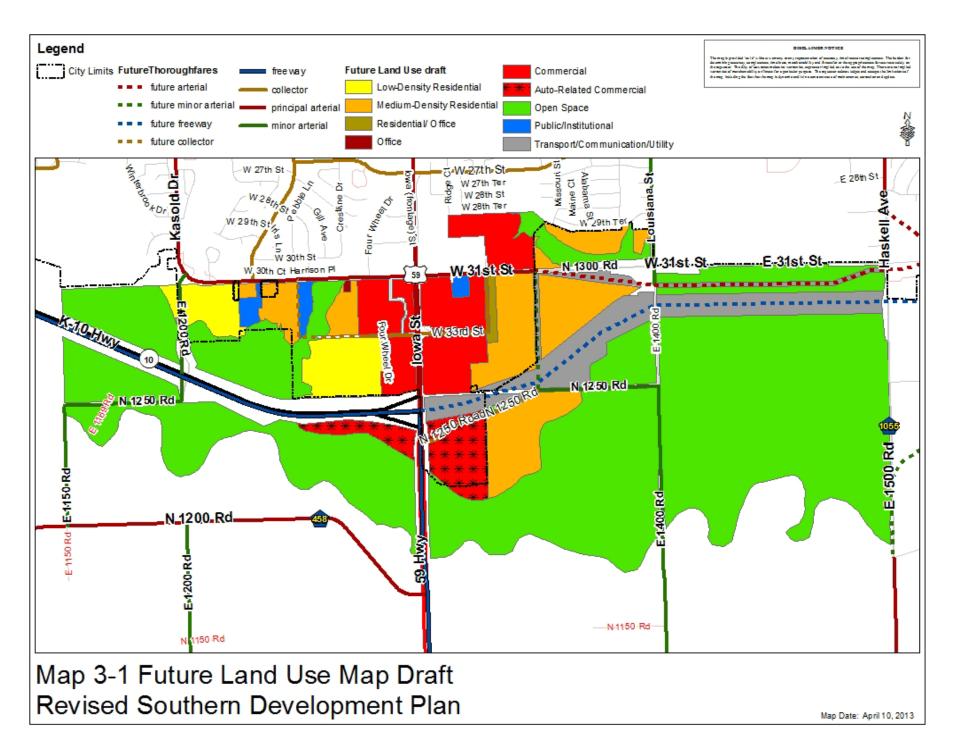
The intent of the public/institutional use is to allow for public and civic uses, recreational facilities, and utility uses.

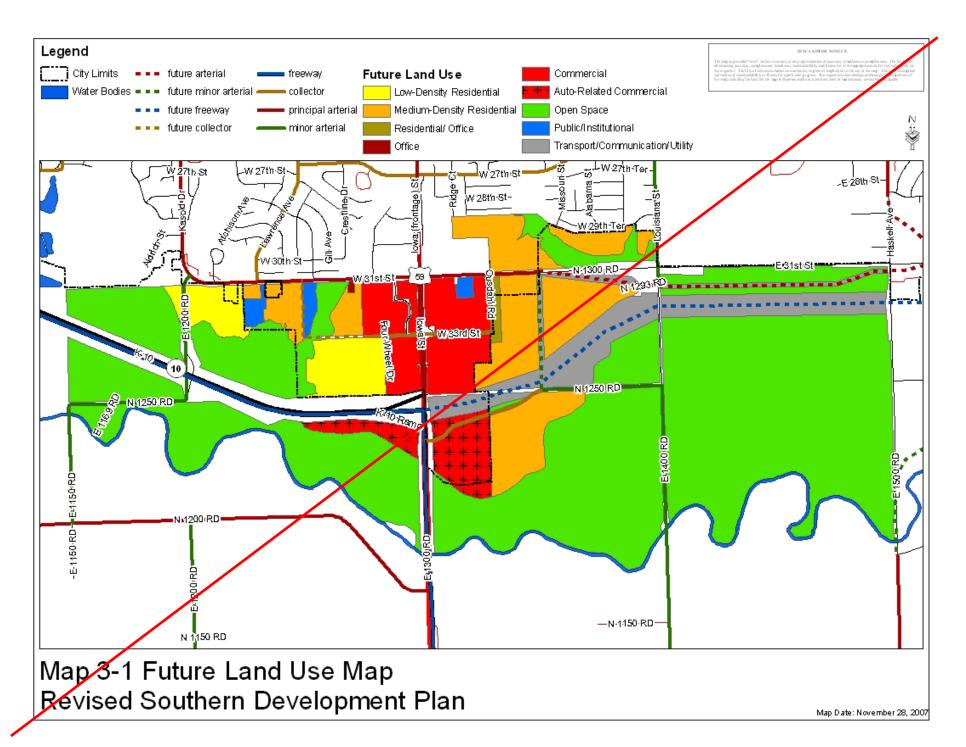
Intensity: Variable Applicable Areas:

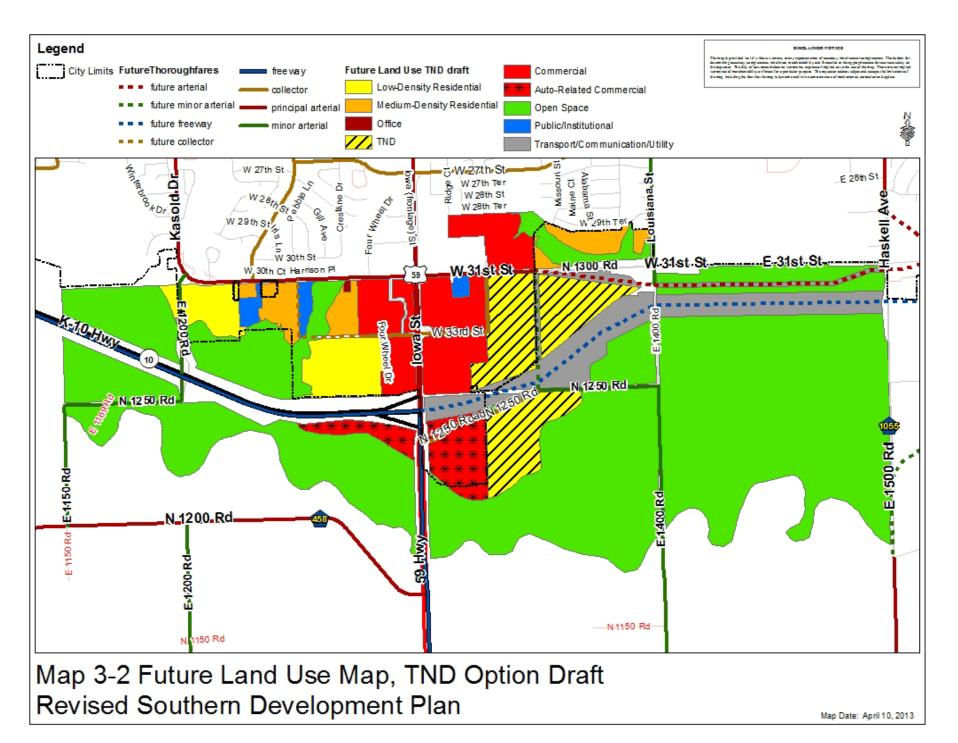
- Residential care facility south of the intersection of W. 31st Street and Lawrence Avenue.
- Social service facility south of the intersection of W. 31st Street and Harrison Avenue.
- Post office west of Ousdahl Road and south of W. 31st Street.

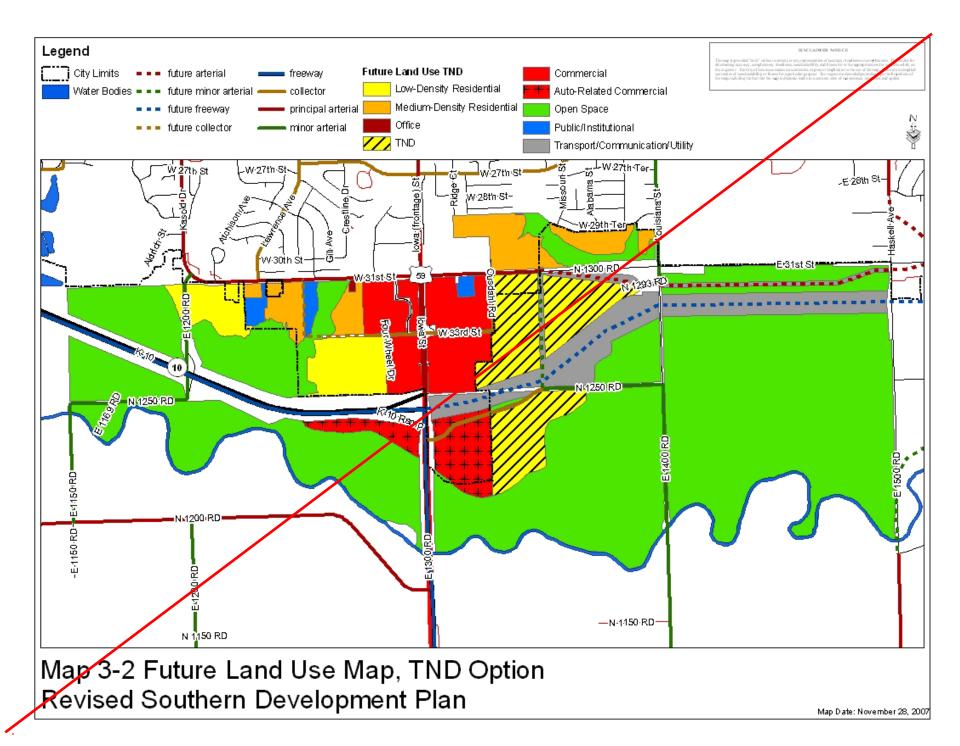
Zoning Districts: GPI (General Public and Institutional)

Primary Uses: Civic and public uses, recreational facilities, utility services









Policies

<u>General</u>

1. Traditional Neighborhood Design (TND) is encouraged where identified.

<u>Gateways</u>

- 1. Development shall enhance 'Gateways' by creating an aesthetically pleasing view into the city.
- 2. Aesthetically pleasing landscaped entry way along Gateways shall be required. Both public and private property owners are responsible for achieving and maintaining this aesthetically pleasing landscaping.
- 3. Fencing installations shall incorporate continuous landscaping at the base and edges of the fence to integrate the fence with site and landscaping
- 4. High quality, aesthetically pleasing building materials should be used.
- 5. Pedestrian friendly connectivity between properties shall be incorporated.

Commercial

- Encourage diversity and gradation of uses with access restricted to arterial, frontage road, or collector streets. Commercial curb cuts on major arterials shall be discouraged and frontage roads shall be encouraged.
- Planned Development Overlay zones shall be self-contained with consideration given to: independent traffic networks; land use buffers; and/or a gradation of land uses, as well as, landscaped buffer(s) along the perimeter of the planned commercial development.
- 3. Future commercial development and/or redevelopments of existing commercial areas shall be in the form of Planned Development Overlays.

Residential

- Landscaped or open space buffers shall occur between major arterials and residential developments (exclusive of dedicated rightof-way).
- 2. The gradation of residential intensities of land uses is encouraged as this area develops or redevelops. Medium intensity areas shall be used as buffers between more intensive developments and low-density residential areas. Low-density residential developments shall be encouraged to develop on the interior of the neighborhoods units.
- 3. Single-family lots shall be designed to take access only from local streets.
- 4. Planned Residential Developments are encouraged where creative design solutions are warranted.
- 5. Property northwest of the intersection of W. 31st and Louisiana Streets, north of the FEMA designated floodplain shall:
 - have a gross density of no more than 8 dwelling units per acre, and
 - develop with similar residential character to the neighborhood to the north including such structures as single-family dwellings, duplexes, triplexes, and rowhouses.

Open Space/Floodplain

- 1. Encourage recreational uses that do not alter the natural character of the area.
- 2. Encourage preservation of the floodplain or open space through private or public/private partnerships.
- 3. Areas within the regulatory floodplain shall not be counted as *contributing* more than 50% of the open space *used* in the computation of density for Planned Development Overlays e.g., areas designated as open space/floodplain cannot be used to justify increased residential development densities.
- 4. Encourage connection between public lands and bicycle/pedestrian trails along the South Lawrence Trafficway (SLT).
- 5. Encourage acquisition or development of land for neighborhood recreational paths.

Landscaping

- 1. Encourage extensive open space and/or berming between different land use categories (e.g., commercial and residential) to provide noise and visual buffers.
- 2. Encourage native/low-maintenance landscape materials on public lands.

Transportation Network and Corridors

- 1. Proposed development along W. 31st Street east of S. Iowa Street should assist in the cost of the interim W. 31st Street and Louisiana Street intersection improvements.
- 2. Commercial vehicular circulation patterns shall be primarily self-contained within the commercially zoned and developed area.
- 3. Limit access points onto arterial streets through the use of frontage roads and encourage reverse frontage road(s) access to be located at mid-points of blocks.
- 4. Sufficient area, outside of the required street rights-of-way, shall be required to provide screening along major transportation corridors. This area shall be restricted in use to providing for: utility needs, berming, and landscaping needs.
- 5. Churches and other community facilities shall be located where access is available from collector or arterial streets.
- 6. *Transportation 2030* or subsequent long-range transportation plans, once adopted, shall supersede any recommendations, actions, or policies referenced in *Transportation 2025*.

<u>Signage</u>

- 1. Signs shall be restricted to one building face (side).
- 2. Signage on the site (in addition to the building face sign) shall be restricted to monument type signs.
- 3. Allow only interior illuminated (or comparable) signs.

Utilities

- 1. Future utility transmission lines and existing overhead lines shall be placed underground when installed or replaced.
- 2. Easements for utility lines shall not coincide with easements dedicated for another specific purpose e.g., greenspace, drainage, or to protect environmental or natural characteristics such as wetlands areas.
- 3. All utilities should be provided, whether public or private, before development is allowed to proceed.

Exterior Lighting

1. Encourage maximum efficiency, low wattage, downward directional exterior lighting. The point source shall be screened from view off-site.

From: Burress, David A. [mailto:d-burress@ku.edu]

Sent: Tuesday, April 16, 2013 10:37 AM

To: Denny Ewert

Subject: RE: ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER and ITEM NO. 4 RM12 TO

CR; 41.5 ACRES; 1900 W 31ST ST

April 16, 2913

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

Dear chairman Liese and Planning Commissioners:

Re: ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER (MJL) ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

The League asks that you not change the Southern Development Plan to expand the existing designated area for a Regional Commercial Center and that you deny the request for a 41.5 acre tract to permit the development of a Menards store. We ask this for the following reasons:

We question whether the current 23rd and South Iowa designated Regional Commercial area has the capacity for any additional commercial zoning beyond that already designated and zoned for commercial use. The amount of commercial zoning existing now in this Horizon 2020 designated CR has been listed as 1.3 million square feet and the date on this is April, 2012.

The Revised Southern Development Plan does not recommend that this area be expanded for commercial use and designates it for medium residential use. The commercial zoning to the west of this was intentionally given a buffer of residential zoning so that the commercial area would not expand to the east to create a continuous commercial strip to Louisiana.

If this 41-acre parcel, or even a portion of it is rezoned CR, it will be the only so-zoned property in Lawrence. The CR District is a conventional district and strictly speaking was not intended to be conditioned to limit the uses. The fact that only a portion of the property has been configured to include the Menards store (and parking) creates a major uncertainty on how this property would actually develop. Because this is a CR District request, the potential for high intensity uses located here exists and because it is surrounded by residential uses on three sides makes the potential negative impact even more serious.

For these and many other reasons, we urge that the Planning Commission not change the Southern Development Plan to accommodate the CR District and not grant the current **Z-13-00071** request for CR Zoning.

Thank you for considering our letter.

Sincerely,

David Burress

/s/

President-Elect

League of Women Voters of Lawrence/Douglas County

Cille King

/s/

Land Use Committee

Kirk McClure, Ph.D. 707 Tennessee Street Lawrence, KS 66044

mcclurefamily@sbcglobal.net

April 18, 2013

Amalia Graham Richard Hird

<u>amalia.graham@gmail.com</u> <u>rhird@pihhlawyers.com</u>

Charles BlaserPennie von Achencblaser@sunflower.comsquampva@aol.com

Jon Josserand Clay Britton

jonjosserand@gmail.com <u>clay.britton@yahoo.com</u>

Lara Adams Burger Chad Lamer

<u>laraplancomm@sunflower.com</u> <u>chadlamer@gmail.com</u>

Bryan Culver (Vice-Chair) Bruce Liese (Chair)

<u>bculver@bankingunusual.com</u> <u>bruce@kansascitysailing.com</u>

Re: AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS, Meeting APRIL 22, 2013

ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER (MJL) CPA-13-00067: Consider Comprehensive Plan Amendment to expand the S. lowa Street

commercial corridor east along W. 31 street to include 1900 W 31 Street.

ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31 ST (SLD)

Z-13-00071: Consider a request to rezone approximately 41.5 acres from RM12 (Multi-Dwelling

Residential) to CR (Regional Commercial), located at 1900 W 31 Street.

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

The proposal to expand the S. Iowa Street commercial corridor east along W. 31 street is an example of predatory development which is not beneficial to our community.

Capacity of Lawrence to Absorb a Second Home Improvement Center

The Lawrence area, including all of Douglas County, is only barely large enough to support one home improvement center. Adding a second home improvement center will serve only to force the city's existing home improvement center out of business.

As the table below illustrates, Lawrence has enough population to support one store, but it is actually rather small in terms of the number of homeowners normally needed to support a home improvement center. If a second store is added, there will be too few people, and especially too few homeowners, to support both stores. The result is that one store will probably go out of business. All too often in this type of cutthroat competition, the older store is the one that fails.

The taxpayers of Lawrence are not indifferent to this process. The taxpayers invested heavily, in excess of \$1.5 million, to facilitate the development of the Home Depot store at 31st and South Iowa Streets. The taxpayers do not want to see this investment lost. Nor do the taxpayers want to see the Home Depot store become another retail building that becomes vacant and sits for years without a tenant.

Ratio of Home Improvement Stores to Population and Homeowner Households Kansas City and Lawrence

	Kansas City Metropolitan Area	Lawrence Douglas County	Lawrence with Added Center	
Total Centers	19	1	2	
Population Owner households	1,980,619 538,827	113,569 24,800		
Population:centers ratio Owners:centers ratio	104,243 28,359	113,569 24,800	56,785 12,400	

Market Analysis

The market analysis submitted in support of these proposals is flawed in many ways.

Rate of Absorption

The retail study begins with the assertion that Lawrence can absorb 129,000 to 236,000 square feet per year by the year 2020. This assertion would assume that Lawrence has a balanced market now. Even the retail market study submitted admits that the stock of retail space has grown by 72 percent since

2000 while retail sales have risen by only 37 percent. Clearly, the City has permitted developers to build space at a pace much faster than the spending can support. The result is an over-built condition leading to underutilization of space and a lack of interest in the maintenance of properties.

Pull Factor

The retail study goes on to assert that the City's retail pull factor is low. The pull factor measures the amount of spending per capita in the retail market compared to a statewide average. If the pull factor is above 1.0, it indicates that the market pulls in more spending than is available from the local population. Lawrence's pull factor has been above 1.0 for 10 of the last 12 years. It has been rising for the last three years. This is an admirable record for a small city located between two larger cities.

The study suggests that a Mendards will improve the pull factor. It is not credible that the consumers will drive to Lawrence to shop at our home improvement center any more than they do now. The consumers in the Topeka and the Kansas City metropolitan areas have several home improvement centers in close proximity to them. They will not drive Lawrence for this purpose.

Population and Income Growth

The retail study does on to suggest that the future growth of Lawrence's population and income will support expansion of the stock of retail space. The ultimate limit on the amount of space that the city can absorb is the spending in the retail market. Income growth in Lawrence continues to lag behind the Kansas City metropolitan area, holding back the growth in the retail spending. It is unwise to let the retail market grow faster than the growth in retail spending.

Recommendation

To avoid predatory development that will waste the taxpayers' investment, I recommend against the proposed plan amendment and rezoning at 1900 West 31st Street.

To regain strength in the retail market of Lawrence, the Planning Commission needs to exercise extreme caution with any expansion of the stock of retail space until the retail spending levels grow sufficiently to return to the balance found in the past.

Sincerely,

Kirk McClure



April 19, 2013

Kirk McClure 707 Tennessee St Lawrence, KS 66044

Dear Mr. McClure,

Your letter regarding the proposed Menards project was forwarded to me by city staff. I have taken the time to respond to every resident that submits comments to the Planning Commission, city staff, or myself regarding this development. Responses to your concerns are below.

The term "predatory development" implies that Menards is in some way taking advantage of and individual or group of people with no regard for their wellbeing. That is certainly not the case with our Lawrence project. Menards has taken great steps to ensure that not only will our project not harm the city but improve the city as a whole. On April 8th I met with homeowners surrounding the project site and the response to our plans was very positive. We have included the residents in the planning process from the very beginning and plan to continue that practice.

I understand your main point to be the competition between Menards and Home Depot and their viability in the future. Your concerns are shared among several residents of Lawrence and often in other communities which we are new to. However no one understands the viability of a business better than the business itself. Menards is in no way trying to put Home Depot out of business here or in any other location. Competition is healthy and what makes the American economy strong. If Menards felt there was a chance their either Menards or Home Depot could not support a store we would not have a desire to build in the first place. For your information I have attached a list of a few of our western Menards stores in communities of similar size with either a Home Depot or Lowes located nearby.

I do not know the history of the taxpayer money that was used in the Home Depot project. However I can say that Menards is asking for nothing from the city of Lawrence financially. All Menards is asking for is the ability to compete on a fair playing field with every other business. Menards has performed studies regarding traffic, flooding, and utilities to ensure that our project will not harm any other property in the process.

Menards has a pull factor that is not ordinarily anticipated by a market study such as this. This is very evident by the number of Lawrence residents that travel to our Topeka store to shop in large numbers. Not only is that Menards store drawing consumers from outside of the Topeka region where there are other home improvement stores nearby. It is taking them from the City of Lawrence and it has a home improvement store. It is a reasonable



assumption that consumers will drive from all across Douglas County to shop at the Menards store just like they do in Shawnee County to the west.

Retail studies are only one element in the review of impacts a retailer would have on a community and they often fail to consider items that make retailers unique. Many communities have done away with these studies and relied more on experience and review of each project individually. Again there will be no investment by the residents of Lawrence to build the store. It is also unlikely that Menards or Home Depot would be put out of business by this project. Menards would be a great fit within the community and draw more consumers into the city that would otherwise be driving else ware to shop. If you have more questions please do not hesitate to contact me.

Sincerely, **Menard, Inc.**

Tyler Edwards

Real Estate Representative Menard, Inc. – Properties

5101 Menard Drive Eau Claire, WI 54703

P: 715-876-2143 C: 715-579-6699 F: 715-876-5998

tedwards@menard-inc.com

	Menards	Next Door	1/2 Mile	1 Mile	Under 3 Miles
1	Topeka	Lowes		Home Depot	
2	Manhattan				Home Depot
3	Salina			Lowes	
4	Wichita West			Lowes	
5	Wichita East	100 mm			Home Depot
6	Garden City	Home Depot			
	Sedalia	1	Lowes		
					Lowes
8	Lake Ozark			1	Home Depot
	Jeff City				Lowes
THE RESIDENCE OF THE PARTY OF T	Colombia		Home Depot		Lowes
	St Peters		Trome Depot		Home Depot
_	Manchester		Home Depot		Lowes
12	Walleflester		Home Bepot		Home Depot
12	O'Fallon				Lowes
13	O I alloli				Home Depot
14	Lincoln South				Lowes
	Lincoln North	Home Denet			Lowes
	Grand Island	Home Depot		Hama Danet	
	Council Bluffs	Hama Danat		Home Depot	
	Sioux City	Home Depot			Lawas
	Sioux City Sioux Falls West	Usus Danet	1		Lowes
		Home Depot	Lowes		,
	Clive	1		Lowes	
	Altoona	Lowes	III B I		
	De Moines	ļ.,	Home Depot	-	
	Ankeny	Home Depot			
	Waterloo	Home Depot	Lowes		
	Marion			Home Depot	
	Davenport				Lowes
Name and Address of the Owner, which the	West Burlington			Lowes	
	Rochester			Home Depot	
	Rochester South				Lowes
	Mankato	Home Depot			Lowes
	Coon Rapids	Lowes			
	Blaine				Lowes
	West St Paul		Lowes		
	Stillwater		Lowes		
	Maple Grove		Home Depot		
THE RESERVE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TW	Brooklyn Park				Home Depot
	Fridley				Home Depot
	Richfield		Home Depot		
	Eden Prairie	Home Depot			
40	Hudson	Home Depot			
41	Rapid City				Lowes
42	Fargo	Lowes			
43	Hermantown				Home Depot

44	Cape G		Lowes		
45	Marion IL				Home Depot
46	Evansville				Lowes
47	Bloomington			Lowes	
48	Champaign	Lowes		Home Depot	
49	Danville			Lowes	
50	Normal	Home Depot			
51	Springfield South		Lowes		
52	Springfield North	Lowes			
53	Forsyth		Lowes		
54	Peoria				Home Depot
55	Galesburg			Lowes	
56	Peru	Home Depot			
57	Dubuque			Lowes	
58	Janesville			Home Depot	
59	Racine			Home Depot	
60	Fox lake	Home Depot			
61	Gurnee	Home Depot			Lowes
62	Kenosha		Lowes		
63	Cherry Valley				Lowes
64	Machesney Park	Home Depot		Lowes	
65	Wausau	Home Depot			
66	Plover				Lowes
67	Oshkosh	Lowes			
68	Appleton East		Lowes		
69	Manitowoc		Lowes		
70	Appleton West			Home Depot	
71	West Bend	Home Depot			

PLANNING COMMISSION REPORT Regular Agenda — Public Hearing Item

<u>ITEM NO. 4:</u> RM12 TO CR; 32.75 ACRES; 1900 W. 31st STREET (SLD)

Z-13-00071: Consider a request to rezone approximately 32.75 acres located at 1900 W. 31st Street from RM12 (Multi-Dwelling Residential) District to the City of Lawrence CR (Regional Commercial) District to accommodate a regional commercial facility.

STAFF RECOMMENDATION: Staff recommends denial of the rezoning request for approximately 32.75 acres from RM12 (Multi-Dwelling Residential) District to CR (Regional Commercial) District and forwarding it to the City Commission with a recommendation for denial based on the findings of fact found in the body of the staff report.

ATTACHMENTS

- A. Permitted Use List
- B. Letter of Request for Commercial Zoning
- C. Preliminary concept plan
- D. Revised Southern Development Plan Map

PROPERTY OWNER'S REASON FOR REQUEST

Development of a Menards store in Lawrence. Refer to attached letter.

KEY POINTS

- This is a request to accommodate a Menards home improvement store, as well as additional commercial retail space, at the northeast corner of W. 31st St. and Ousdahl Rd.
- Proposed request will extend subject commercial zoning east along W. 31st Street.
- Request is inconsistent with land use recommendations for this area.

ASSOCIATED CASES/OTHER ACTION REQUIRED

ASSOCIATED ITEMS BEING CONSIDERED AT THE APRIL 2013 PLANNING COMMISSION MEETING:

• CPA-13-00067: Amendment to Chapter 6 of *Horizon 2020 | Revised Southern Development Plan*

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.
- Site plan approved prior to release of building permits.

PLANS AND STUDIES REQUIRED

- Traffic Study Submitted for review by staff
- Downstream Sanitary Sewer Analysis Not required at this time
- Drainage Study Not Required at this time.
- Retail Market Study Submitted to staff for review

PUBLIC COMMENT

- Email from resident and applicant response regarding concerns for additional commercial development.
- Request for bicycle connection between W. 31st Street and Naismith Park recreation path.

GENERAL INFORMATION

Current Zoning and Land Use: RM12 (Single-Dwelling Residential) District; former

mobile home park known as Gaslight Village.

Surrounding Zoning and Land Use:

To the North: OS (Open space), RS7 (Single-Dwelling Residential)

District, RM12 (Multi-Dwelling Residential) District and FP (Floodplain Management Regulations Overlay District); developed residential homes and Naismith

Valley Park.

To the West: CS (Commercial Strip) District, PD–[Home Improvement

Center PCD] District, and PD-[Home Improvement Residential] District; Existing commercial uses. The open space to the west is part of the required detention

area for the commercial development.

To the South: RM15 (Multi-Dwelling Residential) District; existing

apartment development.

To the East: A (Agricultural) District and OS (Open Space) District;

existing rural residence and south end of Naismith

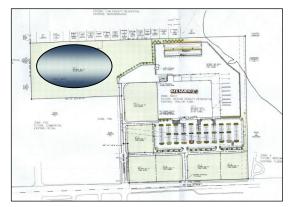
Valley Park.

Project Summary

This property is located on the north side of 31st Street. The proposed CR zoning is bounded on the west by Ousdahl Road and by Michigan Street (relocated Louisiana Street south of 31st Street) extended on the east. This request is for CR (Community Regional) District Zoning to accommodate a large format retail tenant and pad site development along W. 31st Street east of Ousdahl Road. A concept plan has been provided that shows a Menards located in the rear portion of the property and three pad sites located along 31st Street and Ousdahl Road. The rear, northwest 8.4 acres would be retained as RM12 zoning and dedicated for detention/open space use. The Menards location would include an area for outdoor lumber storage and a garden center.

The proposed concept plan includes the existing access drive to W. 31st Street and interior access drives from Ousdahl Road providing access to individual lots.

The northwest leg of the overall 41-acre site is being considered for detention/retention purposes. Additional design considerations are required to assess how such a feature would function with the existing floodplain in the area.



REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Property Owner's Response:

"Menards is currently working through the process required to amend the comprehensive plan to change the future land use from high density residential to planned commercial. The change in the comp plan makes sense with the proximity to the Cities commercial corridor on Iowa Street and the similarities in the retail development that has taken place on 6th and 23rd Streets."

Iowa Street, between 23rd Street and the South Lawrence Trafficway, is an existing commercial area noted in *Horizon 2020*. Commercial Development is discussed in Chapter 6 of *Horizon 2020*. Key strategies of *Horizon 2020* state:

- Establish and maintain a system of commercial development nodes at selected intersections which provide for the anticipated neighborhood, community and regional commercial development needs of the community throughout the planning period. (page 6-1)
- Require commercial development to occur in "nodes", by avoiding continuous lineal and shallow lot depth commercial development the city's street corridors and Douglas County Road.
- Encourage infill development and/or redevelopment of existing commercial areas with an emphasis on Downtown Lawrence and existing commercial gateways.

Nodal development is defined in part as "the antithesis of 'Strip Development" and "requires a clear termination of commercial development within near proximity of an intersection." (Page 6-2). Horizon 2020 identifies methods to establish the termination of a commercial node as:

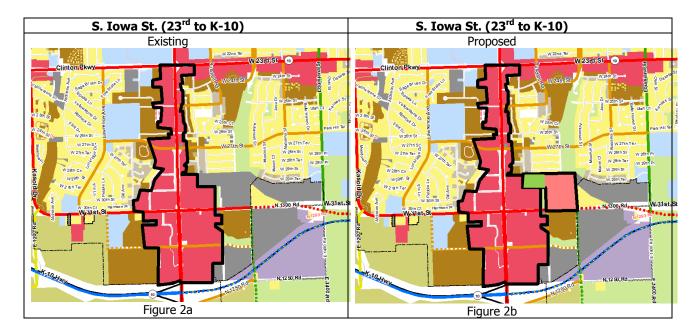
- 1. Placement of transitional uses, such as office and multi-family to buffer the adjoining neighborhood from the commercial area;
- 2. Restricting the extension of new commercial uses past established commercial areas; and
- 3. Defining the boundaries of the development through use of "reverse frontage" roads to contain the commercial development.

These strategies emphasize nodal development and infill development as a primary method to address new commercial uses.

Regional Commercial Centers are also defined in *Horizon 2020* (Page 6-9 and 6-38). The following table summarizes the recommended characteristics and the existing development patterns.

Minimum frontage is 1,400. Minimum area on any corner is 40 acres	 Existing frontage between Iowa Street and Ousdahl Road is 1,572'. Includes PRD detention area. Request would extend frontage an additional 1,094'.
Minimum area on any corner is 40 acres	detention area. Request would extend
Minimum area on any corner is 40 acres	
Minimum area on any corner is 40 acres	i trontade an additional i 1194
Minimum area on any corner is 40 acres	
	The northwest, southwest and southeast
	corners include 47 acres, 41 acres, and 41
	acres respectively. The northeast corner includes 32 acres in its current
	configuration.
Shall not exceed 1.5 million GSF of retail	Existing S. Iowa corridor includes 1.996
space.	million GSF of retail space. Request would
opace.	increase this to 2.25 million GSF.
Shall be located at the intersection of two	Existing commercial extends to the east
highways (state or federal) or an	along 31 st Street 1,572' and to the west
intersection an arterial and highway (state	along W. 31st Street 1,636', concentrating
or federal).	development at the intersection of a
	highway and an arterial street.
lowa and 31st Street C	Commercial Node
RS10 RS10 RS10 RS10 RS10 RS10 RS10 RS10	Subject Property 32.75 Acres 40.7 Acres RM15 RM15 RM15
PRD	

The design standards ensure that a new regional center is capable of development with a critical mass of uses including multiple big box buildings, parking, and other physical development considerations. S. Iowa (23rd Street to K-10) is an existing commercial center. Map 6-1 of *Horizon 20202* shows the existing and future commercial land use locations. *Horizon 2020* notes commercial uses exist both east and west of S. Iowa along W. 31st Street. "Emphasis shall be given to maintaining this commercial node and requests that extend the commercial corridor for additional retail development shall not be considered."



The comprehensive plan recommends that new commercial development occur in a node. The request represents an extension of the Iowa Street and W. 31st Street node to the east.

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

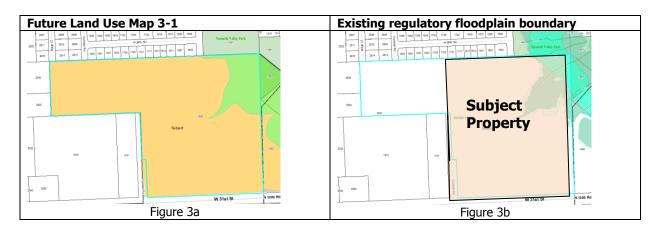
Other comprehensive plan goals include appropriate land use transition between commercial and residential neighborhood. These goals are applicable to the north and east sides of the proposed request. The commercial zoning boundary extends to the property lines that abut low-density residential development.

Specific recommendations regarding land uses in this area are contained within the *Revised Southern Development Plan* found in Chapter 14, *Horizon 2020*.

Revised Southern Development Plan

 The applicant requested a Comprehensive Plan Amendment concurrently with this zoning application.

The proposed request is located within the boundary of the *Revised Southern Development Plan* on the north side of W. 31st Street. Map 3-1 shows land use for this area as Medium-Density Residential and open space. The open space area coincides with the existing regulatory floodplain boundary.



The recently approved RM12 Multi-Dwelling Residential District was approved consistent with this recommended land use. This district provides a transition between the existing commercial development and the residential neighborhood to the north and east.

Staff Finding – The request for CR zoning in this location is not consistent with *Horizon 2020* goals and polices or specific land use recommendations included in the *Revised Southern Development Plan.* If the request to amend the planning documents to include this area as Regional Commercial is approved, then it would be consistent.

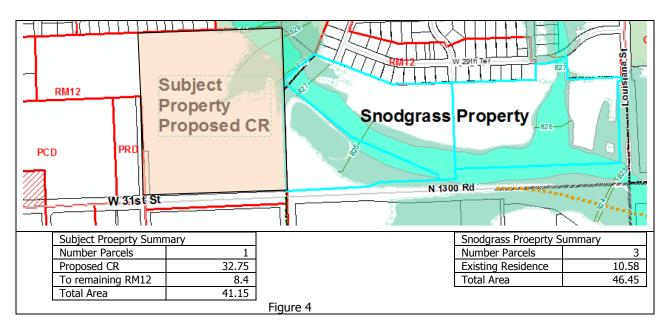
2. ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The predominate use of nearby property to the north, south and east is residential. The area along the north property lines includes RM12 zoning developed with duplexes; RS7 developed with detached residential lots, and OS zoning [Naismith Valley Park]. The development pattern along the north side of the subject property is low-density residential.

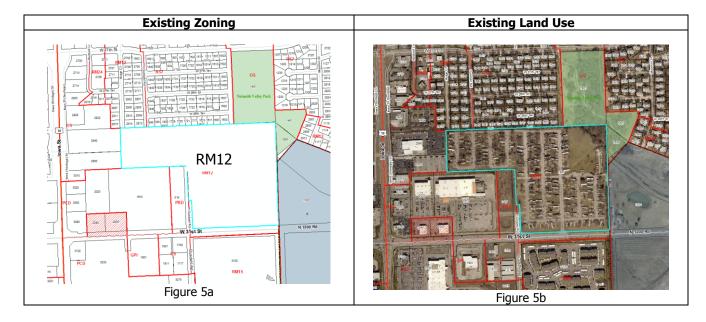
The property to the south includes RM15 Zoning and is developed with an apartment complex (The Connection).

The area to the west along the Iowa Street corridor is zoned and developed for commercial uses. See figure 2a. This commercial zoning and land use currently extends along W. 31st Street to the east to Ousdahl Road.

The area to the east, between the east property line of the subject property and Louisiana Street, is not currently located within the incorporated City boundary. It includes approximately 46 acres known as the Snodgrass property. The Snodgrass property is developed with a detached residence on the west end. The central and eastern portions of this property were used as a "fill" site in an effort to raise the base grade for future residential development.



A portion of the subject property in the northeast corner of the site is encumbered by the regulatory floodplain of the Naismith Creek that extends north and east of the subject property. A portion of this floodplain is located within the Naismith Valley Park adjacent to a portion of the north and east property lines of the subject property. See figure 3b.



Staff Finding – The existing zoning and land use in this area is a mix of residential uses that include detached housing as well as multi-dwelling housing and commercial development that is concentrated between Iowa Street and Ousdahl Road along W. 31st Street.

3. CHARACTER OF THE AREA

Property Owner's Response:

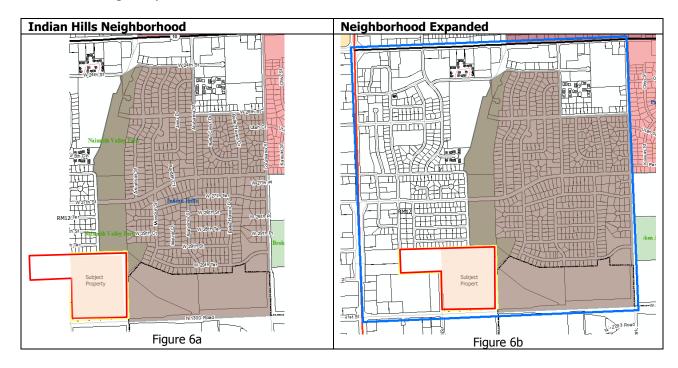
"The property location is on the fringe of several different zoning districts. To the west of the property along Iowa Street is commercial and planned commercial. North of the property is low-

density single family residential. The Residential to the north is surrounded by commercial on the west and north sides, the north side boarders 23rd Street commercial corridor. East of the subject property is vacant agricultural land, this land is predominantly floodplain with floodway right through the center making it largely undevelopable.

The property is not located within a designated neighborhood boundary at this time. The property is adjacent to the Indian Hills Neighborhood along the east and northeast sides of the property. The area to the west is part of the South Iowa Street Commercial Corridor. This property is isolated from the adjacent residential uses to the north because of the lack of pedestrian and vehicular connectivity. Ridge Court and Ousdahl Road both dead-end on the north side of the property. A drainage course along the north property line contributes to the disconnected street patterns in this area. W. 31st Street, a major arterial street, bounds the south part of the neighborhood.

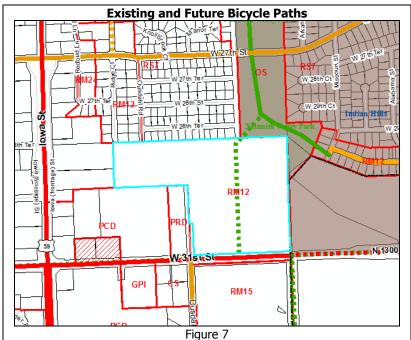
Expanding the definition of neighborhood to encompass the area bounded by Iowa Street to the west, Louisiana Street to the east, W. 31st Street to the south and 23rd Street on the north the property is located on the edge of a mixed-use neighborhood. Intensive uses are generally located along the arterial streets and low intensity uses are located interior to the larger neighborhood boundary.

The areas to the north, south, and east are developed residentially. The property to the immediate east along W. 31st Street/N 1300 Road is not currently annexed but is developed with a detached residence. Ousdahl Road is the demarcation of the eastern boundary of the Iowa Street Commercial Corridor/Node along W. 31st Street. The area south of W. 31st Street is a multi-dwelling complex.



Development of this property includes options for connectivity to the abutting residential uses to the north via Ridge Court and Ousdahl Road and through a future bicycle connection between W. 31st Street and Naismith Park recreation path. The graphic below shows the future

connection of a bicycle path between the existing recreation path and W. 31st Street. Staff received one comment from the public regarding support of a bicycle/recreation path connection through this property with future development. Refer to communications for public comment.

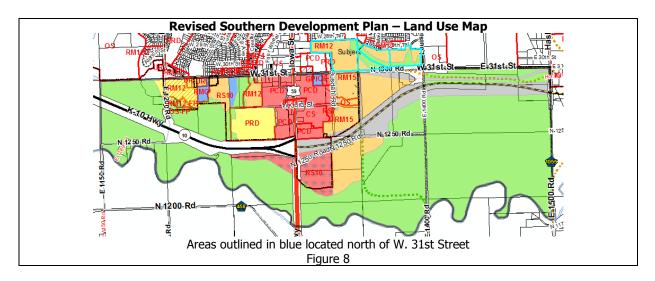


Staff Finding – The vicinity surrounding the subject property includes three distinct subneighborhood areas. The area to the north and east is an established low-density traditional neighborhood. The area along Iowa street and along the immediate W. 31st Street intersection is part of the S. Iowa commercial corridor. The area on the south side of W. 31st Street is developing commercially west of Ousdahl Road and residentially east of Ousdahl Road.

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

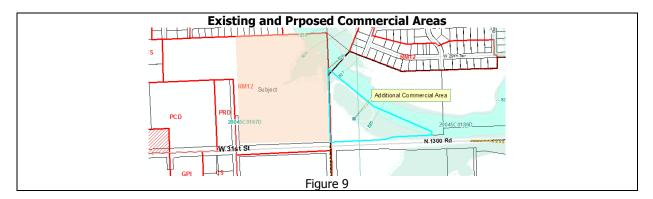
This property is included within the plan boundary of the *Revised Southern Development Plan* adopted in January 2008. This plan identifies the area located to the northeast of W. 31st Street and Ousdahl Road as suitable for medium density residential development. This land use could be implemented through the RS5, RS3, RM12, RM12D, RM15 and PD overlay zoning districts. A request for RM12 was approved in February 2012.

The only parcels of land included in the *Revised Southern Development Plan* located north of W. 31st Street are the subject property and area included in the 46.5 acres known as the Snodgrass Property, located between Louisiana Street on the east and the subject property on the west. Within the scope of the Area Plan, both areas, along the north side of W. 31st Street, were anticipated to be redeveloped in the future. Both the proposed CR zoning and the Snodgrass properties were specifically added to the area plan in 2008.



Future commercial development within the Area Plan boundary is located along the S. Iowa Street Corridor. An Auto-Related commercial area is identified south of K-10 Highway along the S. Iowa Street Corridor. The Area Plan recommends Community Commercial zoning south of W. 31st Street along Iowa Street (Page 20).

Modifications to the plan regarding commercial land use may have implications for the 46 acres of the Snodgrass property. If the current request is approved, the property owner has recently stated a desire to staff to extend the commercial zoning to the area immediately adjacent to the request. The extended area would include 9 acres at what would be the northeast corner of Louisiana Street (relocated) and W. 31st Street.



Staff Finding – The proposed rezoning does not conform with land use recommendations in the *Revised Southern Development Plan*.

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

Property Owner's Response:

"The property would only be suitable to multifamily housing if there was enough demand in the city to establish 40 acres worth of apartments or townhomes and a developer with enough financing to make the project work. The property is currently an island of residential property in the cities commercial district. Compared to the cities other land use layouts this property is an outliner with residential abutting an arterial roadway.

The common theme throughout Lawrence is commercial along the major roadways and the residential is on the interior, set behind the commercial buildings. Examples of this land use pattern can be found on Iowa Street, 23rd Street, and 6th Street."

This property was recently rezoned to RM12 (Multi-Dwelling Residential) District (Z-11-28-11). The planning Commission approved the rezoning on January 25, 2012. The City Commission approved the rezoning on February 14, 2012. This zoning application was made concurrent with a specific development application for multi-dwelling residential land use. A preliminary plat for a single lot and a special use permit for a multi-dwelling development project, known as Aspen Heights, were submitted with the 2011 rezoning application. This project was considered multidwelling because the complex included multiple buildings on a single lot. The residential development included building types that would consist of 2BR and 3BR duplexes and 4 BR detached homes. Buildings were proposed to be accessed via internal driveways with surface parking lots rather than by a public street network. The RM12 zoning district permits detached dwellings only as a special use. This specific project was designed to attract student residents. The design however, could be applicable to other segments of the community. Regardless of the specific development application for student housing, the application of RM12 zoning for this property was considered independent of the Aspen Heights proposal. The medium density proposed for the project complied with the land use recommendations stated in the Revised Southern Development Plan.

The Aspen Heights Development demonstrated that the property is suitable for medium density residential development. The zoning and site plan were approved with little to no public opposition as a development compliant with the *Revised Southern Development Plan*.

Staff Finding – The property is suitable for the medium density residential uses to which it is restricted with the current RM12 Zoning, as evidenced by the approved, but not constructed, Aspen Heights Development.

However, if the commercial node is extended along W. 31st Street to encompass this property then specific uses permitted in the CR district should be prohibited, as they are not compatible with the adjacent residential uses. Recommended use restrictions are listed in the attachment to this report.

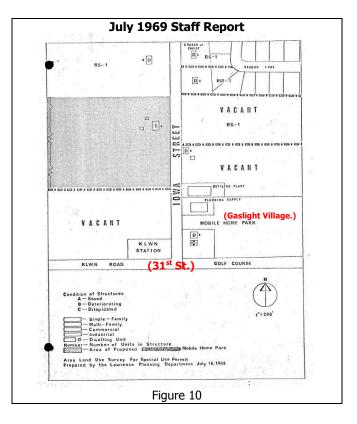
6. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED Property Owner's Response:

"The property has been vacant for approximately 6 months. It was previously occupied by tenants of the Gas Light Village mobile home park but has been vacant since the apartment complex developers started working on the property. With little need for additional residential housing in Lawrence it is unlikely that this property would be developed soon and could remain a vacant lot or could continue as a trailer park."

A July 1969 staff report identified this property as a mobile home park.

This property is not vacant. The property includes a drainage easement between the north end of Ousdahl Road and the northeast corner of the property and a large gas line crosses easement that the property diagonally from Ousdahl Road to the southeast corner of the property. Property improvements include pad sites for mobile homes. Most of these improvements would be demolished or removed as part of a redevelopment of the property.

The east portion of the mobile home park was rezoned in 2000 to accommodate the Home Depot development. The remaining portion of the mobile home park was rezoned in 2012 for a multi-dwelling residential development. The applicant's representative withdrew the preliminary plat and special use permit applications for Aspen Heights Development (previously approved subject to conditions) in March of this year.



Staff Finding — The property is a former mobile home park dating back more than 40 years. The site is slowly being prepared for redevelopment through the removal of the mobile homes.

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

Property Owner's response:

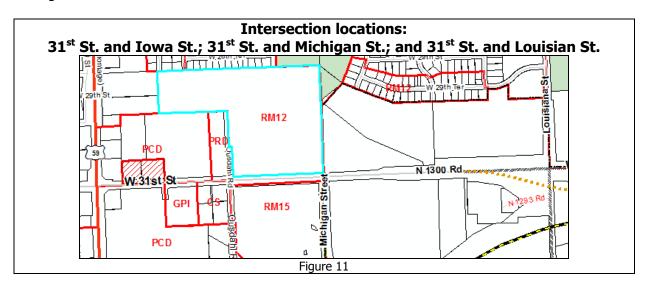
"The rezoning will have a positive effect on the neighboring properties compared to the existing conditions. There is nothing preventing the existing use of the property as a trailer park to continue indefinitely. After the previous contract on the property for residential units was terminated it is unlikely that another residential user will be interested in the property unless a strong demand for housing develops. Because there was no demand for apartments it is logical that the property zoning be amended to allow a user that is in demand to proceed with development so the property is not left vacant as it exists today."

The property, as currently zoned, permits residential development on this site. A variety of residential uses could be developed including multi-dwelling, extended care facilities, duplex and zero lot line development.

The development request does not include any land use transition between the commercial activity and low-density residential development to the north and east, therefor a type 2 buffer yard would be required. Approval of this request will precipitate at least one additional commercial request for an area immediately to the east, based on statements made by that landowner to staff.

Potential detrimental impacts on adjacent and nearby properties include light, truck traffic, commercial noise in the lumberyard area. These elements can be mitigated through fixture placement and shielding of fixtures. Nighttime and early morning activity of a commercial site is generally limited to product delivery and municipal solid waste service. Appropriate screening and building placement can mitigate these impacts.

Both KDOT and City Engineers have identified traffic concerns. Commercial development will be expected to participate in intersection improvements both immediately and in the future for W. 31st Street & Michigan Street (relocated Louisiana Street south of 31st Street) and W. 31st Street and Louisiana Street (north of 31st Street). The existing access to the property east of Ousdahl Road should not be assumed to remain. Direct site access will be development specific and evaluated in detail for separation and coordination with existing and planned intersections along the corridor.



Staff Finding — Approval of the request facilitates redevelopment of the site but will result in a development pattern that conflicts with the planned land uses along the W. 31st Street corridor. Impacts to adjacent residential uses will require substantial screening on the commercial side of the development. If approved, mitigation of the incompatible land uses may require that the development move toward W. 31st Street to accommodate the existing stream and necessary screening required per the Development Code and the Commercial Design Guidelines.

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 proposed project would constitute a gain to the health and safety of the community. The condition of the trailer park was in dire need of repair and potentially dangerous, the condition of the roads was hazardous to drivers with large potholes all over. The upkeep of the units was not consistent with the homes in the surrounding area and likely has a negative effect on home values. The proposed Menards store would create over 200 new jobs for local residents and a new multi lot retail development strengthening the local economy. Denial of the application would leave the property owner with a vacant trailer park because a residential developer

determined that Lawrence had no need for additional residential units. This would leave the owner with vacant residentially zoned property that would be unusable until the housing market picked up again. The only option left to the owner would be to reestablish the property as a trailer park.

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.

Staff concurs with the applicant that the existing property is underutilized and should be appropriately redeveloped.

If the rezoning request were denied, the property could remain as a multi-dwelling residential district. This district allows a variety of residential uses including attached housing, detached housing with a special use permit, and multi-dwelling uses.

The RM12 district does not allow a mobile home park. To reestablish the previous manufacturing housing use, the property would need to be rezoned to at least RM15. Redevelopment as a manufactured housing development would require compliance with current design standards.

It the rezoning were approved, the uses allowed change from residential to commercial with a wide variety of commercial uses allowed. Limiting uses would serve to create a more compatible development with the adjacent low-density residential development to the north and east.

Approval of the request will facilitate redevelopment and reinvestment in existing property. However, denial of the request does not preclude a future redevelopment application consistent with the existing zoning and approved land use plans for the area.

Denial of the request would prohibit the ability to redevelop the property as a commercial extension of the existing node at Iowa and W. 31st Street, requiring Menards to pursue other locations in the city; a pursuit that Menards has stated is a hardship given that the other commercially zoned or designated properties in the City do not meet their needs at this time.

Staff Finding — Benefits to the community include the investment in property within existing utility, transportation and service districts. Denial of the request prohibits the applicant from redeveloping the property as a commercial use. If approved, staff believes the zoning should be restricted with conditional zoning.

PROFESSIONAL STAFF RECOMMENDATION

The focus of this report is the specific land use request for CR zoning. This application was made with a concept plan for a specific end user. This application reflects a trend in the review process whereby applicants are seeking zoning a specific end user versus speculative zoning applications. If approved, the concept plan for development of this site should not be considered as the ultimate development of the site. Several physical concerns of the proposed development will need revisions and additional consideration.

- 1. A portion of this property is encumbered by the regulatory floodplain. Development of property requires elevation 1-2 feet above the base flood elevation.
- 2. The conceptual grading plan provided shows an open borrow pit of 25' with no drainage. As designed in the conceptual plan, there are no improvements provided to accommodate the existing flooding challenges along the north side of the property.
- 3. Direct access to the arterial street (W. 31st Street) is not recommended. The existing drive access east of Ousdahl Road is not recommended.
- 4. Extension of right-of-way or a shared driveway along the Michigan Street alignment (east side of subject property) would be recommended if approved for commercial development.
- 5. Utility improvements including relocation of sanitary sewer across the site is required to remove a sewer line under an existing residence to the north regardless of the zoning or land use approved for this site.

The property was developed as a mobile home park in the late 1960's. This area of the community was in the unincorporated portion of Douglas County at that time and the mobile home park was a type of urban fringe development. Upon annexation, the property was assigned a low-density residential zoning designation. The 1966 Code permitted a mobile home park subject to the approval of a Special Use Permit in the RS districts. The adoption of the Development Code in 2006 created the non-conformity. A portion of the original mobile home park was removed for the Home Depot development. As part of the Home Depot approval, the boundary of the commercial node was established as the east side of Ousdahl Road and a requirement that a green space buffer be developed. This greenpsace buffer is the portion zoned PRD and provides detention for the existing development.

The *Revised Southern Development Plan* anticipated that this property would be redeveloped with a higher intensity use as depicted in the land use map. The property was rezoned to RM12 in anticipation of redevelopment of the site consistent with the land use recommendation.

Staff recommends denial of the rezoning request based on the land use recommendations in Chapter 6 and 14 of *Horizon 2020* and the findings of fact listed in this staff report subject.

CONCLUSION

This existing RM12 zoning is appropriate for this location. Denial of the request does not preclude future redevelopment of the site. The proposed zoning is inconsistent with recommended land uses for the area.

If the Commission recommends approval the CR zoning, revised findings of fact will be required. Further, approval of the CR district should include use restrictions, conditional zoning, as discussed in the body of this report.

Recommended Uses				
Residential	Retail Sales and Services			
Not permitted in the CR district with the exception of Group	Building Maintenance			
Homes approved with a Special Use Permit.	Business Equipment Business Support			
Community Facilities	Construction Sales and Service			
College/University	Food and Beverage			
Cultural Center/Library	Mixed Media			
Day Care Center	Personal Convenience			
Lodge, Fraternal and Civic Assembly	Personal Improvement			
Postal and Parcel Service	Retail Sales, General (65,000 sq ft limit)			
Public Safety	Retail Establishment, Large			
Social Service Agency	Retail Establishment, specialty			
Utility Minor (P or SUP)	Sexually Oriented Business – [would not be allowed on W. 31st Street] but is allowed in the CR District]			
Utility Major (SUP)	Sex Shop			
Medical Facilities	Sexually Oriented Theater			
Health Care Office/Clinic	Transient Accommodations			
Outpatient Care Facility	Campground			
Recreational Facilities	Hotel Motel, Extended Stay			
Active Recreation Entertainment and Spectator Sports (General and Limited)	Vehicle Sales & Service Cleaning (car wash)			
Participant Sports and Recreation (Indoor and Outdoor)	Fleet Storage			
Passive Recreation	Gas and Fuel Sales			
	<u> </u>			
Nature Preserve / Undeveloped	Truck Stop-[undesirable use in this location because of proximity to residential neighborhood]			
Private Recreation	Heavy Equipment Repair — [undesirable use in this location because of proximity to residential neighborhood]			
Religious Assembly	Heavy Equipment Sales/ Rental			
Religious Institution (Community or Neighborhood)	Inoperable Vehicles Storage [undesirable use in this location because of proximity to residential neighborhood]			
Animal Services	Light Equipment Repair			
Kennel	Light Equipment Sales/Rental			
Livestock Sales-[Use not recommended]	RV and Boats Storage			
Sales and Grooming	Industrial Facilities			
Veterinary	Laundry Service-[undesirable use in this location because of proximity to residential neighborhood]			
Eating and Drinking Establishments	Manufacturing and Production Ltd (SUP)			
Accessory Bar	Manufacturing and Production Tech			
Bar or Lounge	Research Service			
Brewpub	Wholesale Storage and Distribution			
Fast Order Food	Heavy (SUP)			
Fast Order Food with Drive-In	Light Mini Warehouse			
Private Dining Establishments Quality Restaurant	Mini Warehouse Agriculture			
Offices	Agricultural Sales			
Administrative and Professional	Crop Agriculture			
Financial, Insurance and Real Estate	Communications Facilities			
i mandar, modiance and iteal Estate	Communications racinges			

Other	Amateur and Receive Only (accessory)
Parking	Communications Service Establishment
Accessory	Telecommunication Antennae (accessory)
Commercial	Telecommunication Tower (SUP)
	Satellite Dish (accessory)
	Recycling
	Large Collection
	Small Collection



February 1, 2013

Menards Lawrence KS Rezoning Request

Menard, Inc. has been working diligently for the last two years to secure a location in Lawrence that is large enough for our store and connected to the cities exiting commercial nodes. Several locations were identified as viable options and perused with no positive outcome for reasons such as small size, high price, or poor location. In the fall of 2011 Menards was presented the Gas Light Village mobile home park and began contract negations with the owners. For business reasons the park owner elected to move forward with another user proposing to build student housing. Over the last year Menards remained interested in that site while pursuing other locations in the city. During the residential deal the majority of tenants elected to vacate the park when they learned the park would be sold. When that deal was ended the park was left very empty with a few holdout residents and a number of vacant trailers. The owner had the choice of restoring the park to its former use, sitting on the vacant property until another residential user pursue the property, or moving forward with Menards. Menards is a motivated purchaser with a strong desire to establish a store in Lawrence and this is the premier location to do so.

The trailer park property is currently zoned RM-12, a multi-family zoning with a density of 12 units per acre. The site is bordered by Agricultural land to the east, RS-7 and designated Open Space to the north, Commercial and Planned Commercial to the west, and RM-15 to the south. This zoning configuration leaves the property on the edge of the commercial district as an island of residential. It is very typical for commercial zoning to line major roadways and residential to sit between the commercial areas. Along with 31st St similar situations have occurred in Lawrence along 23rd street and 6th street. The commercial areas provide a nice buffer from the sights, sounds, and smells associated with a well traveled roadway. The traffic counts along 23rd St range from 1710-4950 during the AM peak and 1526-3000 during the PM peak. The 6th St counts are similar with 1178-2495 during the AM peak and 1178-3159 during the PM peak. The proposed Menards site on 31st St has an AM peak of 1800-2156 and 2138-3344 during the PM peak. The provided traffic counts show almost identical conditions along all three corridors. All three corridors are also designated as principal arterial streets, one of the largest road classifications in the city. Just as it makes sense for like businesses to be located next to each other it makes perfect sense that like zonings are located next to each other for the same reasons. Shoppers can make multiple visits during shared trips, saving on gas and pollution. Increasing visits to multiple commercial areas at once increases the economic impacts as they are likely to spend more when retail is nearby.

The proposed rezoning for the Menards project will not conform with the future land use laid out in Horizon 2020. We are working on an amendment to the comprehensive plan based on the same justification explained in this letter.

Rezoning from RM-12 to Planned Commercial will not detriment the neighboring properties as commercial zoning is present adjacent to the project area. The redevelopment from a dated and mostly abandoned trailer park to a new multi lot

commercial development will increase the aesthetics of the property and the view from neighboring properties. According to the Lawrence Police Department interactive map there have been a high number of police calls to the property each year. If the rezoning was not granted there is nothing preventing the property owners from reestablishing the property as a trailer park and the previous conditions could continue. The Menards project would prevent that use from continuing and would assure the neighboring residents that the activities that took place at the property in the past would be eliminated. The proposed Menards project would also prevent the property from remaining a vacant eyesore to the neighborhood.

The character of the neighborhood is solid commercial to the west, made up of similar big box uses with Home Depot, and Best Buy directly west on 31st St and Target, Wal-Mart, and Kohl's to the south on Iowa St. East of the property the zoning designation is Agricultural but is predominantly the floodway for the same river that runs through Naismith Valley Park, this land is undevelopable due to the floodway. South of the property is a newer multifamily apartment complex. This apartment complex stands alone with no adjacent residential development, however the future land use plan places more residential to the south of the apartments and agricultural to the east. North of the site is the Indian Hills neighborhood made up of single family homes, and open space. The residents to the north would be the most impacted by the new Menards development however with the proper screening and considering the existing conditions the new project will fit well within the context of the neighborhood and will increase the value and quality of life for the residents.

The property has remained vacant for several months, a few tenants remained in the park until late fall but have since vacated leaving the park 100% vacant. Under the existing zoning the project would not be able to move forward and the property would remain vacant until a residential user purchased it or the owners could start over with a new trailer park.

The gains to the public health, safety, and welfare have been presented throughout the above letter. The former operations at a trailer park were hazardous to the safety and health of the public, many of the above mentioned police calls were dangerous and potentially harmful to nearby residents or pedestrians. These types of activities negatively impact surrounding neighborhoods. A Menards store and development would benefit the community with a new aesthetically pleasing store with a large investment into the community. The new store would bring 200 new jobs to Lawrence and promote economic growth through sales generated by the Menards store and outlots. Menards is a regional destination and attracts shoppers from a large distance and will bring in consumers that normally do not shop in Lawrence. The nearest Menards store is in Topeka 40 miles away and while we are planning on several Kansas City locations there are not any sites selected on the west side of the city. The property owner began vacating the park as part of the previous purchasers approval process was underway, when that user backed out the owner was left with a mostly empty trailer park. Based on existing conditions in the city it makes sense that this property is converted to a commercial zoning, it is adjacent to similar retail and is along a well-traveled roadway, both are characteristics of a commercial node.

Granting the variance would allow Menards to continue its approval process with city staff and proceed with detailed design of the store. The new store would be an asset

to the community and fit well within the South Iowa Street commercial node. If there are any questions please do not hesitate to contact me at 715-876-2143.

Answers to the application questions are below.

- 1. How does the request conform with the Comprehensive Plan, Horizon 2020?
 - a. Menards is currently working through the process required to amend the comprehensive plan to change the future land use from high density residential to planned commercial. The change in the comp plan makes sense with the proximity to the cities commercial corridor on Iowa Street and the similarities in the retail development that has taken place on 6th and 23rd streets.
- 2. To what extent will approving the rezoning detrimentally affect the nearby properties?
 - a. The rezoning will have a positive effect on the neighboring properties compared to the existing conditions. There is nothing preventing the existing use of the property as a trailer park to continue indefinitely. After the previous contract on the property for residential units was terminated it is unlikely that another residential user will be interested in the property unless a strong demand for housing develops. Because there was no demand for apartments it is logical that the property zoning be amended to allow a user that is in demand to proceed with development so the property is not left vacant as it exists today.
- 3. Describe the character of the neighborhood.
 - a. The property location is on the fringe of several different zoning districts. To the west of the property along Iowa Street is commercial and planned commercial. North of the property is low density single family residential. The residential to the north is surrounded by commercial on the west and north sides, the north side boarders the 23rd street commercial corridor. East of the subject property is vacant agricultural land, this land is predominantly floodplain with floodway right through the center making it largely undevelopable.
- 4. What is the suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations?
 - a. The property would only be suitable to multifamily housing if there was enough demand in the city to establish 40 acres worth of apartments or townhomes and a developer with enough financing to make the project work. The property is currently an island of residential property in the cities commercial district. Compared to the cities other land use layouts this property is an outlier with residential abutting an arterial roadway.

The common theme throughout Lawrence is commercial along the major roadways and the residential is on the interior, set behind the commercial buildings. Examples of this land use pattern can be found on Iowa Street, $23^{\rm rd}$ Street, and $6^{\rm th}$ Street.

- 5. What is the length of time the subject property has remained vacant as zoned?
 - a. The property has been vacant for approximately 6 months. It was previously occupied by the tenants of the Gas Light Village mobile home park but has been vacant since the apartment complex developers started working on the property. With little need for additional residential housing in Lawrence it is unlikely that this property would be developed soon and could remain a vacant lot or could continue as a trailer park.
- 6. What is the gain, if any to the public health, safety, and welfare if this application were approved as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application?
 - a. The proposed project would constitute a gain to the health and safety of the community. The condition of the trailer park was in dire need of repair and potentially dangerous, the condition of the roads was hazardous to drivers with large potholes all over. The upkeep of the units was not consistent with the homes in the surrounding area and likely had a negative effect on home values. The proposed Menards store would create over 200 new jobs for local residents and a new multi lot retail development strengthening the local economy. Denial of the application would leave the property owner with a vacant trailer park because a residential developer determined that Lawrence had no need for additional residential units. This would leave the owner with vacant residentially zoned property that would be unusable until the housing market picked up again. The only option left to the owner would be to reestablish the property as a trailer park.

Sincerely, **Menard, Inc.**

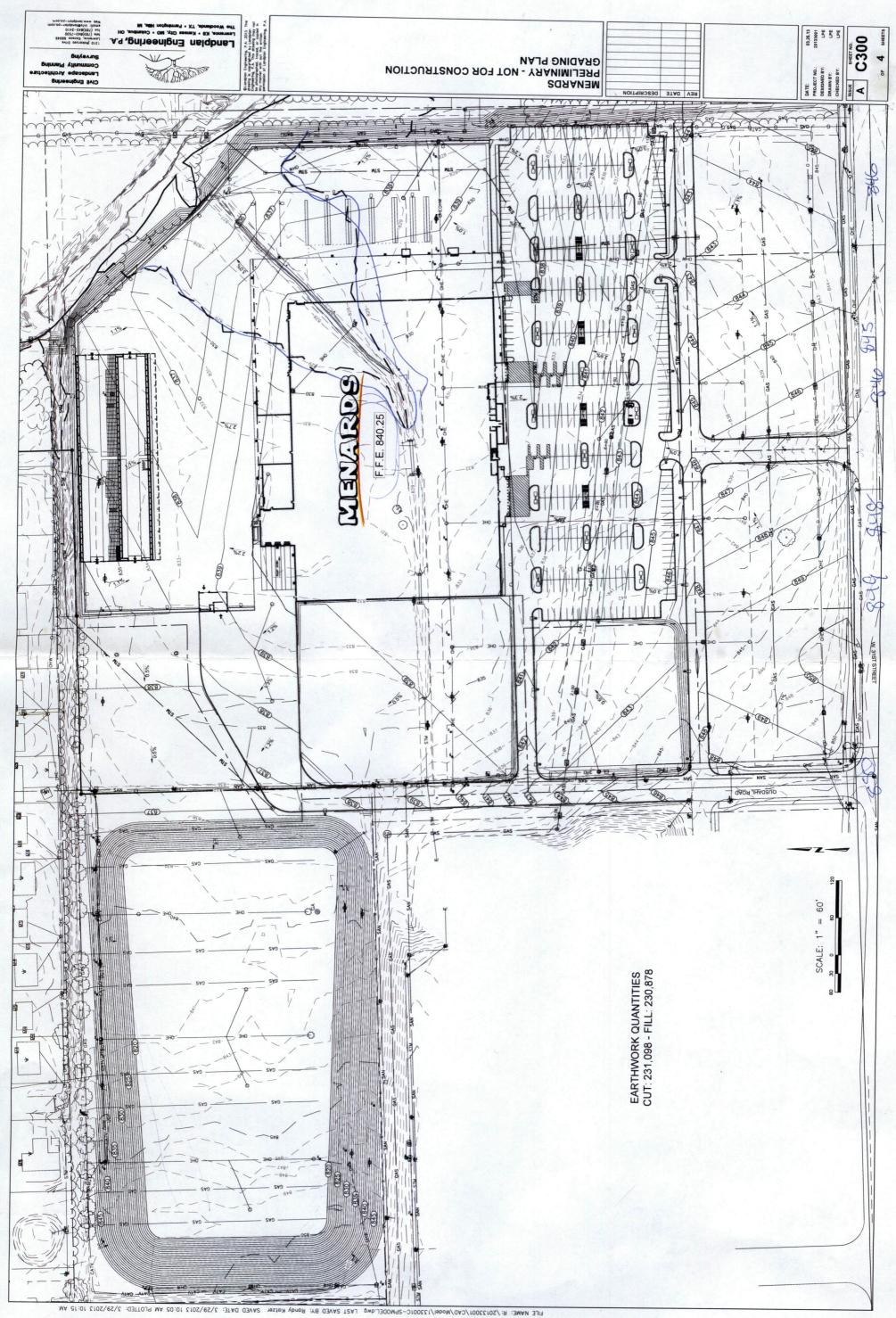
Tyler Edwards

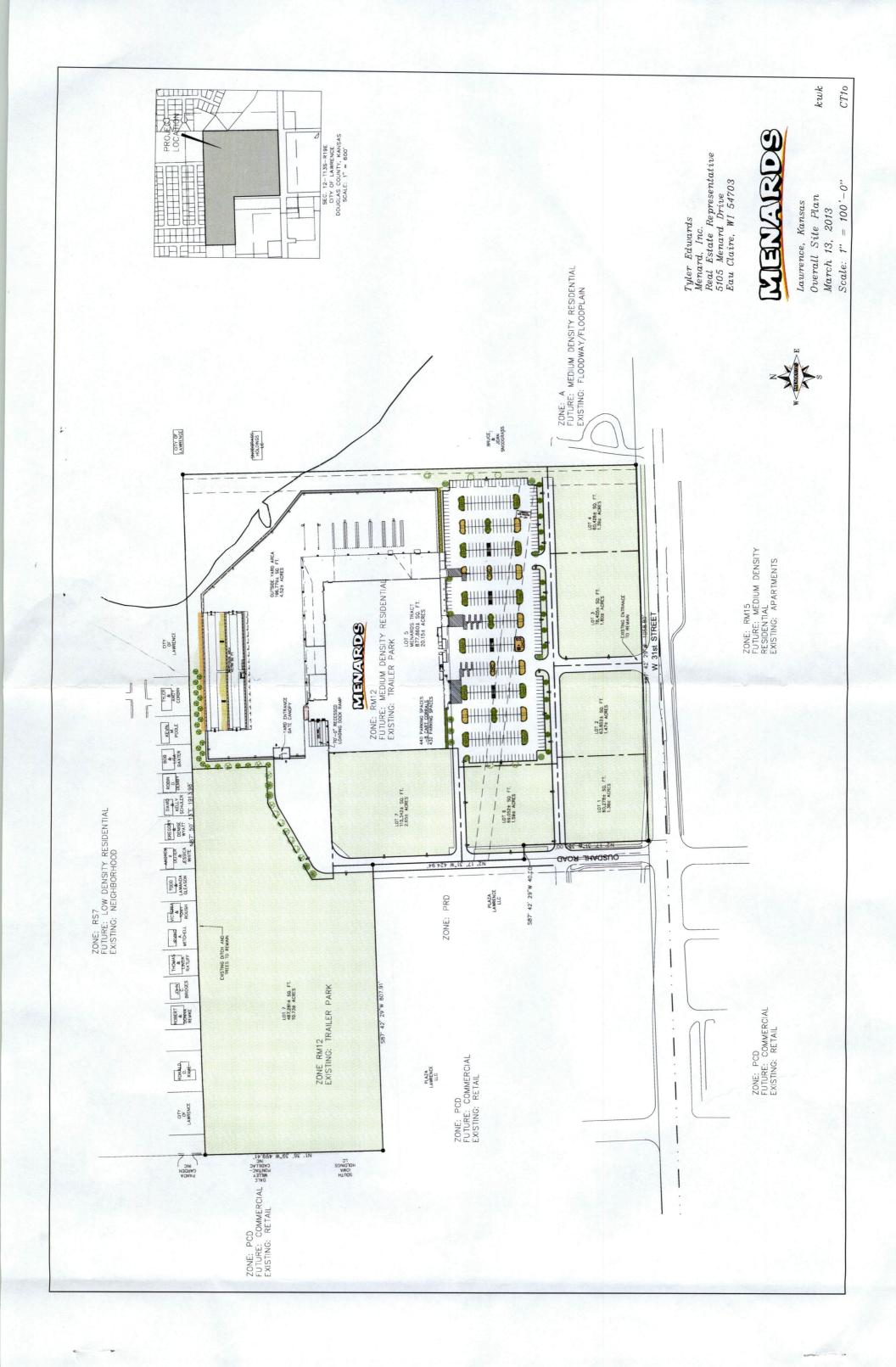
Real Estate Representative Menard, Inc. – Properties 5101 Menard Drive

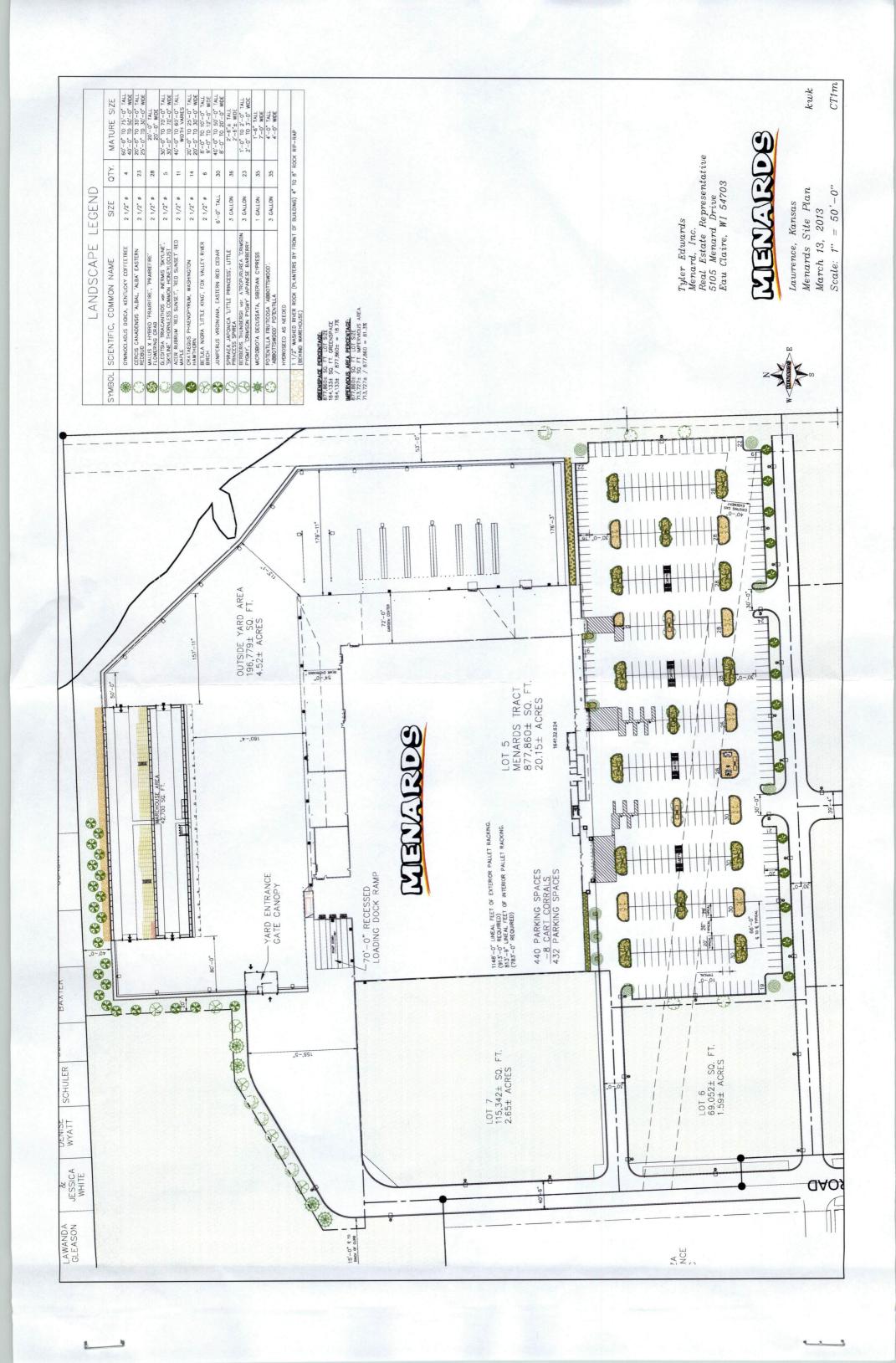
Eau Claire, WI, 54703 P: 715-876-2143

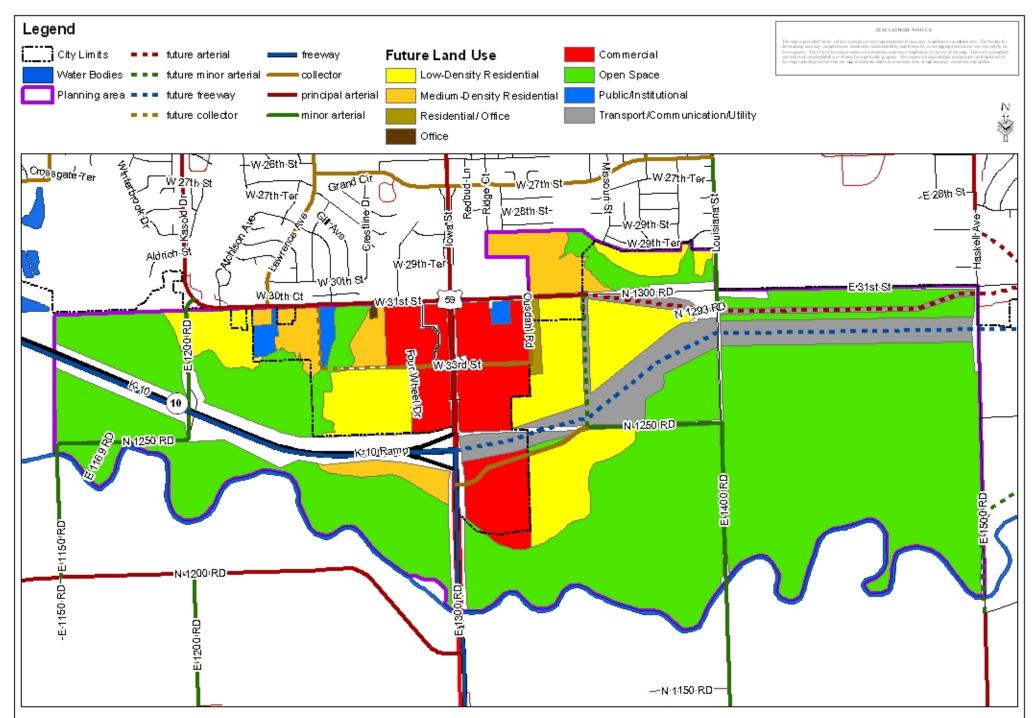
C: 715-579-6699 F: 715-876-5998

tedwards@menard-inc.com

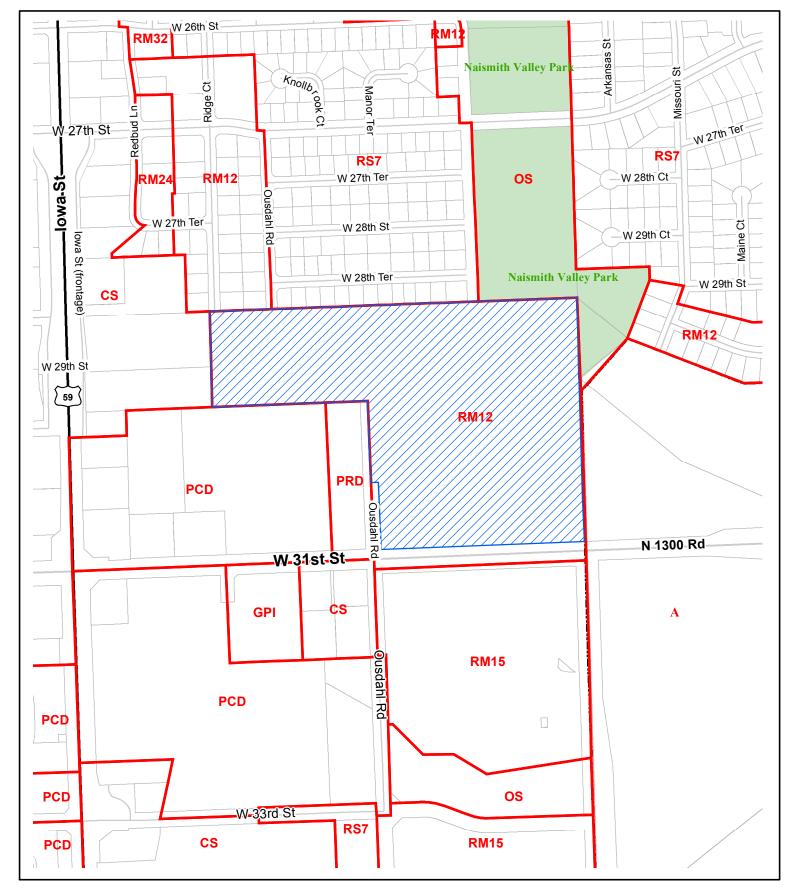








Map 3-1 Future Land Use Map Revised Southern Development Plan



Z-13-00071: Rezone 41.5 acres from RM12 to CR 1900 W 31st St

Lawrence-Douglas County Planning Office April 2013



Area Requested

Scale: 1 Inch = 500 Feet

From: <u>Gaziyeh@aol.com</u>
To: <u>Sandra Day</u>

Subject: Fwd: Item Z-13-00071 Rezoning request 1900 W 31st

Date: Monday, April 08, 2013 11:09:04 AM

Hi Sandy

Interestingly, you were in my AOL address database. Here is the email I sent. Feel free to call or return message for follow up.

Thanks Jo Anne 785.842.3010

From: Gaziyeh@aol.com

To: amalia.graham@gmail.com, cblaser@sunflower.com, jonjosserand@gmail.com, laraplancomm@sunflower.com, bculver@bankingunusual.com, rhird@pihhlawyers.com, squampva@aol.com, clay.britton@yahoo.com, chadlamer@gmail.com,

bruce@kansascitysailing.com

CC: gaziyeh@aol.com

Sent: 4/7/2013 2:48:18 P.M. Central Daylight Time Subj: Item Z-13-00071 Rezoning request 1900 W 31st

Ladies and Gentlemen

I work on Monday nights and might not get to the April 22 meeting before this agenda item is opened for discussion. I have been the homeowner at 1618 W 28th Terrace for 25 years.

Considering that Menard, Inc. already owns the property in question, it would seem that this is a "done deal". Nonetheless, here's my "say".

- 1: I don't believe Lawrence is big enough to support this venture. If a Menard's store is built next to Home Depot it is likely that in 3-5 years one of them will go out of business. If that happens, how long will the building sit empty? If the Home Depot is abandoned, will the Best Buy fail? What will happen to the small struggling and yet empty storefronts in the shopping area surrounding the Home Depot and Best Buy if shopping traffic to the area is reduced?
- 2. In the 1980's there were commission and planning meetings with hand wringing about the "cornfield mall" that would draw business away from downtown. Is this patchwork of pseudomalls and second string chain and fast food restaurants the alternative Lawrence needed for managed growth? Certainly no threat to downtown, but definitely a downgrade to the value of adjacent residential properties.
- 3. Consider: within a few years of the closing of the Indian Springs Mall in KCK, neighborhood home values plummeted, many home owners moved and rented their properties, and State Avenue became an urban blight of deserted strip malls. There is much unused and underused commercial real estate in the South lowa St corridor. The commissions seem to be planning toward the northwest side of the city with no care for other neighborhoods or the opposite end of town based on ...what???. Is there any direction for the southern part of town or is it just willy-nilly andall about dollars in the tax base?
- 4. My neighbors across the street whose property abuts the proposed site think there is some agreement that will provide improvement for the "creek" (ditch), including privacy and noise barriers. Is there a plan of record to support their assumption? They are not opposing this because of that supposed provision.
- 5. The stub street of Ousdahl (south from 27th) feeds our neighborhood. Will it remain a dead

end or will it be opened through to the new development? If so, is there a plan to widen the road or to keep cars from parking on it? It is often impassable due to duplex tenants parking along the west side of the street, across from the intersections, etc. In addition, when traveling north on Ousdahl, there is a driveway directly across from the intersection. Scares me to think a vehicle will miss the stop sign and crash into that garage...

I would love to talk to anyone about this project to determine what it will do to the value of my home and the quality of my neighborhood. I can be reached at this email address, or at 785.842.3010.

I do hope to see you at the April 22 meeting to discuss further..

Jo Anne Zingo

From: <u>Tyler Edwards</u>
To: <u>Gaziyeh@aol.com</u>

Cc: Sandra Day; Scott McCullough

Subject: RE: Item Z-13-00071 Rezoning request 1900 W 31st

Date: Wednesday, April 10, 2013 8:54:16 AM

Ms. Zingo,

I have responded to your questions below and I have included the city staff on the email to they can forward the responses to the appropriate parties. If you have more questions please feel free to send them over or give me a call. I prefer email so the city planners and planning commission has a record that you received a response and that response can be forwarded to the planning commission.

- 1: I don't believe Lawrence is big enough to support this venture. If a Menard's store is built next to Home Depot it is likely that in 3-5 years one of them will go out of business. If that happens, how long will the building sit empty? If the Home Depot is abandoned, will the Best Buy fail? What will happen to the small struggling and yet empty storefronts in the shopping area surrounding the Home Depot and Best Buy if shopping traffic to the area is reduced?
- Menards does not select sites hoping to put someone out of business, if we thought either the Menards or Home Depot would fail we would not spend the 10+ million dollar investment on a new store location. Just as car dealerships and restaurants draw more business by locating near each other we feel the same way about home improvement. Sure Home Depot might lose some customers here and there but Menards does a great business by drawing consumers from 50+ miles away. This is evident by the number of people that travel from Lawrence to the Topeka store.

Traffic to this portion of 31st street will not be reduced by Menards at all but increased as the shoppers could now shop Menards, Best Buy, and stop at a restaurant in one trip. Lawrence is definitely large enough to support such a venture. There are cities across the Midwest that are home to a Menards and Home Depot or Lowes or both within a half mile of each other and they all function just fine.

- 2. In the 1980's there were commission and planning meetings with hand wringing about the "cornfield mall" that would draw business away from downtown. Is this patchwork of pseudo-malls and second string chain and fast food restaurants the alternative Lawrence needed for managed growth? Certainly no threat to downtown, but definitely a downgrade to the value of adjacent residential properties. I would argue just the opposite. Property adjacent to a rundown trailer park would have a much lower property value as opposed to having a new commercial building and green space next door. Additionally the peace of mind knowing that the store is only open from 7-10 and all the activities will have quite a bit of screening to prevent any sounds or light from reaching the residential properties. Many of the residents that attended Monday nights neighborhood meeting preferred the commercial use to a student housing complex or trailer park because they knew there would be no noise or damage or police after the store closed. It is very difficult to relate the planning of Lawrence today to plans from the 1980's because so much has changed in the retail world and economically. Consider how many changes have been made to the comprehensive plan and zoning code since then and how many will need to be made in the future to adapt to the ever changing world of community and regional planning.
- 3. Consider: within a few years of the closing of the Indian Springs Mall in KCK, neighborhood home

values plummeted, many home owners moved and rented their properties, and State Avenue became an urban blight of deserted strip malls. There is much unused and underused commercial real estate in the South Iowa St corridor. The commissions seem to be planning toward the northwest side of the city with no care for other neighborhoods or the opposite end of town based on ...what???. Is there any direction for the southern part of town or is it just willy-nilly andall about dollars in the tax base? This question seems more suited for the Planning Commission or city planning staff. I can tell you as the applicant for the rezoning and comp plan amendment there is an extensive amount of published planning and guidance in place regarding the southern part of town and it is no way "willy-nilly". We understand that the city has invested a lot into the NW side of the city because it is the flashy new area in town. However it is not up to the city to decide where businesses should locate or restrict them based on location that's why we have the public process and businesses have the option to make a case to change the zoning regulations or request variances. Not many planning or code documents are designed to be static documents, they recognize that conditions can change even the day after they are published. That's why planning documents are used as a tool to guide development.

4. My neighbors across the street whose property abuts the proposed site think there is some agreement that will provide improvement for the "creek" (ditch), including privacy and noise barriers. Is there a plan of record to support their assumption? They are not opposing this because of that supposed provision.

Your neighbors are correct. From the very first meeting I had with the city engineers they made it clear that that drainage ditch needed to be addressed and upgraded as part of the property development. We are currently working through those plans with our engineers. Many of the neighbors in attendance at Monday night's neighborhood meeting not only supported the project for that reason but even went as far as saying they feel this is the best place for the store in town. It is hard to argue this will hurt the neighborhood if the people closest to the store strongly support it. I would suggest talking with your neighbors in the next two weeks, maybe it will help ease some concerns.

5. The stub street of Ousdahl (south from 27th) feeds our neighborhood. Will it remain a dead end or will it be opened through to the new development? If so, is there a plan to widen the road or to keep cars from parking on it? It is often impassable due to duplex tenants parking along the west side of the street, across from the intersections, etc. In addition, when traveling north on Ousdahl, there is a driveway directly across from the intersection. Scares me to think a vehicle will miss the stop sign and crash into that garage...

We have no intention of connecting the proposed commercial development to the neighborhood to the north. Menards designs its parking lots to accommodate its guests at the busiest of times and they should be no need to park anywhere but on the street.

Tyler Edwards

Real Estate Representative Menard, Inc. – Properties 5101 Menard Drive Eau Claire, WI 54703 715-876-2143 - Direct 715-579-6699 - Cell 715-876-5998 - Fax

tedwards@menard-inc.com www.menardsrealestate.com

From: Gaziveh@aol.com [mailto:Gaziveh@aol.com]

Sent: Monday, April 08, 2013 11:19 AM

To: Tyler Edwards

Subject: Fwd: Item Z-13-00071 Rezoning request 1900 W 31st

email as discussed

From: Gaziyeh@aol.com

To: amalia.graham@gmail.com, cblaser@sunflower.com, jonjosserand@gmail.com, laraplancomm@sunflower.com, bculver@bankingunusual.com, rhird@pihhlawyers.com, squampva@aol.com, clav.britton@vahoo.com, chadlamer@gmail.com,

<u>squampva@aoi.com</u>, <u>ciay.britton@yanoo.com</u>, <u>chadiamer@gm</u>

bruce@kansascitysailing.com

CC: gaziyeh@aol.com

Sent: 4/7/2013 2:48:17 P.M. Central Daylight Time Subj: Item Z-13-00071 Rezoning request 1900 W 31st

Ladies and Gentlemen

I work on Monday nights and might not get to the April 22 meeting before this agenda item is opened for discussion. I have been the homeowner at 1618 W 28th Terrace for 25 years.

Considering that Menard, Inc. already owns the property in question, it would seem that this is a "done deal". Nonetheless, here's my "say".

- 1: I don't believe Lawrence is big enough to support this venture. If a Menard's store is built next to Home Depot it is likely that in 3-5 years one of them will go out of business. If that happens, how long will the building sit empty? If the Home Depot is abandoned, will the Best Buy fail? What will happen to the small struggling and yet empty storefronts in the shopping area surrounding the Home Depot and Best Buy if shopping traffic to the area is reduced?
- 2. In the 1980's there were commission and planning meetings with hand wringing about the "cornfield mall" that would draw business away from downtown. Is this patchwork of pseudomalls and second string chain and fast food restaurants the alternative Lawrence needed for managed growth? Certainly no threat to downtown, but definitely a downgrade to the value of adjacent residential properties.
- 3. Consider: within a few years of the closing of the Indian Springs Mall in KCK, neighborhood home values plummeted, many home owners moved and rented their properties, and State Avenue became an urban blight of deserted strip malls. There is much unused and underused commercial real estate in the South Iowa St corridor. The commissions seem to be planning toward the northwest side of the city with no care for other neighborhoods or the opposite end of town based on ...what???. Is there any direction for the southern part of town or is it just willy-nilly andall about dollars in the tax base?
- 4. My neighbors across the street whose property abuts the proposed site think there is some agreement that will provide improvement for the "creek" (ditch), including privacy and noise barriers. Is there a plan of record to support their assumption? They are not opposing this because of that supposed provision.
- 5. The stub street of Ousdahl (south from 27th) feeds our neighborhood. Will it remain a dead end or will it be opened through to the new development? If so, is there a plan to widen the road or to keep cars from parking on it? It is often impassable due to duplex tenants

parking along the west side of the street, across from the intersections, etc. In addition, when traveling north on Ousdahl, there is a driveway directly across from the intersection. Scares me to think a vehicle will miss the stop sign and crash into that garage...

I would love to talk to anyone about this project to determine what it will do to the value of my home and the quality of my neighborhood. I can be reached at this email address, or at 785.842.3010.

I do hope to see you at the April 22 meeting to discuss further..

Jo Anne Zingo

CONFIDENTIALITY NOTICE This communication constitutes an electronic communication within the meaning of the Electronic Privacy Act, 18 U.S.C. Section 2510, et. seq. Disclosure of this communication is strictly limited to the intended recipient. This communication and its contents and attachments, if any, are confidential and may contain information that is privileged or otherwise exempt from disclosure under applicable law. Receipt by any person or entity other than the intended recipient does not constitute waiver or loss of the confidential or privileged nature of this communication. Any review, dissemination, copying, resubmission, transfer, or distribution in any form by any person or entity other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete any and all copies of this communication and any attachments. Failure to abide by these provisions will result in legal and equitable action taken against you, as identified in 18 U.S.C. Sections 2520-21.

 From:
 Sheila Stogsdill

 To:
 "Clark Coan"

 Cc:
 Sandra Day

Subject: RE: Menards Site Plan

Date: Monday, April 08, 2013 12:11:58 PM

Clark -

Not a problem. Sandra Day is the lead planner on this project in case you have other comments or questions.

Sheila M. Stogsdill, Assistant Director - sstogsdill@lawrenceks.org
Planning & Development Services Department |www.lawrenceks.org/pds
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3157 | fax (785) 832-3160

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: http://lawrenceks.org/pds/survey/satisfaction."

From: Clark Coan [mailto:clarkcoan@yahoo.com]

Sent: Monday, April 08, 2013 11:51 AM

To: Sheila Stogsdill

Subject: Menards Site Plan

Ms. Stogsdill:

Could you please forward this to the planner who is doing the site plan for the Menards store on 31st Street? Thank you.

Hello!

As you recall, the previous developers of the site on 31st St. agreed to extend the Naismith Path to 31st. Street. I hope you will recommend that the developers of Menards also extend the path to 31st St. which will be near the new SLT Hike and Bike Path. As you know, connectivity increases trails use and multiplies the values of trails.

Thank you for paying attention to my comments.

Clark Coan, MUP

Public Information Specialist Sunflower Rail-Trails Conservancy **From:** Burress, David A. [mailto:d-burress@ku.edu]

Sent: Tuesday, April 16, 2013 10:37 AM

To: Denny Ewert

Subject: RE: ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER and ITEM NO. 4 RM12 TO

CR; 41.5 ACRES; 1900 W 31ST ST

April 16, 2913

To: Dr. Bruce Liese, Chair, and Lawrence/Douglas County Planning Commission

Dear chairman Liese and Planning Commissioners:

Re: ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER (MJL) ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31ST ST (SLD)

The League asks that you not change the Southern Development Plan to expand the existing designated area for a Regional Commercial Center and that you deny the request for a 41.5 acre tract to permit the development of a Menards store. We ask this for the following reasons:

We question whether the current 23rd and South Iowa designated Regional Commercial area has the capacity for any additional commercial zoning beyond that already designated and zoned for commercial use. The amount of commercial zoning existing now in this Horizon 2020 designated CR has been listed as 1.3 million square feet and the date on this is April, 2012.

The Revised Southern Development Plan does not recommend that this area be expanded for commercial use and designates it for medium residential use. The commercial zoning to the west of this was intentionally given a buffer of residential zoning so that the commercial area would not expand to the east to create a continuous commercial strip to Louisiana.

If this 41-acre parcel, or even a portion of it is rezoned CR, it will be the only so-zoned property in Lawrence. The CR District is a conventional district and strictly speaking was not intended to be conditioned to limit the uses. The fact that only a portion of the property has been configured to include the Menards store (and parking) creates a major uncertainty on how this property would actually develop. Because this is a CR District request, the potential for high intensity uses located here exists and because it is surrounded by residential uses on three sides makes the potential negative impact even more serious.

For these and many other reasons, we urge that the Planning Commission not change the Southern Development Plan to accommodate the CR District and not grant the current **Z-13-00071** request for CR Zoning.

Thank you for considering our letter.

Sincerely,

David Burress

/s/

President-Elect

League of Women Voters of Lawrence/Douglas County

Cille King

/s/

Land Use Committee



CHEVROLET

BUICK

GMC

Cadillac

April 18, 2013

To:

Lawrence City Commissioners

√ Mike Dever, Mayor

Mike Amyx, Vice Mayor

Bob Schumm

Jeremy Farmer

Dr. Terry Riordon

Subject:

Proposal for Menard, Inc. Business Location

Gentlemen:

My business partner, Greg Maurer, and I had the pleasure of attending an informational meeting last Monday, April 8th, at Broken Arrow Middle School hosted by Mr. Tyler Edwards, Real Estate Representative for Menard, Inc. The invitees were the individuals and a few businesses that were living and/or located near the proposed property on 31st street, next to Home Depot.

The neighborhood people were most receptive to the Menard's proposed plan as they felt it would *not* be an intrusion to their neighborhood when compared to the previously approved student housing project that failed to materialize. They also expressed their concerns for how Menard's will be handling the water run-off/drainage from their properties with Mr. Edwards explaining Menard's plan for the drainage to their satisfaction. For our dealership and mini-storage properties being adjacent to the west property line of the proposed Menard development, we are satisfied with and pleased for the Menard development.

Selfishly, I believe a commercial occupation of this property will generate more real estate, sales and personal property taxes than a student housing venture, and for that I am excited. Our community desperately needs to broaden its tax base and this company will certainly do that as well as adding employment.

I ask for your favorable vote to approve the Menard addition to the Lawrence business community on 31st street. It is definitely adding value to our community's tax base and employment.

Sincerely,

Dale Willey

Automotive Excellence Since 1970

Kirk McClure, Ph.D. 707 Tennessee Street Lawrence, KS 66044

mcclurefamily@sbcglobal.net

April 18, 2013

Amalia Graham Richard Hird

<u>amalia.graham@gmail.com</u> <u>rhird@pihhlawyers.com</u>

Charles BlaserPennie von Achencblaser@sunflower.comsquampva@aol.com

Jon Josserand Clay Britton

jonjosserand@gmail.com <u>clay.britton@yahoo.com</u>

Lara Adams Burger Chad Lamer

<u>laraplancomm@sunflower.com</u> <u>chadlamer@gmail.com</u>

Bryan Culver (Vice-Chair) Bruce Liese (Chair)

<u>bculver@bankingunusual.com</u> <u>bruce@kansascitysailing.com</u>

Re: AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS, Meeting APRIL 22, 2013

ITEM NO. 3 SOUTHERN DEVELOPMENT PLAN; REGIONAL COMMERCIAL CENTER (MJL) CPA-13-00067: Consider Comprehensive Plan Amendment to expand the S. lowa Street

commercial corridor east along W. 31 street to include 1900 W 31 Street.

ITEM NO. 4 RM12 TO CR; 41.5 ACRES; 1900 W 31 ST (SLD)

Z-13-00071: Consider a request to rezone approximately 41.5 acres from RM12 (Multi-Dwelling

Residential) to CR (Regional Commercial), located at 1900 W 31 Street.

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

The proposal to expand the S. Iowa Street commercial corridor east along W. 31 street is an example of predatory development which is not beneficial to our community.

Capacity of Lawrence to Absorb a Second Home Improvement Center

The Lawrence area, including all of Douglas County, is only barely large enough to support one home improvement center. Adding a second home improvement center will serve only to force the city's existing home improvement center out of business.

As the table below illustrates, Lawrence has enough population to support one store, but it is actually rather small in terms of the number of homeowners normally needed to support a home improvement center. If a second store is added, there will be too few people, and especially too few homeowners, to support both stores. The result is that one store will probably go out of business. All too often in this type of cutthroat competition, the older store is the one that fails.

The taxpayers of Lawrence are not indifferent to this process. The taxpayers invested heavily, in excess of \$1.5 million, to facilitate the development of the Home Depot store at 31st and South Iowa Streets. The taxpayers do not want to see this investment lost. Nor do the taxpayers want to see the Home Depot store become another retail building that becomes vacant and sits for years without a tenant.

Ratio of Home Improvement Stores to Population and Homeowner Households Kansas City and Lawrence

	Kansas City	Lawrence	Lawrence with
	Metropolitan	Douglas	Added
	Area	County	Center
Total Centers	19	1	2
Population Owner households	1,980,619 538,827	113,569 24,800	
Population:centers ratio Owners:centers ratio	104,243	113,569	56,785
	28,359	24,800	12,400

Market Analysis

The market analysis submitted in support of these proposals is flawed in many ways.

Rate of Absorption

The retail study begins with the assertion that Lawrence can absorb 129,000 to 236,000 square feet per year by the year 2020. This assertion would assume that Lawrence has a balanced market now. Even the retail market study submitted admits that the stock of retail space has grown by 72 percent since

2000 while retail sales have risen by only 37 percent. Clearly, the City has permitted developers to build space at a pace much faster than the spending can support. The result is an over-built condition leading to underutilization of space and a lack of interest in the maintenance of properties.

Pull Factor

The retail study goes on to assert that the City's retail pull factor is low. The pull factor measures the amount of spending per capita in the retail market compared to a statewide average. If the pull factor is above 1.0, it indicates that the market pulls in more spending than is available from the local population. Lawrence's pull factor has been above 1.0 for 10 of the last 12 years. It has been rising for the last three years. This is an admirable record for a small city located between two larger cities.

The study suggests that a Mendards will improve the pull factor. It is not credible that the consumers will drive to Lawrence to shop at our home improvement center any more than they do now. The consumers in the Topeka and the Kansas City metropolitan areas have several home improvement centers in close proximity to them. They will not drive Lawrence for this purpose.

Population and Income Growth

The retail study does on to suggest that the future growth of Lawrence's population and income will support expansion of the stock of retail space. The ultimate limit on the amount of space that the city can absorb is the spending in the retail market. Income growth in Lawrence continues to lag behind the Kansas City metropolitan area, holding back the growth in the retail spending. It is unwise to let the retail market grow faster than the growth in retail spending.

Recommendation

To avoid predatory development that will waste the taxpayers' investment, I recommend against the proposed plan amendment and rezoning at 1900 West 31st Street.

To regain strength in the retail market of Lawrence, the Planning Commission needs to exercise extreme caution with any expansion of the stock of retail space until the retail spending levels grow sufficiently to return to the balance found in the past.

Sincerely,

Kirk McClure



April 19, 2013

Kirk McClure 707 Tennessee St Lawrence, KS 66044

Dear Mr. McClure,

Your letter regarding the proposed Menards project was forwarded to me by city staff. I have taken the time to respond to every resident that submits comments to the Planning Commission, city staff, or myself regarding this development. Responses to your concerns are below.

The term "predatory development" implies that Menards is in some way taking advantage of and individual or group of people with no regard for their wellbeing. That is certainly not the case with our Lawrence project. Menards has taken great steps to ensure that not only will our project not harm the city but improve the city as a whole. On April 8th I met with homeowners surrounding the project site and the response to our plans was very positive. We have included the residents in the planning process from the very beginning and plan to continue that practice.

I understand your main point to be the competition between Menards and Home Depot and their viability in the future. Your concerns are shared among several residents of Lawrence and often in other communities which we are new to. However no one understands the viability of a business better than the business itself. Menards is in no way trying to put Home Depot out of business here or in any other location. Competition is healthy and what makes the American economy strong. If Menards felt there was a chance their either Menards or Home Depot could not support a store we would not have a desire to build in the first place. For your information I have attached a list of a few of our western Menards stores in communities of similar size with either a Home Depot or Lowes located nearby.

I do not know the history of the taxpayer money that was used in the Home Depot project. However I can say that Menards is asking for nothing from the city of Lawrence financially. All Menards is asking for is the ability to compete on a fair playing field with every other business. Menards has performed studies regarding traffic, flooding, and utilities to ensure that our project will not harm any other property in the process.

Menards has a pull factor that is not ordinarily anticipated by a market study such as this. This is very evident by the number of Lawrence residents that travel to our Topeka store to shop in large numbers. Not only is that Menards store drawing consumers from outside of the Topeka region where there are other home improvement stores nearby. It is taking them from the City of Lawrence and it has a home improvement store. It is a reasonable



assumption that consumers will drive from all across Douglas County to shop at the Menards store just like they do in Shawnee County to the west.

Retail studies are only one element in the review of impacts a retailer would have on a community and they often fail to consider items that make retailers unique. Many communities have done away with these studies and relied more on experience and review of each project individually. Again there will be no investment by the residents of Lawrence to build the store. It is also unlikely that Menards or Home Depot would be put out of business by this project. Menards would be a great fit within the community and draw more consumers into the city that would otherwise be driving else ware to shop. If you have more questions please do not hesitate to contact me.

Sincerely, **Menard, Inc.**

Tyler Edwards

Real Estate Representative Menard, Inc. – Properties

5101 Menard Drive Eau Claire, WI 54703

P: 715-876-2143 C: 715-579-6699 F: 715-876-5998

tedwards@menard-inc.com

	Menards	Next Door	1/2 Mile	1 Mile	Under 3 Miles
1	Topeka	Lowes		Home Depot	
2	Manhattan				Home Depot
3	Salina			Lowes	
4	Wichita West			Lowes	
5	Wichita East	100 mm			Home Depot
6	Garden City	Home Depot			
	Sedalia	1	Lowes		
					Lowes
8	Lake Ozark				Home Depot
	Jeff City				Lowes
THE RESIDENCE OF THE PARTY OF T	Colombia		Home Depot		Lowes
	St Peters		Trome Depot		Home Depot
	Manchester		Home Depot		Lowes
12	Walleflester		Home Bepot		Home Depot
12	O'Fallon				Lowes
13	O I alloli				Home Depot
14	Lincoln South				Lowes
	Lincoln North	Home Denet			Lowes
	Grand Island	Home Depot		Hama Danet	
	Council Bluffs	Hama Danat		Home Depot	
	Sioux City	Home Depot			Lawas
	Sioux City Sioux Falls West	Usus Danet	1	-	Lowes
		Home Depot	Lowes		,
	Clive	1		Lowes	
	Altoona	Lowes	III B I		
	De Moines	ļ.,	Home Depot	-	
	Ankeny	Home Depot			
	Waterloo	Home Depot	Lowes		
	Marion			Home Depot	
	Davenport				Lowes
	West Burlington			Lowes	
	Rochester			Home Depot	
	Rochester South				Lowes
	Mankato	Home Depot			Lowes
	Coon Rapids	Lowes			
	Blaine				Lowes
	West St Paul		Lowes		
	Stillwater		Lowes		
	Maple Grove		Home Depot		
THE RESERVE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER, THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.	Brooklyn Park				Home Depot
	Fridley				Home Depot
	Richfield		Home Depot		
	Eden Prairie	Home Depot			
40	Hudson	Home Depot			
41	Rapid City				Lowes
42	Fargo	Lowes			
43	Hermantown				Home Depot

	T	T		
		Lowes		
Marion IL				Home Depot
Evansville				Lowes
Bloomington			Lowes	
Champaign	Lowes		Home Depot	
Danville			Lowes	
Normal	Home Depot			
Springfield South		Lowes		
Springfield North	Lowes			
Forsyth		Lowes		
Peoria				Home Depot
Galesburg			Lowes	
Peru	Home Depot			
Dubuque			Lowes	
Janesville			Home Depot	
Racine			Home Depot	
Fox lake	Home Depot			
Gurnee	Home Depot			Lowes
Kenosha		Lowes		
Cherry Valley				Lowes
Machesney Park	Home Depot		Lowes	
Wausau	Home Depot			
Plover				Lowes
Oshkosh	Lowes			
Appleton East		Lowes		
Manitowoc		Lowes		
Appleton West			Home Depot	
West Bend	Home Depot			
	Evansville Bloomington Champaign Danville Normal Springfield South Springfield North Forsyth Peoria Galesburg Peru Dubuque Janesville Racine Fox lake Gurnee Kenosha Cherry Valley Machesney Park Wausau Plover Oshkosh Appleton East Manitowoc Appleton West	Marion IL Evansville Bloomington Champaign Danville Normal Normal Home Depot Springfield South Springfield North Forsyth Peoria Galesburg Peru Home Depot Dubuque Janesville Racine Fox lake Gurnee Home Depot Kenosha Cherry Valley Machesney Park Wausau Home Depot Plover Oshkosh Appleton East Manitowoc Appleton West	Marion IL Evansville Bloomington Champaign Danville Normal Home Depot Springfield South Springfield North Forsyth Lowes Peoria Galesburg Peru Home Depot Dubuque Janesville Racine Fox lake Home Depot Gurnee Home Depot Kenosha Cherry Valley Machesney Park Home Depot Wausau Home Depot Plover Oshkosh Appleton East Manitowoc Appleton West	Marion IL Evansville Bloomington Champaign Lowes Home Depot Danville Normal Home Depot Springfield South Springfield North Lowes Forsyth Peoria Galesburg Peru Home Depot Dubuque Janesville Racine Fox lake Home Depot Kenosha Cherry Valley Machesney Park Wausau Home Depot Plover Oshkosh Appleton East Manitowoc Appleton West Lowes Lowes Home Depot Lowes Lowes Lowes Lowes Lowes Lowes Lowes Lowes Home Depot Lowes Lowes Lowes Home Depot Lowes Lowes Home Depot Lowes Lowes Home Depot Lowes Home Depot Lowes Home Depot Lowes Home Depot Home Depot