LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM
AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS
APRIL 21 & 23, 2014  6:30PM - 10:30PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of March 24, 2014.

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 21, 2014) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 1  RSO TO CN1; .126 ACRE; 512-514 LOCUST ST (DRG)


ITEM NO. 2 CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; BETWEEN E 400 & E 450 ROADS, N OF N 300 RD (SLD)

CUP-14-00002: Consider a Conditional Use Permit for a 60 meter (196’) meteorological tower to monitor and collect wind data located between E 400 and E 450 Roads and north of N 300 Road. Submitted by Tower Associates LLC on behalf of Charles and Doris Fawl, property owners of record.

ITEM NO. 3 CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; N 400 RD & E 1000 RD (SLD)

CUP-13-00480: Consider a Conditional Use Permit for a 60 meter (196’) meteorological tower to monitor and collect wind data located east of the corner of N 400 Rd & E 1000 Rd and on the south side of N 400 Rd. Submitted by Tower Associates, for Donald & Jane Schwartz, property owners of record.

ITEM NO. 4 SPECIAL USE PERMIT; RUNAWAY PONY BED & BREAKFAST; 603 TENNESSEE ST (JSC)

SUP-14-00049: Consider a Special Use Permit to continue the bed and breakfast use of the property as Runaway Pony Bed & Breakfast, located at 603 Tennessee St. Submitted by Rainbow Works LLC, property owner of record.

ITEM NO. 5 COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTERS 6 & 14; REVISE MAXIMUM RETAIL CAP (JSC/AAM)

CPA-14-00059: Consider a Comprehensive Plan Amendment to Horizon 2020, Chapters 6 and 14 to revise the maximum retail cap from 72,000 SF to 122,000 square feet to permit a proposed grocery development in Bauer Farm, located at 4700 Overland Drive.

ITEM NO. 6A PCD TO PCD; 8 ACRES; 4700 OVERLAND DR (SLD)

Z-14-00057: Consider a request to rezone approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive. The zoning application proposes modifying the uses in the PD (Planned Development) from a mix of residential, office, with 14,440 SF of retail space to 45,048 SF retail space, 6,150 SF office space, and no residential use. Submitted by Treanor Architects, for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

ITEM NO. 6B PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR (SLD)

PDP-14-00055: Consider a Revised Preliminary Development Plan for Bauer Farm and Bauer Farm Northwest, and Bauer Farm Residential to include the addition of a 108 room hotel and two retail stores and one mixed use building in Bauer Farm Northwest, located at 4700 Overland Drive. The plan proposes 45,048 SF of retail uses where 14,440 SF was previously approved. Changes to Bauer Farm Residential include a revision to the number of residential dwelling units from 272 to 342, removing a
street connection to Overland Drive, and revising the building form from row houses to apartments along W. 6th Street and Overland Drive. Submitted by Treanor Architects, for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

**MISCELLANEOUS NEW OR OLD BUSINESS**

Consideration of any other business to come before the Commission.

**MISC NO. 1  VARIANCE FOR CERTIFICATE OF SURVEY; E 175 RD & US HWY 40 (MKM)**

**CSR-13-00496**: Consider a variance associated with a Certificate of Survey requested from Section 20-806(d)(2)(i) of the Subdivision Regulations [Section 11-106(d)(2)(i) of the County Code] to allow the creation of a Residential Development Parcel with a minimum width less than required. Submitted by Howard Smith, for Howard and Fredonna Smith property owners of record.

_Recess until 6:30pm on April 23, 2014_
BEGIN PUBLIC HEARING (APRIL 23, 2014):

COMMUNICATIONS
a) Receive written communications from staff, Planning Commissioners, or other commissioners.
b) Disclosure of ex parte communications.
c) 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 23, 2014) MEETING
PUBLIC HEARING ITEMS:

ITEM NO. 7 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARKING & ACCESS STANDARDS (SMS)

TA-6-14-09/TA-13-00235: Receive an update on the proposed Text Amendments to the City of Lawrence Land Development Code, Article 9 and related sections of Chapter 20, for comprehensive revisions to parking and access standards.

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

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

ITEM NO. 9A RSO TO CN2; 10.97 ACRES; 4300 W 24th PLACE (SLD/TLH)

Z-13-00483: Consider a request to rezone approximately 10.97 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

ITEM NO. 9B SPECIAL USE PERMIT; FAMILY FUN CENTER; 4300 W 24th PLACE (SLD/TLH)

SUP-13-00486: Consider a Special Use Permit for Participant Sports & Recreation, Outdoor uses as part of a Family Fun Center, located at 4300 W 24th Place. The development includes a 28,000 square foot clubhouse and outdoor tot lot, batting cages, electric go-kart tracks and an 18-hole miniature golf course. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

ITEM NO. 9C SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24th PLACE (SLD)

SUP-14-00026: Consider a Special Use Permit for a fast order food with drive-thru as part of the future commercial pad site development, to be located on the west portion of property located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

**DEFERRED**

ITEM NO. 10 CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; 206 E 1600 RD (SLD)
CUP-14-00052: Consider a Conditional Use Permit for a 116’ tall meteorological tower with a 10’ antenna for monitoring and collecting atmospheric, soil and water data, located at the University of Kansas Field Station, 2060 E 1600 Rd. Submitted by National Ecological Observatory Network [NEON], for University of Kansas Endowment Association, property owner of record.

ADJOURN

CALENDAR

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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 24, 2014
Meeting Minutes DRAFT

March 24, 2014 - 6:30 p.m.
Commissioners present: Britton, Culver, Denney, Graham, Josserand, Kelly, Liese, Rasmussen, Struckhoff, von Achen
Staff present: McCullough, Stogsdill, Crick, Day, Larkin, Ewert

PLANNING COMMISSION MINUTES
Receive and amend or approve the minutes from the Planning Commission meeting of January 27, 2014.

Motioned by Commissioner von Achen, seconded by Commissioner Josserand, to approve the January 27, 2014 Planning Commission minutes.

Unanimously approved 10-0.

Receive and amend or approve the minutes from the Planning Commission meeting of February 24 & 26, 2014.

Motioned by Commissioner Kelly, seconded by Commissioner Britton, to approve the February 24 & 26, 2014 Planning Commission minutes.

Unanimously approved 10-0.

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

Commissioner Culver said the Metropolitan Planning Organization (MPO) met March 13th and were presented with final drafts of the multi-modal studies which will come to Planning Commission and governing bodies in upcoming months.

COMMUNICATIONS
Receive written communications from staff, Planning Commissioners, or other commissioners:

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:

  Commissioner Josserand said he would disclose ex parte in the future when the Family Fun Center items were heard.

- No abstentions.
ITEM NO. 1  SPECIAL USE PERMIT; PUMP STATION; 547 MAPLE & 500 PERRY (SLD)

SUP-14-00007: Consider a Special use Permit for a Pump Station, located at 547 Maple & 500 Perry St. Submitted by Bartlett & West, for the City of Lawrence, property owner of record.

STAFF PRESENTATION
Ms. Sandra Day presented the item.

PUBLIC HEARING
Mr. Ted Boyle, North Lawrence Improvement Association, was in favor of the proposed Pump Station.

Mr. Rick Macheca inquired about the noise, landscaping, construction time frame and access.

Ms. Day said the site was generally designed to have access from 6th Street and from Maple Street.

Mr. Matt Bond, City Stormwater Engineer, said the pump would only be running when stormwater was being pumped out and that it probably could be heard by someone standing on the road immediately outside of it. He said there were existing deciduous trees along the east side of the site which would be kept and that trees would be added to the south side of the site. He said regarding access there was a gate off of Maple and a gate off of 6th Street. He said during construction they would stay as close to the truck routes as possible to get to the site.

Ms. Day said regarding landscaping there were discussions with Public Works about adding more shrubs along the public streets to provide more screening for the equipment piece of the improvement.

ACTION TAKEN
Motioned by Commissioner Liese, seconded by Commissioner Graham, to approve Special Use Permit, SUP-14-00007, for a Pump Station located at 547 Maple Street & 500 Perry Street, a minor utility, based upon the findings presented in the body of the staff report and subject to the following conditions:

Applicant shall provide a revised site plan with the following changes:
1. Provide a note on the plan that states lighting fixtures shall be provided with a full cut-off fixture and be directed down. Applicant shall provide lighting fixture details for review and approval prior to issuance of a building permit.
2. Submission of final building elevations for review and approval prior to issuance of a building permit.
3. Approval of the Special Use Permit is contingent upon approval of a Floodplain Development Permit. The SUP will be released to Development Services for a building permit after a Floodplain Development Permit application has been approved.

Unanimously approved 10-0.
ITEM NO. 2  COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 14; K-10 & FARMER’S TURNPIKE PLAN (JSC)

CPA-14-00005: Consider a Comprehensive Plan Amendment to Chapter 14- K-10 & Farmer’s Turnpike Plan to expand the boundary and amend the future land use designations in the area southeast of I-70 and K-10.

STAFF PRESENTATION
Mr. Jeff Crick presented the item.

APPLICANT PRESENTATION
Mr. David Hamby, BG Consultants, thanked staff for their work on the item and was present for questioning. He requested the buffer between Office-Research and Residential-Office be reduced to a maximum of 150’. He felt the 200’ buffer was excessive for the uses of substation and self-storage units.

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Liese asked staff to respond to the buffer request from the applicant.

Mr. Crick said the 200’ buffer came out of the recommendation for the neighboring plans, West of K-10. He said staff was concerned about having such differing intensity of land uses being directly adjacent to each other. He said given the expansion of Westar utility and other easements in place it could probably be done with landscaping to meet the requirement to make sure the intensities were mitigated.

Commissioner Liese asked if staff had a specific recommendation.

Mr. Crick said staff would probably recommend the 200’ buffer because it was consistent with other items.

Mr. McCullough said the buffer reduction was worth considering given the context that the applicant pointed out. He said there was a policy about exterior storage not being allowed in the industrial area/gateway area. He said in this particular instance, given some of the concepts with the lot layout, 150’ may suffice in offering protection.

Commissioner Liese said he would probably be in favor of the 150’ buffer.

Commissioner Josserand agreed with the staff recommendation of eliminating mini warehouses along K-10. He wondered how much office/research space would be converted to single-family.

Mr. Crick said at least around 50-51% of the K-10 Farmer’s Turnpike Plan. He said it would go down probably about 30% reduction.

Commissioner von Achen asked if the area east of 902 Road would be low density residential.

Mr. McCullough nodded yes.
Commissioner von Achen said under other considerations it states the expansion of the plan boundaries east of 902 Road would designate the land as residential office.

Mr. Crick said going east of 902 Road would be low density residential.

Commissioner Britton asked if the applicant attempted to contact property owners.

Mr. Hamby said there were several property owners he did not have contact information for. He said the property owner to north of E 902 Road lives in Florida. He said he talked to Westar Energy, Mr. Garber, and Mr. Stultz.

Commissioner Josserand asked what the buildings on the Stultz property were used for.

Mr. Hamby said agricultural equipment.

Commissioner Josserand inquired about the buffering.

Mr. Hamby showed where the buffering would be on an overhead diagram.

Mr. McCullough said there may be other options for berming. He said the distance itself would be some sort of buffering.

Commissioner Josserand asked who the developer was.

Mr. Hamby said Mr. Garber owns the property.

Mr. McCullough said there was a lot of potential for connection to the west.

Mr. Hamby said the parcel was landlocked to the west because of floodplain to the north. He said the only way to access that parcel was from the east through this property. He said the goal was to make that a residential development to the west.

Commissioner Denney asked how the mini warehouse would be accessed.

Mr. Hamby said it would be accessed through the south area with a driveway. He said it would be a private access road.

Commissioner Josserand agreed with staff's observation about access to the parcel needing to be anticipated. He said he would oppose anything that would put mini warehouses on K-10. He said he was also reluctant for more residential. He said he would be reluctant to support the reduced buffer.

Commissioner von Achen asked if the mini storage would not be visible from K-10.

Mr. McCullough said it would be visible from K-10. He said staff was recommending a policy that restricts outdoor use. He said with K-10 there would be a 50’ buffer area.

Commissioner Denney asked what the applicant wanted to do that was not allowed under current zoning.

Mr. McCullough said the request was for low density would allow for single dwelling, duplex and attached dwelling at six or fewer dwelling units per acre.
Commissioner Kelly said the zoning change would allow the mini warehouse.

Mr. McCullough said that was correct.

Commissioner von Achen asked why the area to the right was being taken out of the Northwest Sector Plan. She asked if the reason was because it was not incorporated into Chapter 14.

Mr. McCullough said yes. He said it was a way to formalize the designation so that when zoning was submitted there was no question about it.

Commissioner Rasmussen said IL zoning permitted uses included fast order food and drive-ins.

Mr. McCullough said one of the things looked at is the plan itself. He said the office research category was not meant to accommodate the commercial retail. He said the plan language would allow conditional zoning for that district. He said the intention was to put forth non-commercial office research.

Commissioner Rasmussen asked why staff recommended office research as opposed to residential office that was originally in the sector plan.

Mr. McCullough said the primary application was to accommodate the mini warehouse. He said the Westar Substation expansion was a changing issue that was not necessarily assumed when the K-10 and Farmer’s Turnpike Plan was originally conceived. He said taking that into account and providing the buffer area, staff supported that change with the conditions about making it aesthetically pleasing for the gateway. He said the Westar Substation will be one of the primary uses in the area in terms of the land area and aesthetics.

Commissioner Josserand said he would be reluctant to support this to accommodate a mini warehouse.

Commissioner Rasmussen said he agreed with Commissioner Josserand. He said he did not like the proposed change. He said he wanted the gateway to Lawrence to look nice.

Commissioner Britton said he had similar concerns. He said this was a gateway area and he had hesitation about doing something that would be less than what they would like to see. He said he was also sympathetic to the fact that someone owned the property and Planning Commission could not just create their own development proposals.

Commissioner Liese said he has seen a lot of mini warehouses that were attractive. He said they could be done architecturally well. He said he would support the 150’ buffer and was concerned about the view of Lawrence not being developer friendly.

Commissioner Denney asked if the only reason they were changing the plan was to allow a mini warehouse.

Mr. McCullough said that was a valid perspective.

Commissioner Denney said he would support the 150’ easement.

Commissioner Liese asked staff to talk about the mandates regarding signage.
Mr. McCullough said pole signs and billboards would not be allowed.

Commissioner Rasmussen said a future land use map would show residential surrounding industrial.

Mr. McCullough said yes. He said there would be a buffer area. He said the east would be buffered by the Westar Substation. He said it was meant to reflect more of the Wakaursa and Bob Billing Parkway uses.

Commissioner Kelly said there was already a plan in place and he felt comfortable sticking with that plan until there was good reason otherwise. He said he would like to know more about what the area will look like. He wanted the property owner to the east to be contacted since that property would be impacted.

Commissioner Struckhoff said the work that had gone into this made it palatable given there were aesthetic measures that could be taken to preserve the gateway. He shared the concerns about not knowing what the area would look like and felt this may be premature.

Commissioner Rasmussen said he would not vote in favor of this. He felt it was premature and that this was an important corridor to the community.

Commissioner Josserand agreed with Commissioner Rasmussen.

Commissioner Britton agreed with the concerns expressed. He felt they could do better with a fuller proposal of the area. He felt comfortable sticking with the current plan in place until they had a good reason to change it.

Commissioner Graham agreed with the previous comments expressed. She felt the gateway should look nice. She also expressed concern about the other property owners in the area not being contacted.

Commissioner von Achen said she would not support the change because she felt the gateway should look nice.

Commissioner Rasmussen inquired about options and how that would impact the applicant.

Mr. Hamby said he could provide additional information if that was their direction. He said the corridor would be limited by the topography and easements.

**ACTION TAKEN**
Motioned by Commissioner Liese, seconded by Commissioner Denney, to defer indefinitely with the request that the applicant provide more information related to the mini-warehouse and other land uses and to contact other owners in the area that weren't able to be contacted.

Commissioner von Achen asked for input from staff on what a gateway should look like.

Commissioner Struckhoff said to imagine other cities they have visited and think about what entrances were their favorite.
Motion carried 10-0.
ITEM NO. 3 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2 (SMS)

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

ITEM NO. 4A RSO TO CN2; 10.97 ACRES; 4300 W 24th PLACE (SLD/TLH)

Z-13-00483: Consider a request to rezone approximately 10.97 acres from RSO (Single-Dwelling Residential-Office) District to CN2 (Neighborhood Shopping Center) District, located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

ITEM NO. 4B SPECIAL USE PERMIT; FAMILY FUN CENTER; 4300 W 24th PLACE (SLD/TLH)

SUP-13-00486: Consider a Special Use Permit for Participant Sports & Recreation, Outdoor uses as part of a Family Fun Center, located at 4300 W 24th Place. The development includes a 28,000 square foot clubhouse and outdoor tot lot, batting cages, electric go-kart tracks and an 18-hole miniature golf course. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

ITEM NO. 4C SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24th PLACE (SLD)

SUP-14-00026: Consider a Special Use Permit for a fast order food with drive-thru as part of the future commercial pad site development, to be located on the west portion of property located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by Planning Commission on 2/24/14.

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.

Items 4A-4C and Item 5 were deferred prior to the meeting.
MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

MISC NO. 1  VARIANCE FOR CERTIFICATE OF SURVEY; 1445 & 1433 N 300 RD/ HWY 56 (MKM)

CSR-14-00051: Consider a variance associated with a Certificate of Survey for approximately 62.5 acres located at 1445 and 1433 N 300 Road (Hwy 56). The variance is requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(50(ii) of the County Code] to allow the creation of Residential Development Parcels without the dedication of additional right-of-way for N 300 Road/Hwy 56, which is classified as a Principal Arterial. Submitted by All Points Surveying, LLP for Michael E. Christie, Martha J. Christie, Chad M. Christie, and Ann M. Christie, property owners of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

PUBLIC HEARING
No public comment.

ACTION TAKEN
Motioned by Commissioner von Achen, seconded by Commissioner Struckhoff, to approve the variance requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(50(ii) of the County Code] to allow a land division through Certificate of Survey CSR-14-00051 to create 2 RDPs without the dedication of additional right-of-way where the property is adjacent to Hwy 56 subject to the following condition:

1. The following notes shall be added to the Certificate of Survey:
   a. “The Planning Commission approved a variance from Section 20-810(e)(5)(ii) to allow the land division to occur without the dedication of additional right-of-way where the property is adjacent to Hwy 56”
   b. “KDOT did not require the dedication of additional right-of-way with this land division, but indicated that additional right-of-way would be required when more intense development were proposed.”

   Unanimously approved 10-0.

MISC NO. 2  VARIANCE FOR CERTIFICATE OF SURVEY; 1619 E 1818 RD (MKM)

CSU-13-00432: Consider a variance associated with a Certificate of Survey requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow the creation of Residential Development Parcels on a principal arterial with less than the required right-of-way. Submitted by Berniece Garber for Doug Garber Const. Inc, property owner of record.

STAFF PRESENTATION
Ms. Mary Miller presented the item.

PUBLIC HEARING
No public comment.

**ACTION TAKEN**

Motioned by Commissioner Kelly, seconded by Commissioner Struckhoff, to approve the variance requested from Section 20-810(e)(5)(ii) of the Subdivision Regulations [Section 11-110(e)(5)(ii) of the County Code] to allow a land division through Certificate of Survey CSU-13-00432 to create 4 RDPs without the dedication of additional right-of-way where the property is adjacent to Hwy 40 subject to the following condition:

1. The following notes shall be added to the Certificate of Survey:
   a. “The Planning Commission approved a variance from Section 20-810(e)(5)(ii) to allow the land division to occur without the dedication of additional right-of-way where the property is adjacent to Hwy 40”
   b. “KDOT did not require the dedication of additional right-of-way with this land division, but indicated that additional right-of-way would be required when more intense development is proposed.”

   Unanimously approved 10-0.

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**ADJOURN 8:25pm**
## 2014

### LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION

**MID-MONTH & REGULAR MEETING DATES**

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### 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
- Joint meeting with other Cities’ Planning Commissions
- Joint meeting with other Cities and Townships – UGA potential revisions
- New County Zoning Codes
- Tour City/County Facilities
- Oread Overlay Districts
- Comprehensive Plan – Goals & Policies
- Utilities Master Plan
- Water Resources

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

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**Planning & Development Services | Lawrence-Douglas County Planning Division | 785-832-3150 | [www.lawrenceks.org/pds](http://www.lawrenceks.org/pds)**

Revised 04/04/14
## 2013 PLANNING COMMISSION ATTENDANCE

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Z-14-00056: Consider a request to rezone approximately .126 acres from RSO (Single-Dwelling Residential-Office) to CN1 (Inner Neighborhood Commercial) District, located at 512 & 514 Locust Street. Submitted by Quentin Cole, property owner of record. Initiated by City Commission on March 25, 2014.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 5,500 SF, from RSO (Single-Dwelling Residential-Office) District to CN1 (Inner Neighborhood Commercial) District based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval.

Reason for Request: “Under the current zoning of the property as a RSO zone, the proposed land use as a nonprofit community based market and café would be restricted. Rezoning the property as a CN1 zone would permit the proposed use.”

KEY POINTS
- The property was developed with single-dwelling residential homes over 100 years ago.
- Horizon 2020 supports the expansion of established commercial areas in the community.
- The character of the area consists of a mixed land use pattern ranging from intensive industrial uses to commercial, office and low density residential development.
- The property is not large enough to redevelop with an intensive commercial use.
- The rezoning is consistent with the neighborhood plan.

ASSOCIATED CASES/ OTHER ACTION REQUIRED
- Z-3-4-87: 508 Locust St; M-3 to C-4
- Z-02-04-04: 512 to 546 Locust St; M-3 to RO-2
- Z-8-12-09: 504 Locust St; IG to CS
- Z-8-13-09: 500 Locust St; IG to CS
- B-05-15-05: 500 Locust Street; site area, lot width, front yard, side yard, parking, # of off street parking
- B-12-00169: 508 Locust St; front yard, parking spaces, parking setbacks
- Submittal of site plan to the Planning Office if any physical alterations to the site or a change of use are proposed.
- A building permit shall be obtained from Development Services prior to structural changes.

PLANS AND STUDIES REQUIRED
- Traffic Study - Not required for rezoning.
- Downstream Sanitary Sewer Analysis - Not required for rezoning
- Drainage Study - Not required for rezoning
- Retail Market Study - Not applicable to this request because of the project size

ATTACHMENTS
Project Summary:
Proposed request is for rezoning of two adjoining lots which are both currently developed with residential structures. Both properties are small (25’ X 110’ = 2,750 sq. ft.) lots that were platted in 1869. The existing residential structure on 512 Locust Street was built around the 1880’s and it has approximately 818 square feet of living area. The applicant intends to continue using this dwelling structure as a residence.

The applicant wants to establish a nonprofit community based market and café in the structure at 514 Locust Street. This structure is much smaller than the one next door, having only 434 square feet of living area according to records obtained from the Douglas County Appraiser’s Office.

The current zoning of the property as RSO (Single-Dwelling Residential Office) District does not allow personal convenience services to be established, which include uses such as neighborhood grocery stores, drugstores, laundromats/dry cleaners and barbershops. The RSO District also does not permit accessory restaurants such as a grocery store café. The site is adjacent to other commercially zoned and developed property on the west and there is industrial zoning and uses found on the north side of Locust Street. The area offers a mix of residential, industrial, commercial and restaurant uses.

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response: Just west of the property under proposal is a CS zone with a small strip of commercial businesses. The proposal would allow local commercial growth from this commercial center while adding a buffer as CN1 zone before the residential dwellings to the east.

Staff Finding – Goal 1 in Chapter 6 - Commercial Land Use is to “Encourage the retention, redevelopment and expansion of established commercial areas of the community”. This area meets the intent of an Inner-Neighborhood Commercial Center but the intersection area near N. 5th Street and Locust Street is not specifically listed in Horizon 2020. This area has had a mix of restaurant and retail uses for a long time and this rezoning would help the retention and redevelopment of the area.

Goal 3 in Chapter 6 addresses the need to “provide regional, community and neighborhood shopping opportunities to meet the commercial and retail needs of the community.” Policy 3.3 includes criteria and standards for existing and new Inner-Neighborhood Commercial Centers. With the proposed rezoning, this property could be redeveloped for low intensity neighborhood oriented commercial uses. Horizon 2020 states that the Inner-Neighborhood Commercial Centers are most likely to develop with uses which may include book stores, coffee shops, food stores, beauty salons, etc. These are considered to be examples of neighborhood oriented uses. The applicant intends to renovate the existing residential structure at 514 Locust Street to a small food market with a café. Retention of the existing structure will help maintain the existing character and appearance of the neighborhood.

2. ZONING AND USE OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING
Current Zoning and Land Use: RSO (Single-Dwelling Residential-Office) District; two detached single-dwelling residential structures on separate platted lots

Surrounding Zoning and Land Use: North: IG (General Industrial) District; Union Pacific Railroad Right-of-Way
West: CS (Commercial Strip) District; Frank’s North Star Tavern and ancillary off-street parking lot
South: RS5 (Single-Dwelling Residential) District; single-family residences
East: RSO District; vacant lot immediately to the east and single-family residences

Staff Finding - This area has a mix of different land uses. The properties to the west extending over to the intersection of N. 5th Street are developed with commercial uses and a single-family residential structure is found in between these commercial uses. The property to the north of Locust Street is Union Pacific Railway right-of-way. To the south of the alley behind the subject property there are single-family residential homes. East of the site is a vacant lot, residential dwellings and other commercial uses around the intersection of N. 7th and Locust Street. This area along Locust Street has historically been developed with a mix of land uses of various type and intensity. Rezoning the two lots for limited intensity inner neighborhood commercial use could open an opportunity for the development of a use that could serve the immediate neighborhood.

3. CHARACTER OF THE NEIGHBORHOOD


Staff Finding - The neighborhood is a mix of residential, commercial and industrial uses. Locust Street carries a collector street designation in the City’s transportation plan; it also is identified as a truck delivery route. Within the immediate area of this rezoning request there are heavy industrial uses, commercial uses of various intensity, and low density residential housing. These mixed uses have co-existed for many years.

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

Staff Finding - The subject property is located within the planning area of The North Lawrence Neighborhood Plan adopted December 16, 1981. This plan is 32 years old and has not been updated. The plan identifies this property area as Residential/Commercial uses on the future land use map.

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

Applicant’s Response: Located in the commercial center of the inner North Lawrence Neighborhood, this small scale, locally oriented community initiative will act as public space for
nonprofit commerce. Targeting specific needs of the community in healthy food access will help vitalize this business center as well as the surrounding neighborhood.

**Staff Finding** - The property is currently developed with two small detached single-dwelling structures. Single-dwelling residential use is an allowed use in the RSO District. The development code standards require a minimum lot area of 5,000 square feet for which neither of these two properties meet. Because of the lot size limitations presented by these platted lots, the majority of uses allowed in the RSO District would not be able to locate on this property due to the noncomplying lot size. The most likely use for the property and existing structures is a continuation of the existing residential use or possibly a small professional office. In addition to the current residential uses and office uses permitted in the RSO District, this rezoning to CN1 District would allow retail sales and service uses, or restaurant uses.

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

Applicant’s Response: *Less than a year. Approximately 9 months.*

**Staff Finding** - The property has been zoned RSO (Single-Dwelling Residential-Office) District since the adoption of the Development Code in 2006. The subject property as well as other properties to the east were zoned RO-2 (Residence-Office) District under the old code and that zoning classification rolled over to the RSO zoning with the new Development Code. The entire south side of the 500 block of Locust Street was zoned M-3 (Intensive Industrial) District when the 1966 Zoning Ordinance was adopted by the City. The zoning remained unchanged on the subject property and all other properties over to the intersection of N. 6th Street until the City adopted Ordinance 7792 in 2004 which rezoned them to the former RO-2 District.

Both lots are developed with detached residential homes. According to information obtained from the Appraiser’s Office, the dwelling at 512 Locust was built around 1880 and the dwelling at 514 Locust was built around 1900.

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

Applicant’s Response: *Little to no detrimental affect should be experienced by approving this proposal. The space is small with more than adequate off street parking available. The proposed use is meant to serve the specific community members living in nearest proximity.*

**Staff Finding** - By rezoning this property to the CN1 District, it could potentially redevelop with a use that would cause an increase in traffic to and from the site. However, the applicant’s immediate plan is to keep the property at 512 Locust Street a single-dwelling residence and use the structure at 514 Locust Street for a community based nonprofit food market with a possible small café inside the building. Based upon the reported building square footage of the 514 Locust Street structure, the code will require 2 off-street parking spaces for the retail use and 2 parking stalls for the residential use. These parking stalls can be provided on-site from the alley. It is possible the intended use will draw customers from the neighborhood that may choose to walk or ride a bike to the business rather than drive.

The applicant will be required to submit a site plan for the proposed change of use. The site plan will consider issues related to where off-street parking stalls are provided, landscape and
screening standards, solid waste storage, etc. Building permits for code required building upgrades based upon the change in use for the structure may also be required.

Due to the limited size of the property and site development standards that restrict the structure size in the CN1 District to not exceed 3,000 gross square feet, staff does not believe there will be any negative effects from a slightly more intense use at this location. Locust Street seems to have historically served as an area of commerce for the neighborhood which is still evident by the existence of small specialty retail/office/consulting businesses. The rezoning would allow these two properties with the existing structures to have more viable options for the future.

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: Affordable access to healthy food. Community revitalization. Living wages and support for local food growers.

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

**Staff Finding** - There is little gain to the public if this site remains as it is today. The dwelling at 512 Locust Street is occupied but 514 Locust Street is vacant. The size of the residential structure at 514 Locust Street is quite small (434 sq. ft.) and the lot size is below minimum standard for the zoning classification. These existing site conditions severely limit the continued residential use as well as potential for other residential-office uses that could utilize the property.

This rezoning could be a benefit to the neighborhood because it is generally better for the community to have structures that are occupied. The same site conditions that limit uses of the property allowed in the RSO District also limit many potential commercial uses allowed in the proposed CN1 District. A small food market with a café could fill a need that exists in the neighborhood.

9. PROFESSIONAL STAFF RECOMMENDATION

The two lots combined total 5,500 square feet. Each lot is developed with a small single-dwelling residential structure. The current RSO zoning allows office and low density residential uses. The proposed rezoning could allow development of retail and office uses. The development pattern along Locust Street is a mix of industrial uses, restaurants, retail establishments and residential uses. Allowing low intensity retail use at this site will not be out of character of the area. This site would not be able to allow for many of the intensive uses allowed in the CN1 district as there are many site constraints.

Staff recommends approval of the rezoning from the RSO District to the CN1 District.
Request to Rezone 0.126 acres from RSO District to CN1 District
Located at 512 & 514 Locust Street
PLANNING COMMISSION REPORT  
Regular Agenda – Public Hearing Item  

PC Staff Report  
4/21/2014  

ITEM NO. 2:  CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; BETWEEN E 400 RD & E 450 RD AND NORTH OF N 300 RD (SLD)  

CUP-14-00002: Consider a Conditional Use Permit for a 60 meter (196’) meteorological tower to monitor and collect wind data located between E 400 and E 450 Roads and north of N 300 Road. Submitted by Tower Associates LLC on behalf of Charles and Doris Fawl, property owners of record.  

STAFF RECOMMENDATION:  Staff recommends approval of the Conditional Use Permit for the meteorological tower and forwarding it to the County Commission subject to the following conditions:  

1) Approval of the Conditional Use Permit shall be limited to 6 years from the date of the County Commission approval. Any extension of the time limit shall be allowed only per written request from the applicant and approval for extension by the County Commission following public notice.  
2) The provision of a revised site plan that adds the following notes to the face of the drawing:  
   a) "A sign shall be posted on the tower or the exterior fence around the base of the tower with the name and telephone number of the tower owner/operator. “  
   b) "Use of this tower shall be limited to meteorological equipment only and will not be allowed for use by telecommunication providers.”  
   c) "This tower will be removed at the end of the Conditional Use Permit approval period.  
   d) "A change of ownership of the tower shall require a new Conditional Use Permit and public hearing by the Planning Commission." This will allow review of the intended use of the tower and public notice of the proposed change.  

Reason for Request:  "Tower Associates would like to install a meteorological tower to monitor and collect wind data over a period of time.”  

Note: Much of the information in this staff report is duplicated from SUP-13-00480. Information related to the specific location of this tower is highlighted in bold purple for reference.  

ATTACHMENTS  
1. Site plan  

KEY POINTS  
• This application is not an application for a “Wind Farm.” The purpose of the application is to collect wind data over a period of several years..  
• This application is related to SUP-13-00480 but for a separate property along the Highway 56 corridor.  
• Per Section 12-319-4.31 of the Zoning Regulations for the Unincorporated Territory of Douglas County, radio, television, telecommunication and microwave towers are uses which may be approved as a Conditional Use.  
• This use – metrological tower - is not specifically listed in the Zoning Regulations but is considered by staff to be a similar use.  
• This structure is temporary and does not include a fixed foundation and permanent land alterations.
Douglas County Board of County Commissioners approved a resolution on 12/11/2013 to establish a moratorium on wind farms but amended their interpretation to allow the applications for data collection to proceed.

**DESCRIPTION OF USE**
Request is for the installation of a 196 foot structure (metrologic tower) to monitor and collect wind data over a period of 5–6 years. Collected data will be used by the applicant in the "determination of this areas’ possession of sufficient wind resources to support development of a wind energy center, sometimes referred to as a wind farm."

This application is not for the development of a wind energy center (wind farm) or the placement of wind turbines. Such application will require a separate Conditional Use Permit with appropriate documentation and public notice. Also, this application is not intended for communication or cellular equipment. There is no expectation that communication equipment would be co-located on this structure in the future.

The structure is a monopole held in place by guy wires anchored at various distances from the structure for support. Data collection equipment (anemometer) is attached to the tower at intervals. Staff requested additional information about the equipment. The applicant’s response was: “There are three pairs of anemometers placed at 30, 50, and 60 meters. The anemometers consist of three “cups” that rotate depending on wind speed and are approximately six inches across. Although the anemometers rotate, the rotation is contained within the approximately 6 inch diameter.”

**ASSOCIATED CASES/OTHER ACTION REQUIRED**
- Board of County Commissioners’ approval of the Conditional Use.
• Zoning and Codes Office issuance of a Conditional Use Permit when plans have been released to the Zoning and Codes Office and conditions of approval have been met.

PUBLIC COMMENT
• Area property owners called asking for more detail regarding the location, use and intent of the proposed tower.

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I. ZONING AND USES OF PROPERTY NEARBY
This property is located in the southwest portion of Douglas County approximately four miles east of the west Douglas County Boundary and 5 ½ miles west of the tower proposed per application CUP-13-00480. This property and the surrounding area is zoned A (Agricultural). This area is rural in nature and includes numerous residential homes located along the surrounding County roads.

Section 12-319-4.31(d)(5) recommends that towers be located in commercial, industrial or agricultural zoning districts. The subject property is zoned Agricultural.

Staff Finding – Nearby properties are zoned A (Agricultural) and contain a mix of rural residential and agricultural land uses. The proposed tower would be located in a recommended district.

II. CHARACTER OF THE AREA
This portion of southwest Douglas County is rural in nature. There are no urban growth boundaries that extend to this portion of Douglas County. The area includes large parcels of land used for agricultural purposes with scattered rural residential homes located along County roads. This portion of Douglas County is slightly less populated than the area closer to Highway 59 to the east.
Staff Finding – This area is rural in nature, with agricultural lands, and residential homes along County roads.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED
Applicant’s response: “The subject property is clear of physical obstructions that would interfere with access to wind resource and it possesses representative characteristics of the overall area.”

The current zoning designation for the property is A (Agricultural) District. A variety of agriculture-related uses are allowed in this district. The proposed request will not alter the underlying zoning district. Towers are allowed in the A (Agricultural) District with approval of a Conditional Use Permit. The A (Agricultural) District is a recommended base district for towers. This structure is temporary in nature and will be removed at the end of the study period.

Staff Finding – The property is suitable for agricultural uses. A Conditional Use Permit (CUP) does not change the underlying zoning; therefore, the suitability of the property for agricultural uses will not be altered.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED
This A (Agricultural) District zoning has been in place since 1966.

Staff Finding – The property has been zoned A (Agricultural) since the adoption of the zoning in 1966.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY
Applicant’s Response: “The tower is approximately 196’ in height therefore will be visible from nearby properties from areas not obstructed by trees, buildings or other structures.”

Section 12-319-1.01 of the County Zoning Regulations recognize that “....certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.”

This request is for a 196’ guy-wired tower that will support data collecting equipment. Access to the site shall be limited to regular service and maintenance of the tower and associated equipment. This structure is temporary and does not include a foundation or other permanent changes. The structure will be visible across the property for land owners with an unobstructed view within this area. No detrimental effects are anticipated from the approval of This Conditional Use Permit for this structure for the purpose of data collection.

Staff Finding – Given the non-permanent nature of the structure there should be no detrimental effect on surrounding property.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS
Applicant's Response: "This metrological tower will monitor and collect wind data (speed and direction) over a period of time which will help determine area feasibility for future wind development which would create jobs and economic development for the overall area."

The purpose of this criterion is to compare the effect of denial of the request on the public health, safety and welfare to the effect on the individual landowner.

The purpose of this request is to collect additional information to determine feasibility of wind development as an accessible resource. Approval of this request does not convey any approval for a specific development of a wind energy facility. Information collected by the applicant will be for the applicant's benefit in the final determination of a future request.

The proposed structure is temporary in nature and should not impose a hardship on individual landowners. There is no office or manned facility associated with the structure.

Staff Finding – Approval of the request will facilitate the applicant’s assessment of wind energy as a developable resource in Douglas County. The structure is non-permanent and does not guarantee the approval of a future application for a “wind farm.” There is no substantial gain or loss to the public that result from the approval of this request.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN
Applicant’s Response: “This request is an initial step in considering future wind development in the area which would conform with the overall planning goals of economic diversity, compatibility and sustainability.”

The subject property is not located within an identified Urban Growth Area for any of the incorporated cities in Douglas County. There are several unincorporated communities and land divisions forming informal subdivisions in the surrounding area.

Chapter 16 of Horizon 2020 addresses environmental policies applicable to Lawrence and Douglas County. The plan states that the recommendations are “intended to foster a healthy environment that contributes to a growing economy and a livable community.” The overall policy applicable to this development project states:

"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” (Chapter 1, Horizon 2020).

Chapter 16 of Horizon 2020 identifies the following resources and provides applicable policies:

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The Comprehensive Plan does not explicitly address wind energy resources. In practice wind energy is recognized by many as a “clean” or “green” energy resource. The County does not currently have any policies regarding this specific land use.

It should be clear that this application is for a Conditional Use Permit for the construction of a tower (structure) to support equipment for the purpose of data collection only. Any application for equipment related to a wind farm that is part of an energy collection facility would require a separate application. The tower structure has been evaluated by staff with respect to its land use impact similar to a communication tower. Communication towers are generally incorporated in Chapter 10 Communities Facilities of Horizon 2020.

**Staff Finding** – The comprehensive plan does not provide any specific land use recommendations regarding wind energy. A Conditional Use Permit can be used to allow specific non-residential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

**STAFF REVIEW**
Section 12-319-4.31 allows radio, television, telecommunication, and microwave towers in Douglas County subject to approval of a Conditional Use Permit when the structures are more than 100’ tall. This section also provides guidelines and standards intended to be used during the review of towers related to communication equipment. This request is for a tower that will support specific data collection equipment and not cellular or radio communication equipment. Some provisions of the Code address co-location requirements which are not applicable to this request and would not be expected to be added to the structure if approved.

This tower structure has a comparable height to communication towers. It is a mono pole construction with guy wires to anchor the structure. A permanent foundation is not proposed with this application since the structure is temporary and will be removed at the conclusion of the data collection period. Land use concerns include adequate setback and proximity to other land uses.

**Tower Removal**
Communication towers require that if the equipment is removed and the tower is vacant for 3 years then the tower owner would be required to remove the structure. All towers are required to provide a sign on the structure or fence around the base of the tower identifying the tower owner/operator with a name and phone number. This application is requested for the purpose of data collection. Documents from the applicant indicate that the maximum time limit for use of the structure would be 6 years. A condition, if approved, setting a specific a time limit will ensure the removal of the structure. At a minimum, a sign should be added to the tower site providing contact information as required for similar structures towers.

**Setback**
The County Zoning Regulations require the tower to be setback a distance equal to the height of the tower from any property line except that the setback may be reduced if documentation from a registered engineer is submitted certifying the fall zone of the tower in event of a failure or collapse. The proposed structure complies with the setback requirements and is more than 500’ from the nearest property line. The structure is designed to be tipped down for maintenance as needed.

**Lighting**
No lighting per FAA is required for this structure.

**Airstrips**
As a curtsey, staff has provided notice to owners of private airstrips in the vicinity. A map showing permitted airfields in the county is attached.

**County Zoning Regulations – Wind Farms**
County staff is currently preparing draft regulatory language to be considered as a set of general guidelines a future text amendment to specifically address “Wind Farms”.

**Conclusion**
This request is for the construction of a tower for the exclusive use of data collection. Additional site plan notes are recommended to clarify the use and intent of this tower. Staff recommends approval of the Conditional Use Permit subject to conditions related to signage and a time limit for the use.
CUP-14-00002: Conditional Use Permit for a meteorological tower
Located between E 400 and E 450 Roads.

Lawrence-Douglas County Planning Office
April 2014

Subject Property
1. **Please provide narrative regarding the purpose of the request. In this narrative please state that communication equipment is not proposed or allowed. This will help to clarify the use.**

The purpose of the request is to install a meteorological tower which will monitor and collect wind data (speed, direction, etc.) over a period of time up to a maximum of 5 ½ years (according to the terms of the agreement). This data will be used to validate the applicant’s previous desk top analysis of available wind data in order to determine if this area possesses a wind resource that will support development of a wind energy center.

The proposed tower is an NRG 60 meter XHD Tall-tower that is approximately 196 feet in height and has a tubular structure. The tower sits on a baseplate and therefore requires no foundation or outside utilities. Four sets of guy wire anchors are placed at **40m (131’), 45m (147’),** and the outermost guy anchor at **50m (164’).** The tower is constructed on the ground and is tilted into its final position with a temporarily anchored winch.

The tower will be striped orange and white and will have orange marker balls placed on the guy wires to increase visibility, per FAA recommendations, however FAA approval is not required because the tower stands below the 200’ threshold.

2. **Please clarify the time line. Is this CUP requested for 5 years or 6 to accommodate the removal of the equipment per the lease.**

The normal operating timeline for meteorological towers are approximately 2 years. However, based on the terms and conditions of the property owner’s agreement, the maximum time the applicant is allowed to have the met tower in place is 5 ½ years (5 year term with up to 6 months to remove the tower).

3. **Please clarify the location of equipment in relationship to the property line. Two graphics in your attachments suggest it may or may not be over a property line.**

The met tower is located in the northwest corner of the parcel. Below is a list of distances to the property line in each direction, starting with the closest proximity:

- Western property line: 205 feet
- Northern property line: 490 feet
- Southern property line: 2,160 feet
- Eastern property line: 3,765 feet

The met tower has no foundation, therefore requires four sets of anchored guy wires to support the structure, with the farthest guy wire anchor placed approximately 164 feet from the base of the tower, therefore the entire structure and associated support structures will be installed away from the property line and roads.

4. **How often is the tower accessed for maintenance?**

Normal maintenance is conducted once a year unless there is extraordinary reason to visit the site. Extraordinary reasons could include damage from extreme wind, lightning strike, or if the data uplink is interrupted over a period of time.
5. Do the attachments move or rotate?

Below is a photo looking up at an installed meteorological tower. There are three pairs of anemometers placed at 30, 50, and 60 meters. The anemometers consist of three “cups” that rotate depending on wind speed and are approximately six inches across. Although the anemometers rotate, the rotation is contained within the approximately 6 inch diameter.
6. Please provide an elevation of the tower showing dimensions, height of equipment attached, any GPS units (that extend height), etc.

In addition to the first photo used to address the previous question, below is a cross section showing placement of guy wires and anchors. Neither the tower, nor any associated equipment will exceed the maximum height of 60m (approximately 196 feet).

We will prepare the landowner list and have it ready for submittal with the application.
PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
4/21/2014

ITEM NO. 3: CONDITIONAL USE PERMIT; METEOROLOGICAL TOWER; N 400 ROAD AND E 1000 ROAD (SLD)

CUP-13-00480: Consider a Conditional Use Permit for a 60 meter (196') meteorological tower to monitor and collect wind data located east of the corner of N 400 Rd & E 1000 Rd and on the south side of N 400 Rd. Submitted by Tower Associates, for Donald & Jane Schwartz, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the meteorological tower and forwarding it to the County Commission subject to the following conditions:

1) Approval of the Conditional Use Permit shall be limited to 6 years from the date of the County Commission approval. Any extension of the time limit shall be allowed only per written request from the applicant and approval for extension by the County Commission following public notice.
2) The provision of a revised site plan that adds the following notes to the face of the drawing:
   a) "A sign shall be posted on the tower or the exterior fence around the base of the tower with the name and telephone number of the tower owner/operator."
   b) "Use of this tower shall be limited to meteorological equipment only and will not be allowed for use by telecommunication providers."
   c) "This tower will be removed at the end of the Conditional Use Permit approval period.
   d) "A change of ownership of the tower shall require a new Conditional Use Permit and public hearing at the Planning Commission.” This will allow review of the intended use of the tower and public notice of the proposed change.

Reason for Request: "Tower Associates would like to install a meteorological tower to monitor and collect wind data over a period of time."

ATTACHMENTS
1. Site plan
2. Project description – application supplement
3. Resolution 13-12-5
4. Location of Met tower applications
5. Proposed regulatory guidelines presented to the Board of County Commissioners February 2014.
6. County Map showing tower and airport locations

KEY POINTS
- This application is not an application for a “Wind Farm.” The purpose of the application is to collect wind data over a period of several years.
- Per Section 12-319-4.31 of the Zoning Regulations for the Unincorporated Territory of Douglas County, radio, television, telecommunication and microwave towers are uses which may be approved as a Conditional Use.
- This use – meteorological tower - is not specifically listed in the Zoning Regulations but is considered by staff to be a similar use.
- This structure is temporary and does not include a fixed foundation and permanent land alterations.
Douglas County Board of County Commissioners approved a resolution on 12/11/2013 to establish a moratorium on wind farms but amended their interpretation to allow the applications for data collection to proceed.

DESCRIPTION OF USE
Request is for the installation of a 196 foot structure (metrologic tower) to monitor and collect wind data over a period of 5–6 years. Collected data will be used by the applicant in the "determination of this areas’ possession of sufficient wind resources to support development of a wind energy center, sometimes referred to as a wind farm."

This application is not for the development of a wind energy center (wind farm) or the placement of wind turbines. Such application will require a separate Conditional Use Permit with appropriate documentation and public notice. Also, this application is not intended for communication or cellular equipment. There is no expectation that communication equipment would be co-located on this structure in the future.

The structure is a monopole held in place by guy wires anchored at various distances from the structure for support. Data collection equipment (anemometer) is attached to the tower at intervals. Staff requested additional information about the equipment. The applicant’s response was: “There are three pairs of anemometers placed at 30, 50, and 60 meters. The anemometers consist of three “cups” that rotate depending on wind speed and are approximately six inches across. Although the anemometers rotate, the rotation is contained within the approximately 6 inch diameter.”
ASSOCIATED CASES/OTHER ACTION REQUIRED
- Board of County Commissioners’ approval of the Conditional Use.
- Zoning and Codes Office issuance of a Conditional Use Permit when plans have been released to the Zoning and Codes Office and conditions of approval have been met.

PUBLIC COMMENT
- Area property owners called asking for more detail regarding the location, use and intent of the proposed tower.

<table>
<thead>
<tr>
<th>Site Summary:</th>
<th>West 80 acres of a 307 acre parcel.</th>
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<tr>
<td>Subject Property:</td>
<td>None</td>
</tr>
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<td>Proposed Buildings:</td>
<td></td>
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<th></th>
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<td>Current Zoning and Land Use:</td>
<td>A (County-Agricultural) District; 307-acre agricultural field with a rural residence along E 1100 Road.</td>
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<tr>
<td>Surrounding Zoning and Land Use:</td>
<td>A (County-Agricultural) District in all directions. Agricultural uses and rural residential homes.</td>
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I. ZONING AND USES OF PROPERTY NEARBY
This property is located in the southwest portion of Douglas County approximately two miles west of Highway 59 and one mile north of Highway 56. This property and the surrounding area is zoned A (Agricultural). This area is rural in nature and includes numerous residential homes located along the surrounding County roads.

Section 12-319-4.31(d)(5) recommends that towers be located in commercial, industrial or agricultural zoning districts. The subject property is zoned Agricultural.

Staff Finding – Nearby properties are zoned A (Agricultural) and contain a mix of rural residential and agricultural land uses. The proposed tower would be located in a recommended district.

II. CHARACTER OF THE AREA
This portion of southwest Douglas County is rural in nature. There are no urban growth boundaries that extend to this portion of Douglas County. The area includes large parcels of land used for agricultural purposes with numerous rural residential homes located along County roads.

Staff Finding – This area is rural in nature, with agricultural lands, and residential homes along County roads.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED
Applicant’s response: “The subject property is clear of physical obstructions that would interfere with access to wind resource and it possesses representative characteristics of the overall area.”

The current zoning designation for the property is A (Agricultural) District. A variety of agriculture-related uses are allowed in this district. The proposed request will not alter the underlying zoning district. Towers are allowed in the A (Agricultural) District with approval of a Conditional Use Permit. The A (Agricultural) District is a recommended base district for towers. This structure is temporary in nature and will be removed at the end of the study period.
**Staff Finding** – The property is suitable for agricultural uses. A Conditional Use Permit (CUP) does not change the underlying zoning; therefore, the suitability of the property for agricultural uses will not be altered.

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

This A (Agricultural) District zoning has been in place since 1966. The proposed tower will be located on a leased area in the west portion of the 307-acre site.

**Staff Finding** – The property has been zoned A (Agricultural) since the adoption of the zoning in 1966.

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

Applicant’s Response: “The tower is approximately 196’ in height therefore will be visible from nearby properties from areas not obstructed by trees, buildings or other structures.”

Section 12-319-1.01 of the County Zoning Regulations recognize that “….certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.”

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**Staff Finding** – Given the non-permanent nature of the structure there should be no detrimental effect on surrounding property.

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

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The purpose of this criterion is to compare the effect of denial of the request on the public health, safety and welfare to the effect on the individual landowner.

The purpose of this request is to collect additional information to determine feasibility of wind development as an accessible resource. Approval of this request does not convey any approval for a specific development of a wind energy facility. Information collected by the applicant will be for the applicant’s benefit in the final determination of a future request.

The proposed structure is temporary in nature and should not impose a hardship on individual landowners. There is no office or manned facility associated with the structure.
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Applicant’s Response: “This request is an initial step in considering future wind development in the area which would conform with the overall planning goals of economic diversity, compatibility and sustainability.”

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STAFF REVIEW
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Communication towers require that if the equipment is removed and the tower is vacant for 3 years then the tower owner would be required to remove the structure. All towers are required to provide a sign on the structure or fence around the base of the tower identifying the tower owner/operator with a name and phone number. This application is requested for the purpose of data collection. Documents from the applicant indicate that the maximum time limit for use of the structure would be 6 years. A condition, if approved, setting a specific a time limit will ensure the removal of the structure. At a minimum, a sign should be added to the tower site providing contact information as required for similar structures towers.

Setback
The County Zoning Regulations require the tower to be setback a distance equal to the height of the tower from any property line except that the setback may be reduced if documentation from a registered engineer is submitted certifying the fall zone of the tower in event of a failure or collapse. The proposed structure complies with the setback requirements and is more than 200’ from the nearest property line. The structure is designed to be tipped down for maintenance as needed.

Lighting
No lighting per FAA is required for this structure.

Airstrips
As a curtesy, staff has provided notice to owners of private airstrips in the vicinity. A map showing permitted airfields in the county is attached.

County Zoning Regulations – Wind Farms
County staff is currently preparing draft regulatory language to be considered as a set of general guidelines a future text amendment to specifically address "Wind Farms".

Conclusion
This request is for the construction of a tower for the exclusive use of data collection. Additional site plan notes are recommended to clarify the use and intent of this tower. Staff recommends approval of the Conditional Use Permit subject to conditions related to signage and a time limit for the use.
Figure 1. Zoning of Area

Figure 2. Land Use of Area
Nextera Energy - Pleasant Grove, KS
Site Plan for Proposed Meteorological Tower DM01 Sec 33-14-19, Douglas County, KS

Location Map

Location Map Legend

- Parcel Boundary
- 1/4 Section Line
- Existing Road Right-of-Way

Certificate of Report

Mike Schulte, Kansas Land Surveyor #5448, do hereby certify that the site plan drawing was prepared under my direct personal supervision on November 8, 2019, for Section 33, Township 14 South, Range 19 East, of the 5th P.M., Douglas County, Kansas.

Mike Schulte, L.S.  # 5448
1094 Hickory Ave.
Topeka, Kansas 66603
Phone: 785-354-5022
1. Please provide narrative regarding the purpose of the request. In this narrative please state that communication equipment is not proposed or allowed. This will help to clarify the use.

The purpose of the request is to install a meteorological tower which will monitor and collect wind data (speed, direction, etc.) over a period of time up to a maximum of 5 ½ years (according to the terms of the agreement). This data will be used to validate the applicant’s previous desk top analysis of available wind data in order to determine if this area possesses a wind resource that will support development of a wind energy center.

The proposed tower is an NRG 60 meter XHD Tall-tower that is approximately 196 feet in height and has a tubular structure. The tower sits on a baseplate and therefore requires no foundation or outside utilities. Four sets of guy wire anchors are placed at 40m (131'), 45m (147'), and the outermost guy anchor at 50m (164'). The tower is constructed on the ground and is tilted into its final position with a temporarily anchored winch.

The tower will be striped orange and white and will have orange marker balls placed on the guy wires to increase visibility, per FAA recommendations, however FAA approval is not required because the tower stands below the 200’ threshold.

2. Please clarify the time line. Is this CUP requested for 5 years or 6 to accommodate the removal of the equipment per the lease.

The normal operating timeline for meteorological towers are approximately 2 years. However, based on the terms and conditions of the property owner’s agreement, the maximum time the applicant is allowed to have the met tower in place is 5 ½ years (5 year term with up to 6 months to remove the tower).

3. Please clarify the location of equipment in relationship to the property line. Two graphics in your attachments suggest it may or may not be over a property line.

The met tower is located in the northwest corner of the parcel. Below is a list of distances to the property line in each direction, starting with the closest proximity:

- Western property line: 205 feet
- Northern property line: 490 feet
- Southern property line: 2,160 feet
- Eastern property line: 3,765 feet

The met tower has no foundation, therefore requires four sets of anchored guy wires to support the structure, with the farthest guy wire anchor placed approximately 164 feet from the base of the tower, therefore the entire structure and associated support structures will be installed away from the property line and roads.

4. How often is the tower accessed for maintenance?

Normal maintenance is conducted once a year unless there is extraordinary reason to visit the site. Extraordinary reasons could include damage from extreme wind, lightning strike, or if the data uplink is interrupted over a period of time.
5. **Do the attachments move or rotate?**

Below is a photo looking up at an installed meteorological tower. There are three pairs of anemometers placed at 30, 50, and 60 meters. The anemometers consist of three “cups” that rotate depending on wind speed and are approximately six inches across. Although the anemometers rotate, the rotation is contained within the approximately 6 inch diameter.
6. Please provide an elevation of the tower showing dimensions, height of equipment attached, any GPS units (that extend height), etc.

In addition to the first photo used to address the previous question, below is a cross section showing placement of guy wires and anchors. Neither the tower, nor any associated equipment will exceed the maximum height of 60m (approximately 196 feet).

We will prepare the landowner list and have it ready for submittal with the application Monday.
Temporary Meteorological Towers - 60 meter (196 ft) Tilt-Tube
60 meter (196 ft) Tilt-Tube Met Tower

- Four (4) guy wires, oriented N-S-E-W
- Outermost guy anchor 164 feet from mast center
- Baseplate requires no foundation
- Tower tilt-down in direction away from logger (north)
- 196 feet impact zone when tower tilted down for maintenance.
- Accessible by truck with flatbed trailer (crop impact)
Temporary Meteorological Towers

60 meter (196 ft) Tilt-Tube Met Tower

- Landowner signature required on Met Exhibit B
- Understand crop impacts from install and on-going maintenance requiring tilt-down of the met tower
- Cannot guarantee regular weed control – more cost-effective to compensate landowner.
- Orange radius ring shows manufacturer recommended 300 foot setback
Winch/bridle anchors can be seen in photo (above left) – 45 feet from mast center, no guy wires, marked with t-posts and hi-visibility guy sleeves. Outermost-anchor – 164 feet from mast.
**Site Layout**

- **Tower**
- **Back Anchors Should Be Uphill or Downwind**
- **Uphill Downwind**
- **Side Guy Anchors (Inner, Middle, Outer)**
- **Base Plate**
- **Turning Block Bridle Anchors**
- **Winch Anchor**
- **Downhill Guy Anchors**

**Dimensions**
- 70.7m (232')
- 63.64m (209'-9.5')
- 56.56m (185'-6.75')
- 13.7m (45')
- 40m (131'-2.5')
- 45m (147'-7.25')
- 50m (164')
- 14.94m (49')
- 0.46m (1.5') Typ
HOME RULE RESOLUTION NO. 18-12-5

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS PLACING A TEMPORARY MORATORIUM ON LARGE WIND ENERGY CONVERSION SYSTEMS

WHEREAS, K.S.A. 19-101, et seq. provides the county commissions in the state of Kansas with home rule authority to transact all county business and perform all powers of local legislation and administration it deems appropriate.

WHEREAS, the Board of County Commissioners of Douglas County, Kansas (the "Board") has previously adopted and amended Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas, as codified in Chapter 11, Article 3 of the Douglas County Code and as amended (the "Zoning Regulations").

WHEREAS, the Board is concerned that the Zoning Regulations, as currently written, may not adequately address adverse effects that wind farms located in the unincorporated areas of Douglas County may create.

WHEREAS, the Board adopts this Resolution and the moratorium set forth herein to provide time for the Board and applicable Douglas County officials, agencies, departments, boards, and commissions to review the Zoning Regulations, receive public input, hold public hearings, and make recommendations for amendments to the Zoning Regulations to address adverse effects that wind farms may create.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Definition. For purposes of this Resolution, the following phrases have the following definitions:

"Wind Energy Conversion System." The combination of mechanical and structural elements used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind Energy Conversion systems consist of the tower, turbine apparatus and any buildings, roads, interconnect facilities, measurement devices, support structures and other related improvements necessary for the generation of electric power from wind.

"Large Wind Energy Conversion System." A Wind Energy Conversion System that has (i) any part of the tower or turbine apparatus exceeding 100 feet in height above ground level, or (ii) more than one tower or turbine apparatus of any size proposed and/or constructed by the same person or group of persons on the same or adjoining parcels or as a unified or single generating system.
SECTION 2. Temporary Moratorium. Commencing on the date of this Resolution and continuing through April 30, 2014, the repeal of this Resolution if earlier, or such later date to which the Board may subsequently extend this Resolution, the Board imposes a temporary moratorium on the planning, establishment, construction, application for or permitting of any Large Wind Energy Conversion System in the unincorporated areas of Douglas County. During the term of this moratorium, all Douglas County officials, agencies, departments and/or boards charged with the responsibility for receiving, reviewing, processing, and approving permits, site plans, applications and other requests relating to zoning, land use, and construction of a Large Wind Energy Conversion System are prohibited from doing so.

SECTION 3. Amendments to Zoning Regulations. During the term of this moratorium, the Douglas County Zoning & Codes Office, the Lawrence Douglas County Planning Office, and the Lawrence Douglas County Planning Commission are requested to undertake a review of the Zoning Regulations, receive public input, hold public hearings, and make recommendations to the Board for permanent changes to the Zoning Regulations that address adverse effects that wind farms may create in Douglas County.

SECTION 4. Effective Date. This Resolution is effective from and after its adoption and publication one time in the official County newspaper.

ADOPTED December 11, 2013.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

[Signatures]
Mike Gaughan, Chairman
Nancy Thellman, Member
Jim Flooy, Member

ATTEST:

[Signature]
Jameson D. Shew, County Clerk
Met Tower Applications

Legend

Towers
TYPE
COMMUNICATION
TV
WATER

County Airports / Helipads
Entity
Private
Public
City Limits - Douglas County
township
County Limits
Water Bodies
Townsites

APPLIEDS

- CUP- 13-00480; N 400 RD & E 1000 RD
- CUP- 14-00002; E 400 RD & N 300 RD

City Limits - Douglas County
township
County Limits
Water Bodies
Townsites
LIST OF POSSIBLE “KEY ISSUES” RELATED TO DEVELOPMENT OF COMMERCIAL WIND ENERGY CONSERVATION SYSTEMS

- Land Use
- Visual Impact
- Noise
- Bird migration/strikes
- Endangered Species
- Wildlife Habitat/Fauna
- Soil Erosion
- Water Quality
- Public Health and Safety
- Infrastructure
- Aviation/FAA
- Reception Interference
- Cultural Heritage
- Native Vegetation/Flora
- Cumulative Impact
- Company experience, reputation, and financial ability
- Removal (Decommission)/Reclamation Plans
- Bond agreement
**Potential Guidelines for Development of Wind Energy Project Regulations**

**Safety and Setbacks**

**Typical regulations include:**
- Setbacks from public rights-of-way
- Setbacks from residential structures (on adjacent properties)
- Setbacks from other structures
- Burial of power lines
- Regulation of potential life safety and property hazards

**Examples of Regulatory Standards:**

- Distance from public road: 500 feet or height of turbine plus 50 feet, whichever is greater
- Distance from property line of any property not included in CUP: 500 feet or height of turbine plus 50 feet, whichever is greater
- Distance from residential structure: 1000 feet
- Distance from common agricultural accessory structure: height of turbine plus 50 feet
- Alternative setback system: multiply setback number by wind turbine height to the property line, public road, or nearest point on the foundation of an occupied building. Setback numbers ranging from 1.1 to 2.5, depending on size of turbine, size of system, and type of adjoining feature
- Reserve authority to impose additional or differing set back requirements on a case-by-case basis
- Will regulations allow adjoining owner to waive setback requirements? Will setback requirements be waived for adjacent properties that have turbines or are part of the project?
- Special setbacks for schools, hospitals
- Lowest point of rotor blades at least 100 feet above ground level at base of tower
- Maximum height restrictions (e.g., 355 feet)
- Structural engineer: inspection of foundation, structural assembly, mechanical and electrical systems
- Fire safety issues: risks associated with prescribed and non-prescribed (natural or accidental) burning
- Extraordinary events: Turbine failure; thrown/broken blade or hub; collector/feeder line failure; injured worker or citizen; kills of threatened or endangered species; discovery of an unexpectedly large number of dead birds of any variety on site; ice throw
- If lubricants or hazardous materials are used on or transported to site, said materials shall be kept and transported in accordance with state and federal regulations
- Manufacturers’ Materials Safety Data Sheets must be provided for all materials used
- Automatic braking, governing or feathering system to prevent uncontrolled rotation or overspeeding
- Lightning protection
- Site security, prevention of unauthorized access, warning signs, fencing
- Require design in accordance with “proven good engineering practices” including: at least 3 blades; upwind rotor; no furling; tapered and twisted blades; and a well-designed braking system
# Potential Guidelines for Development of Wind Energy Project Regulations

## Use Compatibility

Typical regulations include:

- Site specific minimum requirements (see Safety & Setbacks)
- Evaluation of individual compatibility issues
- Permitted by-right in any district (individual use based on max. height & standards)
- Conditional Use Permit (commercial wind energy project)

### Examples of Regulatory Standards:

- Commercial wind system not allowed in specified districts or areas (e.g., floodplain, wetlands, residential, industrial)
- Different rules and regulations for small, home wind energy conversion systems (e.g., by-right regulations for 1-2 small turbine(s) for generation of power to be used on site and not distributed to grid); subject to established design and construction standards [no conditional use permit required]
- Examination of site and feasible alternative locations and reason for selected location
- Limits or constraints on current or future development as a result of siting the turbines and overall project
- Evaluate and mitigate impacts on agricultural, residential, industrial, tourism, recreational and commercial activities
- Evaluate and mitigate electromagnetic interference
- Must operate in conformance with FCC regulations
- Identify any public health and safety risks and how to eliminate or mitigate them
- Documentation/agreements between participating landowners and applicant
- Wind Energy Overlay Zone
- Possible exemption from regulation for small-scale, residential or agricultural use projects with generating capacity under 25 or 50 kilowatts
- Consideration and mitigation of impacts on state or federal resource lands or other protected areas on or near the proposed site
- Proximity to public or private airports or airstrips
- Consideration of Comprehensive Plan
### Potential Guidelines for Development of Wind Energy Project Regulations

**Sound and Light Management**

**Typical regulations include:**
- Minimum separation from nearby residential or public structures (i.e. churches or public assembly areas)
- Minimum/Maximum thresholds for acoustic levels
- Mitigation through sound reduction technology

**Examples of Regulatory Standards:**

- No artificial lighting of equipment or project site, except as required by FAA
- No lights on towers other than those required by the FAA (but not applicable to infrared heating devices used to protect wind monitoring equipment)
- All lighting must be shielded to reduce glare and visibility from the ground
- Specific decibel levels (“A” or “C” weighted); pure tone noise considered; regulation of sound pressure levels (dB); cannot exceed established levels more than 3 minutes in any hour of any day
- Shadow flicker at occupied building on adjacent property is prohibited entirely or limited to 30 hours per year
- Ability for adjacent owners to waive shadow flicker and noise mitigation requirements.
### Potential Guidelines for Development of Wind Energy Project Regulations

#### Natural, Historical and Biological Resources

Typical regulations include:

- Study of biological and environmental impacts
- Study of key wildlife habits: migration corridors, breeding & brooding areas, perching habits
- Evaluation of natural vegetation
- Cumulative impacts of siting on wildlife, cultural and other historically significant features

#### Examples of Regulatory Standards:

- Evaluate and mitigate impacts on rare and disappearing ecosystems such as intact tallgrass, shortgrass or mixed grass prairies
- Evaluate and mitigate impacts on historical structures, landmarks, trails (such as California, Oregon, or Santa Fe Trails), and old town sites (Hesper, Palmyra, Prairie City, etc)
- Evaluate and mitigate impacts on livestock movement
- Evaluate and mitigate impacts on migratory bird patterns
- Locate development on already altered landscapes, such as extensively cultivated land and/or areas already disturbed
- Buffer zone of undeveloped land adjacent to intact landscapes
- Inventory of existing wildlife, endangered species, wetlands and other biologically sensitive areas within the site; flora, fauna and geoconservation; architectural reconnaissance survey; preservation of historic and cultural resources; site preparation; removal of vegetation, restoration of site following construction
- Selecting turbine locations to reduce likelihood of significant adverse impacts on wildlife
- Designing turbine towers to reduce horizontal surfaces for perching
- Designing turbine towers and pad-mounted transformers to avoid creation of artificial habitat or shelter for raptor prey; using gravel to prevent weeds for habitat for raptor prey
- Established standards for restoration of site following decommissioning of site
- Voluntary compliance with long-term habitat management agreements or conservation easements
### POTENTIAL GUIDELINES FOR DEVELOPMENT OF WIND ENERGY PROJECT REGULATIONS

#### AESTHETICS AND VISUAL IMPACTS

Typical regulations include:
- Impacts on quality of landscape and viewsheds (for adjacent owners and/or of county significance)
- Limitations on internal road systems and grading (cut & fill work) needed to prepare wind farm site
- Limitations on size of internal conveyance systems for operation and maintenance to minimize long-term impacts on agricultural properties
- Use of natural vegetation for re-seeding disturbed areas

#### EXAMPLES OF REGULATORY STANDARDS:

- Structures must be self-supporting tubular towers painted a neutral color such as white or pale gray. No lattice structures allowed. No logos or advertisements. No company insignia, advertising or graphics on any part of the tower, hub or blades
- Owner or applicant shall take acceptable measures (such as planting trees, installing awnings, etc.) to mitigate adverse visual impacts such as reflections, shadow flicker, and blade glint.
- Project construction shall use wind energy systems of similar design, size, operation, and appearance throughout
- Project shall:
  - avoid state or federal scenic areas and significant visual resources
  - include in submittals: maps, models, photos and renderings showing the visual impact of the project from other locations; accurate visual representation of the project, including visual simulations and viewsheds analyses
  - provide consideration of impact on scenic byways and popular vistas, if any
  - minimize visual effect of ancillary structures, road, and fences to avoid visual clutter
  - Maintain visual unity among clusters of turbines
  - Maintain adequate spacing between turbines to avoid objectionable density
- Transformers and other electronic equipment should be hidden from view or otherwise constructed in harmony with surrounding landscape
- All turbines should have the same number of rotor blades and all blades should spin in the same direction
- No more than 12 machines per cluster (a "cluster" is a grouping of machines greater than 0.25 mile from another grouping)
**Potential Guidelines for Development of Wind Energy Project Regulations**

**Environmental (Soil Erosion, Water Quality and Air Quality)**

Typical regulations include:
- Avoidance of sites with steep slopes
- Filing of SWEPP plans with state for soil erosion
- Limiting site construction to periods of dry soil conditions, frozen soil, or when native vegetation is dormant
- Limiting construction to areas outside regulatory floodplain and wetlands

**Examples of Regulatory Standards:**
- Development of soil erosion, sediment control and storm runoff plan
- Erosion control measures for grading, construction and drainage of access roads and turbine pads, soil quality, downstream water quality, revegetation for slope stability, site restoration
- Removal and proper disposal of extracted materials
- Erosion protection of exposed soil
- Removal of stabilizing features (e.g., silt fences) when area is stabilized
- Maintenance of erosion control throughout life of project
- Removal of waste and scrap and proper disposal of it
- Mitigation of adverse impacts on surface and ground water
- Mitigation of dust
- Specific requirements for site clearance, soil compaction, protecting topsoil, tree removal, removal of hedgerows (shelter belts), silt fences and erosion controls
# Potential Guidelines for Development of Wind Energy Project Regulations

**INFRASTRUCTURE – ROAD MAINTENANCE**

**Typical regulations include:**

- Evaluation and mitigation of impacts to roads, bridges and traffic due to construction and maintenance activities

## Examples of Regulatory Standards:

- Use of existing roads, wherever possible
- Execution of road agreement with Public Works for construction and maintenance activities, including damage to roads and bridges
- Submittal of a Traffic Impact Study (TIS) to evaluate and mitigate impacts on transportation routes that are coordinated with Public Works
- Applicant liable for damage to county/township roads or right of ways
- Applicant shall construct the smallest number of turbine access roads possible; access roads shall be low profile so farming equipment can cross them
- Measures taken to control dust on-site and off-site on transportation routes
## Potential Guidelines for Development of Wind Energy Project Regulations

### Project End Planning – Decommission and Restoration Plans

**Typical regulations include:**
- Upon abandonment or end of project’s useful life, applicant is responsible for decommissioning & removal of towers/other improvements and restoration of project site

**Examples of Regulatory Standards:**
- Submittal of a decommissioning plan and approval by BOCC
- At the end of the project’s useful life or upon abandonment, equipment shall be removed and foundations removed to depth of four (4) feet below ground surface. Access roads removed (except pre-project existing access roads). Property Owner may choose to have access roads left intact for internal circulation
- Restoration of soil, topography
- Applicant must demonstrate financial capability to carry out decommissioning and restoration requirements through:
  - Establishment of escrow account/surety bond/insurance policy/letter of credit for decommissioning and restoration plans
  - Standards for finding of abandonment and forced decommissioning
### Typical regulations include:
- Project shall be consistent with the public health, safety and welfare and not require expenditure of public funds

### Examples of Regulatory Standards:
- Conduction of wind site assessment prior to application
- Proposed total rated capacity
- Power Purchase Agreement in place prior to issuance of building permits and any on-site grading or construction
- If Power Purchase Agreement not obtained within 12-18 months of issuance of CUP, CUP is null and void
- Must conform to building code, pay required fees, submit to reasonable inspections
- Application requirements must be met, including: information about the applicant, including applicant’s experience and financial ability to undertake and maintain operation of the project; insurance coverage; construction and phasing; site plans, including topography, streets and houses; schematic location of turbines and other equipment; identification of flood ways; construction documents; construction schedule; project life; on and off-site construction staging; traffic impact plans/studies; operation and maintenance requirements; and evaluation/discussion of all actual and potential harmful impacts of the project and elimination or mitigation of those impacts.
- County held harmless from any claims, costs, liabilities, damages or expenses on account of any damages claimed by any third party.
- Any transfer of ownership must be approved by County in advance, and transferee must meet requirements applicable to previously approved applicant/owner of CUP.
- Notification requirements and procedures for extraordinary events and hazards
- Submittal with application a complaint resolution process and approval of this process as part of CUP approval
- Combine transmission lines and points of connection to local distribution lines
- Connect the facility to existing substations or, if new substations are needed, minimize the number of new substations
- Submittal of Assessment of if/ how a project will affect community services, costs and infrastructure
- Submittal of future possible project expansions as part of initial CUP application
- Provision of a public interaction process for sharing of information and two-way communication
- Submittal of Assessment of tax revenues and infrastructure enhancements required
- Submittal of Assessment of business and job generation, economic benefits/burdens of project
CUP-13-00480: Conditional Use Permit for a Meteorological Tower to Monitor Wind Speed & Direction
Located Approx. 1/4 Mile East of Southeast Corner N 400 Rd & E 1000 Rd

Lawrence-Douglas County Planning Office
April 2014
PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item:

PC Staff Report
04/21/2014

ITEM NO. 4 SPECIAL USE PERMIT FOR BED AND BREAKFAST; 603 TENNESSEE STREET (JSC)

SUP-14-00049: Consider renewal of a Special Use Permit for an adaptive reuse of a Designated Historic Property located at 603 Tennessee Street for a Bed and Breakfast. Submitted by Serina Hearn for Rainbow Works L.L.C., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of SUP-14-00049, a renewal of a Special Use Permit for 603 Tennessee Street for use as a Bed and Breakfast, based upon the findings presented in the body of the staff report, and subject to the following conditions:

1. A Special Use Permit renewal is granted for up to three guest rooms. Use of additional guest rooms shall require a new public hearing.
2. A Special Use Permit renewal is granted approval for 5 years. A new Special Use Permit shall be required to continue the Bed and Breakfast use.

Applicant’s Reason for Request: Special Use Permit Renewal for a Bed and Breakfast

KEY POINTS
• The existing structure is currently utilized for an existing bed and breakfast.
• No exterior alterations or site modifications are proposed at this time.

FACTORS TO CONSIDER
• Procedural requirements of Section 20-1306; Special Use Permits.

ASSOCIATED CASES/ OTHER ACTION REQUIRED
• Publication of a Special Use Permit ordinance per Section 20-1306(j).

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
• No written comments were received prior to the publishing of this staff report.

GENERAL INFORMATION
Current Zoning and Land Use: RS5 (Single-Dwelling Residential) District; existing residence.

Surrounding Zoning and Land Use: To the north, south, and west RS5 (Single-Dwelling) Residential District: existing single family residences.

To the east OS (Open Space) Buford M. Watson Jr. Park.
**Summary of Special Use**
The property is located on the southwest corner of Tennessee Street and 6th Street. The property is developed with a two and a half story house with two detached garage structures. The proposed use is for the operation of a Bed and Breakfast with an on-site manager and three guest rooms. The proposed use is defined in section 20-1763 of the Development Code as:

*20-1763 BED AND BREAKFAST. An establishment located within a Detached Dwelling that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests.*

In addition to the findings required of Section 20-1306 of the Land Development Code, additional standards of review are required for an adaptive reuse listed in section 20-501 of the Development Code. These combined findings are listed below.

**Site Plan Review:**
The applicant does not propose any physical changes to the site or the approved site plan.

**Parking**
Parking for this use will be accommodated by an existing driveway parking area from 6th Street and alley access in the rear of the property.

Required Parking: 1 per guest room plus 1 per 1.5 employees
Parking Proposed: Four total spaces.

**Review and Decision-Making Criteria (20-1306(i))**

1. **WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE**
Staff Finding - The proposed use complies with the provisions of the Bed and Breakfast use in Section 20-504 and the Special Uses requirements in Section 20-1306. The use is allowed in the RS5 with approval of a Special Use Permit. In correspondence dated 26 March 2014, the applicant wrote to indicate the owner occupies living quarters within the structure as required in Section 20-504: “Bed and Breakfast Establishment,” which requires, “A Bed and Breakfast with 3 or fewer guest bedrooms shall be operated as an incidental use to the Principal Use of an Owner-occupied Structure.”

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

The applicant has indicated that the maximum rooms available at this time will be three. There will be a full-time resident manager on the property. There are no proposed changes to the site. Because of the limited use as a bed and breakfast, there will be minimal impact in terms of scale and operating characteristics. The lighting proposed for the structure is residential in scale, and has not adversely impacted the area. A traffic impact study has been completed by the applicant. The study indicates that the impact of this new use will be negligible. Sixth Street is a principal arterial, and Tennessee Street is a major collector street. There is parking on-site for the proposed use.

Staff Finding - The proposed use is compatible with the single-family residential use and public park that exists in the neighborhood.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

The information available to staff indicates that the introduction of a bed and breakfast use into a historic district does not diminish the property values of the district. In addition, there is no evidence that the existing bed and breakfast on the same block has had any negative impact on the value of property in the area.

Staff Finding - The proposed use will not cause substantial diminution in the values of other property in the neighborhood.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

Review of this project by planning staff indicates no additional modifications or alterations are required for this site. If, in the future, additional rooms are to be included in this use, new means of egress may be required for the expansion. The increase of use from a single-family residential to a resident manager and three rooms is negligible; therefore, it does not impact transportation or utility services.
Staff Finding - The proposed use does not preclude the ability to service the existing uses in respect to public safety, transportation, and utilities.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

The applicant was required to sign a site plan performance agreement before the release of the site plan.

Staff Finding – Adequate assurances of continuing maintenance will be address with the site plan performance agreement.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

The property is developed with an existing residence, with two single-story garages. No physical changes to the site are proposed.

Staff Finding - The proposed use will not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

The introduction of new uses into a residential neighborhood should be done with careful consideration to the unique aspects and character defining elements of the neighborhood. This is particularly important in a designated historic district. The continued use of this bed and breakfast should be monitored for impacts on the historic district as well as the neighborhood. Because of the uniqueness of this area, the bed and breakfast special use should be reviewed at five year intervals.

In addition, any alterations to the approved special use plan, including the use of additional bed rooms over three, should be reviewed and approved by the Historic Resources Commission, Planning Commission, and the Lawrence City Commission at public hearings to determine the overall impact of the change on this historic neighborhood.

Staff Finding - The proposed use should be reviewed by the Planning Commission and the City Commission every five years to evaluate the impact of the special use on the character-defining and neighborhood quality of this important historic neighborhood.

Conclusion

The adaptive reuse of historic structures is often vital to the continued use of these structures. The National Park Service recommends the adaptive reuse of structures if the original use is no longer viable. The continued use of the structure so that it does not fall into disrepair is the key to the preservation of architectural heritage. The National Park Service also recommends that the adaptive reuse is one that will require minimal changes and that can be easily reversed.
The adaptive reuse of a single-family residence to a bed and breakfast meets these criteria and is a recommended reuse by the National Park Service, and the National Trust for Historic Preservation, for single-family structures.

The bed and breakfast use is recognized by the Land Development Code as a use that can be compatible with the RS5 District, with a Special Use Permit. Due to the corner location and size of this structure, a bed and breakfast use is appropriate.
SUP-14-00049: Special Use Permit for Runaway Pony Bed & Breakfast
Located at 603 Tennessee Street

Lawrence-Douglas County Planning Office
April 2014
April 16, 2014

RE: SUP-14-00049, Runaway Pony Bed & Breakfast located at 603 Tennessee

Dear Planning Commissioners,

My father, David Clark, owns the property at 411 W 6th Street, which is the adjoining property to the west of 603 Tennessee. He is quite elderly and is hearing impaired and has asked that I help him draft comments in regards to the SUP for the Runaway Pony Bed and Breakfast.

Above all, we would like to clarify the misrepresentation of his support when this Special Use Permit was first considered and granted in 2009. Unbeknown to him, it was stated that Serina Hearn had discussed the option of a Bed and Breakfast with Mr. Clark and that he was in full support. He has stated that Serina did not request his support and that he was never in agreement that this property should be allowed to operate as a Bed and Breakfast.

The following are concerns related to the operation of the Bed & Breakfast, some of which appear to be in conflict with the conditions of the permit. If this permit is granted, we would appreciate confirmation by the City of Lawrence that all conditions of the permit are being met. We have also attached photos, all taken within the past year.

1. Adequate parking. The permit requires 4 designated parking spaces. Although 2 garages exist on the property, it appears they are used for storage, not parking. Two paved parking spaces do exist with access off 6th St. Access off the alley, although used to park one vehicle or trailer at times, consists of a dirt and gravel path into the yard. During large gatherings/parties, adequate parking is not available.
2. Owner occupied structure. The business now has a live-in manager and does not appear to be the owner’s primary residence.
3. Limit of 3 guest rooms. Various references to this property state it contains 5-7 bedrooms. The original site plan shows 3 guest rooms with separate bedrooms and sitting rooms. In reading online reviews submitted for the Bed and Breakfast, it appears some of the sitting rooms are actually available as bedrooms.
4. A large brush/debris pile is located on the east side of the alley garage. The brush pile is a concern as it is very unsightly and an overall indication of the lack of maintenance of this property. The landscaping contains large dead plants. Planting containers and trash are strewn behind the 6th St garage, which is out of view for the Bed and Breakfast but in full view from the front yard of our property.
5. Trash containers, which according to the site plan, were to be stored on the east side of the alley garage, are kept along the alley and have not always been adequate for the amount of trash generated.
6. Reference was made to an existing Bed and Breakfast at 7th and Tennessee as justification for the one at 603 Tennessee. We do not believe a Bed and Breakfast has existed at that location since 1998.

Again, we would like to communicate our objection to this property being used as a Bed and Breakfast, as it seems more a commercial business rather than a homeowner/resident sharing their home. On behalf of my father and myself, thank you for your time and consideration.

Sincerely,

David Clark  

Patty Clark Ogle
Brush and debris off alley by garage
View from 6th Street

Dead plants in landscape
View from front yard of 411 W. 6th Street
Overflowing trash containers

Parking off alley
TO: The Lawrence/Douglas County Planning Commission
FROM: Jim O’Malley
RE: SUP renewal for 603 Tennessee
DATE: April 21, 2014

I live at 626 Ohio Street, within 200 feet of 603 Tennessee.

The SUP approved by the Planning Commission and City Commission in 2009 was for an owner-occupied Bed and Breakfast Establishment with 3 guest bedrooms, in compliance with section 20-504 of the Development Code. This reflected the understanding of the neighbors and OWLA that Ms. Hearn would live in the house and run it as a B & B with 3 guest bedrooms.

The SUP specifically required removal of the phrase “with On-Site Manager” from the Proposed Occupancy line of the site plan. It also required replacement of the phrase “Caretaker’s suite” with “Owner’s Suite.” (The minutes from the 2009 Planning Commission are attached.)

The staff report on the renewal request may reintroduce a resident manager who may not be the owner.

The staff report states that “There will be a full-time resident manager on the property.” Will that manager be the owner?

The report does say that on March 26, Ms. Hearn “wrote to indicate the owner occupies living quarters within the structure.” That’s in the present tense. What about the future and the “full-time resident manager”?

Owner-occupancy is crucial for maintaining the single-family residential character of the district.

Allowing evasion of the owner-occupancy requirements will allow purely commercial uses in single family neighborhoods. That would be a bad precedent. There is a real difference between a small B & B run by the owners in their own residence and a B & B owned by a business and run purely as a business. The clear intent of the Code is to allow the former, but not the latter.

I would object to any changes in the conditions of the SUP that would allow a resident manager who is not the owner. However, I have no issue with renewal of the SUP with the original conditions unchanged.

James J. O’Malley
PLANNING COMMISSION MEETING  
August 24 & 26, 2009  
Meeting Minutes

August 24, 2009 – 6:30 p.m.  
Commissioners present: Blaser, Carter, Chaney, Finkeldei, Harris, Hird, Moore, Rasmussen, and Student Commissioner Shelton  
Staff present: McCullough, Stogsdill, Day, Finger, J. Miller, Zollner, and Ewert

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MINUTES  
Receive and amend or approve the minutes from the Planning Commission meeting of July 20 & 22, 2009.

Motioned by Commissioner Harris, seconded by Commissioner Carter, to approve the July 20 & 22, 2009 Planning Commission minutes.

Motion carried 6-2, with Commissioners Blaser and Rasmussen abstaining. Student Commissioner Shelton voted in favor.

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

There were no committee reports.

COMMUNICATIONS  
Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date.

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST
- No ex parte.
- No abstentions.
ITEM NO. 1    SPECIAL USE PERMIT FOR A BED & BREAKFAST; 603 TENNESSEE ST (LBZ)

SUP-4-3-09: Consider an amended Special Use Permit application, repealing the Adaptive Reuse of a Historic Property element of the application, for property located at 603 Tennessee Street for a Bed & Breakfast. Submitted by Rainbow Works LLC, property owner of record. Deferred from the 7/20/09 Planning Commission meeting.

STAFF PRESENTATION
Ms. Lynne Braddock Zollner presented the item.

Commissioner Harris inquired about ownership and asked who is considered the owner occupant with a corporation.

Ms. Zollner said the chief executive officer or someone the corporation designates.

APPLICANT PRESENTATION
Mr. Tony Backus, said the house has been for sale for a long time and they have had people request that they turn it into a bed and breakfast. He said there has been lots of positive response for a bed and breakfast in the community.

No ex parte communications by the Commissioners

PUBLIC HEARING
No public comment.

COMMISSION DISCUSSION
Commissioner Harris asked if this Special Use Permit would need to be revisited if it changed ownership.

Mr. McCullough said that has not been recommended as a condition for this permit.

ACTION TAKEN
Motioned by Commissioner Finkeldei, seconded by Commissioner Chaney, to approve SUP-4-3-09, a Special Use Permit for a Bed and Breakfast located at 603 Tennessee Street based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Execution of a Site Plan Performance Agreement.
2. Publication of an ordinance per Section 20-1306(j).
3. Final Inspection and approval by the Fire Department before occupancy as a Bed and Breakfast.
4. Applicant shall provide a revised site plan to show the following changes:
   a. existing fencing
   b. site summary table
   c. existing building elevations
   d. correct the following text on the face of the site plan:
      1. remove “with On-Site Manager” from Occupancy – Proposed
      2. remove Employees – (1)
      3. add DR-7-88-09 under Historic Resources Commission
      4. removed “Caretaker’s Suite” under Floor Areas and Uses. Identify as ‘Owners Suite’
4. Applicant shall provide a revised site plan to include the following notes:
   a. “SUP is granted approval for 5 years. A new SUP shall be required before July 2014 to continue the Bed and Breakfast use.”
b. “SUP is granted for up to three guest rooms. Use of additional guest rooms shall require a new public hearing.”

6. Any signage associated with the bed and breakfast must be reviewed and approved by the Historic Resources Administrator prior to installation.

Unanimously approved 8-0, with Student Commissioner Shelton voting in favor.
ITEM NO. 5: COMPREHENSIVE PLAN AMENDMENT TO HORIZON 2020 CHAPTER 6 and to the Area Plan for the Intersection Area of West 6th Street and Wakarusa Drive (JSC)

CPA-14-00059: Consider a Comprehensive Plan Amendment to Chapter 6 to revise the maximum retail cap from 72,000 SF to 122,000 square feet to permit a proposed grocery development in Bauer Farm, located at 4700 Overland Drive. Requested by Treanor Architects, P.A. for Free State Group, L.L.C., property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of this Comprehensive Plan Amendment to Horizon 2020 Chapter 6: Commercial Land Use, Chapter 14: Specific Plans, and the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive to revise the retail/commercial gross square-footage cap from 72,000 gross square feet to 122,000 gross square feet, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution PCR-14-00135.

KEY POINTS

1. An amendment is requested by the applicant to allow for a 38,839 square foot commercial structure to house a 28,000 square-foot food and beverage retail sales (specialty retail grocery) and 10,839 square-feet of commercial tenant space at the northeast corner of West 6th Street and Wakarusa Drive.
2. Increasing the cap would allow for the construction of the currently approved 55,240 square feet of retail space, while allowing for the construction of 38,839 square feet of retail space for a food and beverage retail sales (specialty retail grocer) and other retail tenant space.
3. Cap expansion would be a 69.4% increase over the presently adopted cap of 72,000 square feet for the northeast quadrant of the West 6th Street and Wakarusa Drive node.
4. The amendment would also remove the mixed-use design what was intended with the original proposal from this quadrant of the West 6th Street and Wakarusa Drive node.
5. Presently, this node is permitted to have 434,600 square feet of retail space, but has historically been identified as a CC200 in adopted plans, which only permits 200,000 square feet of retail space. This amendment would permit 484,600 square feet of retail space at the node and following adopted naming conventions for Community Commercial (CC) nodes, this node should be revised to a CC600 Center, though Horizon 2020 policies do not support a CC600 at this location.
SUMMARY

The applicant has requested an amendment to Horizon 2020: Chapter 6, Commercial Land Use, and Chapter 14, Specific Plans, amending the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive to revise the retail cap for retail development at West 6th Street and Wakarusa Drive, and to revise the previously requested development typology. The reason for this Comprehensive Plan Amendment is to allow for an expansion of the commercial center at West 6th Street and Wakarusa by increasing the retail cap for the northeast quadrant of the intersection from 72,000 gross square feet to 122,000 gross square feet.

![Figure 1: Portion requesting the Retail Cap Expansion (Key parcels highlighted)](image)

Items related to this Comprehensive Plan Amendment include:

- **Z-14-00057**: Consider a request to rezone approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive. The zoning application proposes modifying the uses in the PD (Planned Development) from a mix of residential and office with 14,440 square feet of retail space to a combination of 45,048 square feet of retail space, 6,150 square feet of office space, and no residential use. Submitted by Treanor Architects for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

- **PDP-14-00055**: Consider a Revised Preliminary Development Plan for Bauer Farm and Bauer Farm Northwest, and Bauer Farm Residential to include the addition of a 108 room hotel with two retail stores and one mixed-use building in Bauer Farm Northwest, located at 4700 Overland Drive. The plan proposes 45,048 square feet of retail uses...
where 14,440 square feet was previously approved. Changes to Bauer Farm Residential include a revision to the number of residential dwelling units from 272 to 342, removing a street connection to Overland Drive, and revising the building form from row houses to apartments along West 6th Street and Overland Drive. Submitted by Treanor Architects for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

STAFF REVIEW

The applicant is requesting to expand the existing retail cap from 72,000 gross square feet to 122,000 gross square feet. The proposal would allow for the development of a new food and beverage retail sales (specialty retail grocer) and other retail establishments within the surrounding context. At present, the proposal would not comply with the existing retail cap within the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive. Due to this limitation, the applicant is requesting to amend the adopted area plan to align policy with the requested rezoning and preliminary development plan proposal requests.

Staff reviewed this amendment based upon the Comprehensive Plan Amendment review criteria listed below, as identified in Chapter 17 (Implementation) of Horizon 2020. The applicant’s responses are also provided below:

COMPREHENSIVE PLAN AMENDMENT REVIEW

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

Applicant’s response: Yes. Although the Bauer Farm commercial node is approved for retail uses, at the time the plan was adopted it was not known exactly what users would desire to be located in the development. An overall maximum retail cap of 72,000 square feet was adopted, and there was an additional stipulation that no "big box" type store would be permitted, evidenced by an overall limitation on size of anyone building to no more than 50,000 square feet. We now have identified a specialty retail grocer user for the site and there is a 38,839 square foot building that is proposed, which will have two users (the specialty retail grocery will occupy approximately 28,000 square feet of the building). This use is consistent with the overall type of retail use contemplated for Bauer Farm commercial development, and also is consistent with the goal of not permitting a "big box" type of user.

Staff’s response: While there have been refinements in the prevailing commercial real estate market environment, the overall spatial conditions related to this location have not seen a significant change since its last revision in 2012. The principal driver for this request is a fundamental shift in the overall development proposal for the commercial component of this development from a mixed-use, multi-story construction pattern into a traditional, single-story purpose-built commercial retail building. While the proposed development type is consistent with the currently constructed buildings constructed at this commercial node, it does not fit with the previously adopted area and development plans for this particular quadrant of the node.
2. Does the proposed amendment advance a clear public purpose?

Applicant’s response: Yes. The existing proposal is a minor expansion of the allowed amount of retail square footage to permit a proposed use, and not a proposal to strip out commercial uses along West 6th Street. The size of the commercial node will not change, and the addition of approximately 28,000 square feet of additional retail square footage will have minimal impact on the node, especially considering that it will significantly reduce other planned office and residential uses for the site. Permitting the proposed use enables infill commercial development and thereby limits further sprawl.

Staff’s response: The proposed amendment would constitute a 69% increase in the permissible retail development for this quadrant of the node. This corresponds to a 100% decrease in the amount of residential units to be located within this portion of the Bauer Farms development. The residential density previously planned for within the PCD portion of the Bauer Farms development has been reallocated into the existing PRD section (see Figure 2), which would approximately include an additional 70 units within the PRD, while removing the mixed-use component from the PCD. This alteration to the development creates a bright-line between the two districts, making separate and distinct commercial and residential portions at this quadrant of the node.

Originally, the Bauer Farms PCD was proposed to be a mixed-use, neighborhood-style development that emphasized walkability and de-emphasized automobile reliance. This amendment proposes moving towards completion of a vehicular-centered commercial node, while maintaining a residential component within the PRD. This realignment of commercial development pattern is different than originally anticipated at the on-set of the development, specifically removing the mixed-use development component. The geographic limits of the node are not being proposed for modification; however, this will increase the amount of retail activity that would be permissible under the currently adopted plans.
3. **Is the proposed amendment consistent with the long-range goals and policies of the plan?**

**Applicant's response:** No. As proposed, the amendment does not align itself with the adopted policies within the Area Plan. That is the foundation for the request of this amendment. While not fitting with the currently adopted area plan, the proposal would fill in an existing commercial node while maintaining the clear geographic boundary of this particular node. This will also increase the intensity of retail/commercial uses within this quadrant of the node. The proposed amendment augments the clear public purpose of nodal development by adjusting the density permitted in the node but not adjusted the existing node's boundaries. There is no risk of "leap frog" development to the west, and there is an adequate buffer to existing or proposed new neighborhoods because the corridor on north side of West 6th Street has already been developed with the Wal-Mart located to the west, the Free State High School located to the North, existing fully development commercial uses to the south, and the remaining Bauer Farm commercial development to the east. The proposed amendment is consistent with the overall goals and policies of Chapter 6 of Horizon 2020. The amendment preserves Horizon 2020's central policy of encouraging nodal development. The amendment advances Policy 1.6 in Chapter 6 of Horizon 2020, by promoting an appropriate supply of commercial inventory.

**Staff's response:** Overall, there are two major plans that encompass this particular intersection. The first is Horizon 2020, which principally defers most of the fine-detail planning to the appropriate area plan, which is the *Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*. This area plan anticipated this intersection becoming a community commercial center, specifically developing as a commercial node. At the time it was written, this plan was created to ensure consistent and compatible growth of this northern portion of the node with the already developed southern half of West 6th Street.

The overall vision for this quadrant of the intersection was for development to:

> “incorporate some kind of recreational commercial use, mixed-use office-residential activity, public or semi-public/institutional use, or other such use or activity that can be demonstrated as having a less intensive impact on traffic patterns and surrounding land use activities and neighborhoods. It is also recommended that up to 62,000 gsf would be permissible for retail commercial use if planned as part of an overall development plan incorporating a mix of uses that are designed to be pedestrian-friendly.” (*Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive*, p.18)

In July 2012, the area plan was specifically amended to allow an increase in retail square footage from the above mentioned 62,000 gross square feet, to a new cap of 72,000 gross square feet. Under this current proposed amendment application, the cap for this quadrant would increase to a new total of 122,000 gross square feet. This would be a 96.8% increase over the original cap created in December 2003, and a 69.4% increase over the amended and currently adopted cap created in July 2012.
## Total Approved Retail/Commercial Square Footage

<table>
<thead>
<tr>
<th>Corner of 6th St. &amp; Wakarusa Dr.</th>
<th>Allowed</th>
<th>Existing</th>
<th>Planned</th>
<th>Total</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest</td>
<td>127,487</td>
<td>99,840</td>
<td>21,500</td>
<td>121,340</td>
<td>6,147</td>
</tr>
<tr>
<td>Southwest</td>
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<td>75,349</td>
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<td>2,747</td>
</tr>
<tr>
<td>Southeast</td>
<td>157,017</td>
<td>122,818</td>
<td>0</td>
<td>122,818</td>
<td>34,199</td>
</tr>
<tr>
<td><strong>Northeast</strong></td>
<td><strong>72,000</strong></td>
<td><strong>37,752</strong></td>
<td><strong>33,740</strong></td>
<td><strong>71,492</strong></td>
<td><strong>508</strong></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>434,600</strong></td>
<td><strong>335,759</strong></td>
<td><strong>55,240</strong></td>
<td><strong>390,999</strong></td>
<td><strong>43,601</strong></td>
</tr>
</tbody>
</table>

### Figure 3: Currently Constructed & Approved Retail/Commercial Developments

<table>
<thead>
<tr>
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<td><strong>440,999</strong></td>
<td><strong>43,601</strong></td>
</tr>
</tbody>
</table>

### Figure 4: Retail/Commercial Developments considering Applicant’s Requested Expansion
As noted above in Figures 3 and 4, at present all quadrants of this particular node currently have a remaining balance of 43,601 gross square feet that could be future retail developments as part of the currently approved plans. While not zoned as a Community Commercial (CC) Center, this node is permitted to have 434,600 square feet of retail space, but has historically been identified as a CC200 in adopted plans. This amendment would permit 479,648 square feet of retail space at the node and following adopted policies for Community Commercial nodes, this node should be revised to a CC600 center. The distance between the anticipated edges of the recently adopted CC600 commercial node at the intersection of K-10 and West 6th Street to the edge of this commercial node at West 6th Street and Wakarusa Drive is approximately 1.5 miles. Consideration should be given to the potential deterioration of the separate commercial nodes, resulting in a more commercial-strip style development due to the short separation that would exist between these two larger, commercial centers.

![Figure 5: Edge Measurement between Bauer Farms PCD and CC600 at K-10 Highway](image)

Below is Policy 3.10: Criteria for Community Commercial Centers (under 600,000 square feet) CC600 and the criteria associated with this policy:

A. CC600 Centers shall be located at the intersection of two state or federally designated highways.

Staff Finding: The node is inconsistent with this criterion. West 6th Street is a Federal highway (US-40), Wakarusa Drive is not.
B. CC600 Centers shall have a maximum of 600,000 gross square feet of commercial retail space as defined in this chapter. Other uses of a non-retail nature shall not have a space limitation.

Staff Finding: Considering the existing square footage and the amount requested within this amendment, the node is consistent with this criterion.

C. A maximum of 90 percent of the commercial square footage, as defined in this chapter, in a new CC600 Center shall be located on two corners of the intersection. The remaining commercial square footage, as defined in this chapter, shall be located on one or both of the remaining corners.

Staff Finding: Considering the proposed amendment size request, the corners of W. 6th Street and Wakarusa Drive will have the following percentages of square feet:

At this time, the node is consistent with this criterion.

D. No more than two commercial buildings over 100,000 gross square feet each may be located on a single corner of the node.

Staff Finding: The node is consistent with this criterion.

E. Corners of the node that are not developed with commercial uses should be utilized for office, employment-related, public and semi-public, parks and recreation, and higher-density residential uses with extensive on-site screening. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses)
adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area.

Staff Finding: All corners of the nodes are currently commercial, but other uses are anticipated for at northwest corner of the node. If developed as approved, the node will be consistent with this criterion.

F. A nodal or area plan must be completed before a development proposal for any corner of a CC600 Center is forwarded to the Planning Commission. Expansion of the CC600 center shall require amendment of the nodal or area plan.

Staff Finding: The designation of this node as a CC600 is to ensure the node is accurately defined as outlined within Chapter 6 of Horizon 2020. Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive has been in place since 2003, this amendment would be consistent with this criterion.

G. CC600 Centers shall develop in a manner that is consistent with the city’s adopted design guidelines.

Staff Finding: The existing development has been completed to be consistent with the designation and policies that were applicable at the time. Future development would be expected to be consistent with adopted design guidelines.

Presently, this amendment and the node itself are not aligned with the currently adopted plan in terms of the amount of retail space, and in the development type anticipated. Weighing the long-range considerations for both this area of the city, as well as the overall real estate market city-wide, it is within the interest of both the community and Horizon 2020 to label this commercial node as a CC600 in Chapter 6. With the amount of retail development currently allocated within this node, it is best defined as being a CC600 Community Commercial Center as it presently exceeds the 400,000 square-foot maximum permitted under the CC400 definition with a retail cap of 434,600 square feet.

While this proposal is not aligned with the currently adopted policies, it is fulfilling requirements to help limit the continued outward expansion of retail spaces, in-filling an existing commercial node, and is slightly minor the amount of retail uses within this existing node.

4. **Does the proposed amendment result from a clear change in public policy?**

Applicant’s response: No. There is no change in public policy. The proposed amendment is consistent with existing public policy. The proposed amendment, which makes no attempt to alter the policy of nodal development as opposed to strip development, is a rational extension of public policy to slightly increase permitted density with little or no overall impact to traffic or surrounding neighborhood. In addition, the proposed increase in density does not exceed the 50,000 square foot limitation on building size.

Staff’s response: There is no change in public policy. The proposal is to modify the existing commercial center’s development mixture and will slightly increase the amount of retail space at the node in comparison to what is approved today. The proposal maintains the existing node by staying within the existing anticipated commercial area, and does not directly perpetuate
commercial strip development along West 6th Street, as long as the boundaries of the planned retail area are not expanded.

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

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

*Applicant’s response:* No, there will be little or no impact on existing or planned facilities and services. Infrastructure in the area is adequate to support this commercial development. The traffic impact is discussed in the Preliminary Development Plan application.

*Staff’s response:* Infrastructure in this area is adequate to support this commercial development. Further analysis regarding the specifics towards traffic impacts and infrastructure capacity will be addressed in the subsequent rezoning (Z-14-00057), preliminary development plan proposal (PDP-14-00055), and approval of a final plat.

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

*Applicant’s response:* Yes. The proposed commercial building and proposed commercial use will be consistent with other retail uses in the Bauer Farm commercial district, and is compatible with other surrounding uses.

*Staff’s response:* The proposed development pattern and use is consistent with the patterns and use present at the other three corners of this node. As further development occurs within the surrounding vicinity of this proposal, it will also be primarily commercial in form. Free State High School is located due north; the development will remain commercial in nature and has always been envisioned at this node. This amendment does not seek to change the boundary, only to allow more retail square footage and remove the mix of uses originally proposed.

7. **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 change benefits the citizens of Lawrence by providing a unique retail offering that is not otherwise exactly matched in the community and is compatible with the existing commercial development along a principal arterial roadway, offering services that are readily accessible and desirable for the entire population, not just those residing in northwest Lawrence.

*Staff’s response:* This proposed amendment does not necessarily advance the interests the citizens of Lawrence and Douglas County as a whole but neither does it harm them. However, this change will not alter the original boundaries of the commercial area. This change seeks to alter the mix of uses within the development by adding 38,839 retail square footage to the existing development. For residents within closer proximity to this node, it would likely have the ability to shorten their shopping trips to other various specialty retail grocers throughout Lawrence.
PROFESSIONAL STAFF RECOMMENDATION

On the balance of criteria, staff finds that this amendment will change the type of retail/commercial design and increases the amount of retail/commercial square footage within the node. It also maintains the geographic boundary of the node, and presents a reasonable alternative compatible with the existing land use pattern; therefore should be supported. When the CC600 district was created, staff did not anticipate the creation of another CC600 node other than at West 6th Street and K-10. Given the already approved and developed retail/commercial square-footage, and the amount of additional square-footage requested within this application, staff recommends identifying the node at West 6th Street and Wakarusa Drive as CC600 as it accurately identifies the existing developed condition of the node at present, and thereby, maintains consistency with the node size allotments as outlined in Chapter 6 of Horizon 2020.

Staff recommends approval of this Comprehensive Plan Amendment to Horizon 2020 Chapter 6: Commercial Land Use, Chapter 14: Specific Plans, and the Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive to revise the retail gross square-footage cap from 72,000 gross square feet to 122,000 gross square feet, and recommends forwarding this Comprehensive Plan Amendment to the Lawrence City Commission with a recommendation for approval.
An Area Plan for the Intersection Area of West 6th Street & Wakarusa Drive
City of Lawrence, Kansas

December 2003
Amended July 2012 <DATE PENDING>

Approved by the Lawrence City Commission on December 2, 2003
Amended by the Lawrence City Commission on July 10, 2012
Amended by the Lawrence City Commission on <DATE PENDING>
AREA PLAN
West 6th Street & Wakarusa Drive

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  Future Land Use/UGA Designation
  Environmental Conditions
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  Northwest Area Plan
  West 6th Street Access Management Plan

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Introduction

Background & Purpose

The purpose of this small area plan is to help ensure appropriate and compatible development of the West 6th Street/Wakarusa Drive intersection. This intersection is currently designated as a Community Commercial Center in Horizon 2020, the comprehensive, long-range plan for the City of Lawrence and unincorporated Douglas County. The south side of the intersection has developed into a commercial node and the Lawrence City Commission has directed Planning staff to develop a plan ensuring the north side of the intersection does not become oversaturated with commercial, primary retail, development.

An area plan is a useful planning tool intended as a furtherance of a more generalized long-range plan, such as Horizon 2020. Area plans are site-specific plans of an area whose purpose is to ensure appropriate and compatible development of an area. This area plan also intends to encourage development that is consistent with the goals and policies found in Horizon 2020 and that development is non-intrusive to surrounding neighborhoods.

Description of Study Area

The study area for this plan is an area bounded to the west by Congressional Drive; to the north by Overland Drive; to the east by Folks Road; and to the south by West 6th Street. The study area includes the north half of the West 6th Street/Wakarusa Drive intersection. The study area is located in Township 12 S, Range 19 E, Section 28, which is located in northwest Lawrence. The study area encompasses approximately eighty (80) acres (one-eighth of a mile). Refer to Figure 1 for the location of the West 6th Street/Wakarusa Drive intersection. The study area is currently undeveloped, but is surrounded on three sides by urban development. The western portion of the study area lies within the West Lawrence Neighborhood Association.
Existing Conditions

The first step in development of this area plan was an inventory of existing conditions at the West 6th Street/Wakarusa Drive study area. An analysis of those conditions as they relate to the future development of this study area was conducted by Planning staff. The inventory and analysis of existing conditions in this plan are intended to serve as a guide and to act as a support mechanism for the recommendations outlined at the end of this plan.

Existing Land Uses

As mentioned previously, the West 6th Street/Wakarusa Drive study area is currently undeveloped but is surrounded by urban development to the north, east, and south. The study area is surrounded by a variety of land uses in various stages of development: to the north is the Free State High School campus and Indoor Aquatic Center; to the northeast is residential, comprising of single- and multiple-family dwellings; to the east are banks and offices; to the southeast is residential, primarily single-family dwellings; to the south and southwest is commercial retail; to the west is vacant, undeveloped land with proposals for multiple-family residential development; and to the northwest is parkland and a developing single-family residential neighborhood.

Existing Zoning Patterns

The entire study area lies within the corporate limits of the City of Lawrence. The land east of Wakarusa Drive is currently zoned A, Agricultural, and encompasses approximately fifty-three (53) acres. This is a Douglas County zoning district, which was retained upon annexation into the City. The land west of Wakarusa Drive has multiple zoning designations and encompasses approximately twenty-seven (27) acres. The majority of the western portion is zoned PCD-2, Planned Commercial Development, and the remaining portions zoned PRD-2, Planned Residential Development, and A, Agricultural.

There are a variety of zoning designations surrounding the study area. The areas to the north and northeast have primarily residential zoning designations, including RS-1 (Single-Family), RS-2, RM-1 (Multiple-Family), RO-1B (Residential-Office), and PRD-1. The areas to the east and southeast have primarily residential-office zoning designations, including RO-1B, RO-2, PRD-2, and A. The areas to the south and southwest have commercial and office zoning designations, including O-1 (Office), RO-1A, and PCD-2. The areas to the west and northwest have primarily residential designations, including RS-2, RM-D (Duplex), PRD-2, and A.

Zoning classifications for the study area and its surroundings are illustrated in Figure 2.
Figure 2
City Zoning Classifications
Future Land Use/ UGA Designation

The following is a brief summary of the future land uses for this area as they were initially generated. Two land use plans have been developed that influence the future development of the West 6th Street/Wakarusa Drive study area: Horizon 2020 and the Northwest Plan. Horizon 2020 identifies that portions of the West 6th Street/Wakarusa Drive intersection are appropriate for a Community Commercial Center. In the areas east of Wakarusa Drive, the majority has been designated appropriate for office uses. A small portion of this area has been designated appropriate for office or commercial uses. In the areas west of Wakarusa Drive, low-density residential uses are designated to be appropriate. Land use designations come from Figure 9 (Lawrence Urban Growth Area, Service Areas, and Future Land Use) and Figure 9.Inset (Lawrence Future Land Use).

Land use designations from Horizon 2020 for the study area are illustrated in Figures 3 and 4.
Figure 3
Horizon 2020 (Figure 9)
Landuses

Legend
- Service Area 2
- Service Area 3a
- Service Area 3c
- Service Area 4
- Higher density residential
- Park and open space

Date: June 23, 2003
The Northwest Plan is the most recent, detailed guide for the future land use and development for the West 6th Street/Wakarusa Drive study area. While the study area only represents a small portion of the Northwest Plan study area, the Northwest Plan has a direct influence on recommended land uses for the West 6th Street/Wakarusa Drive study area. Both the northwest and northeast corners of the intersection are designated appropriate for commercial uses. The remaining area between Wakarusa Drive and Folks Road has been designated appropriate for office and institutional uses, with institutional uses at the northwest intersection of West 6th Street and Folks Road.

Land use designations from the Northwest Plan for the study area are illustrated in Figure 5.
The Northwest Area Proposed Land Uses

Note: Actual environmental conditions which place constraints on development are not shown on this map. Refer to the comprehensive plan for guidance on environmental condition maps, studies and policies.

Lawrence-Douglas County Metropolitan Planning Office
October 2, 1996
Environmental Conditions

The entire West 6th Street/Wakarusa Drive study area is, or previously had been, agricultural pasture and range land. The study area is relatively flat, moderately sloping downhill to the north and west from its highest point at the northwest corner of the West 6th Street/Folks Road intersection. Along the western edge of the study area lie the upper reaches of a naturally occurring drainage channel, which is part of the Baldwin Creek Drainage Basin. This drainage channel flows into naturally maintained parkland located northwest of the study area. Since the study area is situated already within an increasingly urbanizing area of the city, no other major environmental features are present.

Public Services

The West 6th Street/Wakarusa Drive study area is currently served by city infrastructure and services. Sanitary sewer service is available to all areas of the study area. In those areas east of Wakarusa Drive, sewer service is available from the north, east, and southwest. In those areas west of Wakarusa Drive, sewer service is available from the Baldwin Creek Sewer Benefit District located to the north. Water service is also readily available. In those areas east of Wakarusa Drive, water service is available from all sides. In those areas west of Wakarusa Drive, water service is available from the east and south.

Improvements are planned for West 6th Street beginning in 2004, west of Folks Road, which will widen the street from two-lanes to four-lanes with a separated recreational path. As part of these improvements, water lines will be extended making water service available to the western portion of the study area more accessible on its southern and western edges. The improvements to West 6th Street are anticipated to be completed in 2006. In conjunction with the West 6th Street improvements, Wakarusa Drive is also being improved between West 6th Street and Overland Drive.

Circulation & Access

West 6th Street and Wakarusa Drive are the arterial streets providing primary access to the study area: West 6th Street, along the southern edge of the study area, provides east-west access; Wakarusa Drive, cutting through the study area, provides north-south access. Secondary access is also provided to the study area from secondary arterial and/or collector streets: Congressional Drive, along the western edge, provides access from the south; Folks Road, along the eastern edge, provides access from the north; Overland Drive, along the northern edge, provides east-west access. Champion Lane is anticipated to provide access to the properties between Wakarusa Drive and Folks Road.

West 6th Street also serves as US Highway 40 and connects to Kansas Highway 10 (K-10) (also referred to as the South Lawrence Trafficway or SLT), which is located within two miles of the study area. This close proximity makes the West 6th Street/Wakarusa Drive study area easily accessible to the community’s regional transportation network, including the Kansas Turnpike/Interstate 70 and US Highway 59.

Bike paths, sidewalks, and multiple-use recreational trails are located throughout the West 6th Street/Wakarusa Drive study area. A ten-foot (10’) wide recreation path on the south side of
West 6th Street is planned with the road improvement/widening project. The study area is also served by Lawrence Public Transit.
Envisioned Future

This section of the plan involves a summary of the existing plans and improvement projects of the City’s future specifically as they relate to the West 6th Street/Wakarusa Drive intersection and its future development. This summary of the future visions and improvements is intended to serve as a guide and act as a support mechanism for the recommendations outlined in this area plan.

Horizon 2020

Horizon 2020 is the long-range plan for Douglas County and the City of Lawrence, outlining future land use growth and development over the next twenty years. This plan was developed during the mid-1990s utilizing a community-wide public participation process allowing the residents of the community to envision what they would like their hometown to be in the future. This part of the study looks at the existing intent of Horizon 2020, specifically Chapter 6, Commercial Land Use, as it relates to development at the West 6th Street/Wakarusa Drive intersection. Also identified are those relevant goals found in the other chapters of Horizon 2020 related to the planned development of the West 6th Street/Wakarusa Drive intersection.

Existing Chapter 6, Commercial Land Use in Horizon 2020

The current commercial land use element in Horizon 2020 identifies the West 6th Street/Wakarusa Drive intersection as appropriate for a Community Commercial Center since such centers should be located at arterial street intersections. These centers typically require ten to thirty acre sites to accommodate buildings, parking areas, and open spaces. They generally contain leasable space of 150,000 gross square feet (gsf) but may range from 100,000gsf to 450,000gsf, and can include a food/drug store along with a mix of retail and other uses and usually anchored with a small retail sales store type tenant.

There is approximately 380,000 gsf of retail space currently approved at the intersection of West 6th Street and Wakarusa Drive. This includes existing and proposed developments. This is 130,000gsf more than the “typical” amount of retail square footage and 70,000gsf below the “typical” amount recommended by Horizon 2020 for a Community Commercial Center. Areas that are designated Community Commercial Centers do not necessarily infer a large-scale commercial development. These areas are intended to concentrate commercial development of the community, however, “leapfrog” development from the contiguous urbanized area of the community is discouraged. Centers are intended to be easily accessible from surrounding neighborhoods.

Relevant goals and policies related to the development of the West 6th Street/Wakarusa Drive nodal study area come from Chapter 6, Commercial Land Use and include the following. For a more detailed look at the goals and policies, refer to Horizon 2020.

- **Goal 2: Compatible Transition from Commercial Development to Less Intensive Uses.**
  Ensure compatible transition from commercial development to residential neighborhoods & other less intensive land uses.
  - **Policy 2.1:** Use Appropriate Transitional Methods.
  - **Policy 2.3:** Higher-Density Residential Development as Transitional Use.
Policy 2.5: Office, Research & Semi-Public Development as Transitional Use.
Policy 2.6: Parks, Recreation & Open Space as Transitional Use.

Goal 3: Criteria for Location of Commercial Development. Provide regional, community & neighborhood shopping opportunities to meet the commercial & retail needs of the community.
- Policy 3.1: Utilize Locational Criteria for Commercial Development.
- Policy 3.3: Utilize Locational Criteria for Community Centers.
- Policy 3.7: Require an Impact Analysis.

Goal 4: Transportation Considerations. Promote a multi-modal transportation system which provides or improves access & circulation within and adjacent to commercial areas.
- Policy 4.1: Levels of Service.
- Policy 4.2: Evaluate Traffic Impacts.
- Policy 4.3: Minimize Traffic Diversion.
- Policy 4.4: Ensure Adequate Ingress & Egress.
- Policy 4.5: Limit Access.
- Policy 4.7: Provide Pedestrian Access.
- Policy 4.8: Provide Bicycle Access.
- Policy 4.9: Encourage Convenient Parking within Commercial Areas.

Additional Goals from Horizon 2020

Additional relevant goal statements from Horizon 2020 that support the recommendations of this plan help guide the future development of the study area so that it is consistent with the intent of the City's long-range vision of its future are highlighted below.

Chapter 5, Residential Land Use (low-density)
- Goal 3: Neighborhood Conservation. The character & appearance of existing low-density residential neighborhoods should be protected & improvements made where necessary to maintain the values of properties & enhance the quality of life.
- Goal 5: Create a Functional & Aesthetic Living Environment. Create & maintain neighborhoods that are aesthetically pleasing & functionally efficient & practical.
- Goal 6: Compatible Transition from Low-Density Residential Development to More Intensive Land Uses. Ensure transition from low-density residential neighborhoods is compatible with more intensive residential & nonresidential land uses.

Chapter 5, Residential Land Use (medium- & higher-density)
- Goal 1: Criteria for Location of Medium- & Higher-Density Residential Development. Adopt criteria which will ensure that livability, property values, open space, safety & the general welfare are sustained.
- Goal 2: Create a Functional & Aesthetic Living Environment. Create & maintain medium- & higher-density residential developments that are aesthetically pleasing & functionally efficient & practical.
- Goal 4: Transportation Considerations. Promote a transportation system which provides or improves access & circulation within & adjacent to medium- & higher-density residential areas.

Chapter 7, Industrial & Employment Related Land Use
Goal 3: Criteria for Location of Industrial or Employment-Related Development. Provide industrial & employment areas to meet the economic needs of the community.

Goal 4: Transportation Considerations. Promote a multi-modal transportation system which provides or improves access & circulation within & adjacent to industrial areas.

Chapter 8, Transportation
- Goal 1: Transportation Considerations. Promote a multi-modal transportation system which provides or improves access & circulation throughout the city & county.
- Goal 2: Street System Goal. Provide an efficient & effective network of streets & roads which access all appropriate areas, provide continuity & connections into & beyond the City of Lawrence & Douglas County, & support the arrangements of various land uses within the urbanized area.
- Goal 3: Access Management Goal. Promote the mixture of planning, design, traffic operations, & administrative actions to coordinate roadway access in order to maximize safety & mobility while reducing delays to travel.
- Goal 4: Public Transportation System Goal. Implement a coordinated public transportation system that offers a viable choice of travel which addresses the needs of individuals & the community as a whole. Public transportation should be viewed as an alternative mode of transportation to reduce localized traffic congestion, improve air quality, conserve energy, & provide better transportation for those who choose not to or are unable to drive.
- Goal 5: Pedestrian & Bicycle Transportation System Goal. Establish an integrated system of bicycle & pedestrian improvements which provide for safe & efficient connections throughout the community, & offers viable choices of travel. Walking is a form of transportation. Recognize that walking is an important form of transportation especially for children, the elderly, & those who cannot afford other transportation modes.

Chapter 9, Parks, Recreation, & Open Space
- Goal 1: Balance Between Natural & Man-Made Environments. A balance between the natural & man-made environments is needed to conserve & protect natural features while allowing new development.
- Goal 2: Protect & Expand the System of Park, Recreation & Open Space.
- Goal 3: Criteria for the Location of Parks & Open Space. Create a park, recreation & open space system that is sensitive to both the recreational needs & the environmental/ecological needs of the community.
- Goal 4: Compatible Transition from Recreation Facilities to Residential Land Uses. Ensure compatible transition from recreational facilities whether public or private to residential land uses.

Chapter 10, Community Facilities
- Goal 1: Provide Facilities & Services to Meet the Needs of the Community. Provide quality public & semi-public facilities equitably distributed throughout the community.
- Goal 2: Criteria for the Location of Community Facilities. Adopt criteria which will ensure that community facilities are located, designed & operated in a manner compatible with neighboring uses.
- Goal 3: Transportation Considerations. Promote a multi-modal transportation system which provides or improves access & circulation within & adjacent to community facilities.

Chapter 12, Economic Development
- Goal 1: Increase Job Growth. Increase job growth at a rate equal to or above that of population & housing to maintain a separate community identity.
- Goal 2: Increase Tax Base. Ensure tax base growth equals or exceeds population & housing growth.
The Northwest Plan

The Northwest Plan is the most recent, detailed guide (completed in 1997) for the future land use and development for the West 6th Street/Wakarusa Drive study area. The Northwest Plan covers approximately four square miles (Sections 20, 21, 28, 29) in northwest Lawrence bounded by West 6th Street to the south, Folks/E 1100 Road to the east, Douglas County Road 438/Farmers Turnpike to the north, and E 900 Road to the west. While the study area only represents a small portion (approximately eighty acres) of the Northwest Plan study area, the Northwest Plan has a direct influence on recommended land uses for the West 6th Street/Wakarusa Drive study area.

The Northwest Plan indicates the West 6th Street/Wakarusa Drive study area should be urbanized calling for high intensity land uses to be located within the study area and that land uses “step-down,” or decrease, in intensity as activities move north and west away from the intersection. Any new development occurring in this area needs to be compatible with the adopted policies and regulations of the City. The Plan also stresses the importance of maintaining any unique environmental features and conditions, perhaps by incorporating them into development.

As mentioned previously in this area plan, the Northwest Plan envisions commercial, office, and institutional land uses within the West 6th Street/Wakarusa Drive study area. The Northwest Plan identifies both the northwest and northeast corners of the West 6th Street/Wakarusa Drive intersection appropriate for commercial uses. It identifies the northwest corner of the West 6th Street/Folks Road intersection appropriate for institutional uses. It identifies that the area between the commercial and institutional uses appropriate for office activities. The Northwest Plan also states that industrial uses are not appropriate for the Northwest Plan study area, but office and office-research activities are. Residential development is also recommended in the Northwest Plan as an appropriate transitional use between the high-intensive uses recommended along West 6th street and the less-intensive uses as development “steps-down” to the north of West 6th Street. The Plan sets a maximum residential density of 15 dwelling units per acre (15du/ac) within the entire Northwest Plan study area.

West 6th Street Access Management Plan

Access from West 6th Street will be limited in accordance to the provisions of City Ordinance #7465 (adopted in 2002), based on the West 6th Street Access Management Plan completed in 1998. While improvements to West 6th Street west of Folks Road are a priority, access into activities of the West 6th Street/Wakarusa Drive study area will also be generated by developed and developing neighborhoods surrounding the study area. The development of a multi-modal circulation pattern is highly encouraged. Pedestrian accessibility is a priority of the City and the provision of bike paths and sidewalks connecting internal and external neighborhoods are emphasized. It is also recommended that the development of multiple-use recreational trails be included as part of the development of this study area. Consideration of public transit is also important in the study area. Planning for public transit includes, but is not limited to, bus turnaround areas, bus loading areas, and bus routing.
Recommendation

The West 6th Street/Wakarusa Drive study area is anticipated to evolve into one of the more prominent commercial centers of the community. The Lawrence City Commission has directed City staff to ensure new development at this intersection area is appropriate for the surrounding neighborhoods and also within the context of the entire community. The City Commission has also directed City staff to ensure that new development is compatible with existing development located within and adjacent to the intersection area. Any development proposals for this intersection will come under close scrutiny to ensure this direction is abided by. The following land use recommendations regarding the development of the West 6th Street/Wakarusa Drive study area are based on the analysis of the above identified existing conditions and envisioned future of this intersection area. In addition to the recommendations below, it is recommended that no building permits be issued for the study area until the West 6th Street Improvement Project is substantially completed.

The Area West of Wakarusa Drive

The area located west of Wakarusa Drive (the northwest corner of the West 6th Street/Wakarusa Drive intersection) is recommended as most appropriate for commercial development of a retail focus. Given the amount of existing commercial retail development located south of West 6th Street, it is recommended the existing zoning designation of PCD-2 be retained with additional restrictions placed upon it. The restriction being that retail development located at this corner is limited to 154,000gsf. This is the amount of retail gross square footage that was approved by the Planning and City Commissions. An additional restriction is that a single building footprint shall not exceed 80,000gsf. Such a footprint is typical of a grocery store “anchor” having additional service-oriented commercial development. It is also recommended the remaining zoning designations remain intact without additional restrictions.

The Area East of Wakarusa Drive

The area located east of Wakarusa Drive (the northeast corner of the West 6th Street/Wakarusa Drive intersection) is recommended as most appropriate for commercial development -of-a-non-retail-focus. As three (3) corners of this intersection are likely to develop as retail centers, it is recommended the remaining corner incorporate less-intensive commercial development. This corner is in closest proximity to the high school complex and indoor aquatic center to the north and adjacent residential neighborhoods to the northeast. It is recommended the existing A, Agricultural, zoning designation be rezoned to PCD-2 with restrictions. The restriction being that the development of this corner of the intersection incorporate some kind of recreational commercial use, mixed-use office-residential activity, public or semi-public/institutional use, or other such use or activity that can be demonstrated as having a less-intensive impact on traffic patterns and surrounding land use activities and neighborhoods. It is also recommended that up to 62,000gsf would be permissible for retail commercial use if planned as part of an overall development plan incorporating a mix of uses that are designed to be pedestrian-friendly.
The Area West of Folks Road

The area located west of Folks Road (the northwest corner of the West 6th Street/Folks Road intersection) is recommended as most appropriate for medium- to high-density residential development. This area could also serve well as a mixed office-residential development or public/semi-public/institutional use. It is recommended no commercial, retail or otherwise, be located at this intersection as such activity would disrupt the residential character and feel of adjacent land use activities and residential neighborhoods. Commercial activity at this intersection would also expand the commercial center at West 6th Street and Wakarusa Drive from a center into a strip development, which is in conflict with the goals and policies of Horizon 2020 and the Northwest Plan. It is recommended the existing A, Agricultural, zoning designation be rezoned to PRD-2 with the intent of encouraging a mixed-use office-residential development that would be complimentary to existing and future developments and neighborhoods.

Additional Recommendations

It is also recommended that the total approved retail commercial square footage be limited to 444,600 gsf for the four corners of the West 6th Street/Wakarusa Drive intersection. A breakdown of square footage allocation is illustrated in the table below.

<table>
<thead>
<tr>
<th>Corner of 6th St. &amp; Wakarusa Dr.</th>
<th>Allowed</th>
<th>Existing</th>
<th>Planned</th>
<th>Total</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest</td>
<td>127,487</td>
<td>99,840</td>
<td>21,500</td>
<td>121,340</td>
<td>6,147</td>
</tr>
<tr>
<td>Southwest</td>
<td>78,096</td>
<td>75,349</td>
<td>0</td>
<td>75,349</td>
<td>2,747</td>
</tr>
<tr>
<td>Southeast</td>
<td>157,017</td>
<td>122,818</td>
<td>0</td>
<td>122,818</td>
<td>34,199</td>
</tr>
<tr>
<td>Northeast</td>
<td>122,000</td>
<td>37,752</td>
<td>83,740</td>
<td>121,492</td>
<td>508</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>484,600</strong></td>
<td><strong>335,759</strong></td>
<td><strong>105,240</strong></td>
<td><strong>440,999</strong></td>
<td><strong>43,601</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Approved Retail Commercial Square Footage</th>
<th>444,600 gsf</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southeast-side of West 6th-Street (existing development)</td>
<td>157,017 gsf</td>
</tr>
<tr>
<td>Southwest-side of West 6th-Street (existing development)</td>
<td>78,096 gsf</td>
</tr>
<tr>
<td>Northwest Corner of West 6th-Street/Wakarusa Drive</td>
<td>127,487 gsf</td>
</tr>
<tr>
<td>Northeast Corner of West 6th-Street/Wakarusa Drive</td>
<td>72,000 gsf</td>
</tr>
<tr>
<td>Southwest-side of West 6th-Street (new development)</td>
<td>10,000 gsf</td>
</tr>
</tbody>
</table>

2012 Plan Update Notes:

The 2012 modifications to this Plan designate the southeast corner of the W. 6th Street and Congressional Drive as a commercial use. The changes also make Congressional Drive the western boundary of the W. 6th Street and Wakarusa Drive commercial center.

The approved retail commercial square footage updates to the Additional Recommendations section are derived from the most recent approved development plans for the four corners of the intersection. Non-retail square footage numbers from the development plans are not
included in the approved retail commercial square footage numbers. The table on page 19 was revised to reflect the existing approvals and to provide information for all four corners.

The revision to Figure 4 will also mean a revision to Map 3-2 Lawrence Future Land Use in Horizon 2020. An amendment has been initiated previously for Map 3-2 and this revision will be included with that amendment.

**2014 Plan Update Notes:**

The 2014 modification is to expand the allowable retail/commercial space for the northeast quadrant of West 6th Street and Wakarusa Drive from a limitation of no more than 72,000 gross square feet to a new cap of no more than 122,000 gross square feet.
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, CC600, 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...
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 than those 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 (rezing, 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.

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...
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 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 Massachusets 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 re-evaluation 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 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.
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-CC600 Center) with a nodal development pattern. While this intersection is designated a CC200-CC600 Center, there already exists more commercial gross square footage at the intersection than is recommended for a CC200-CC600 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 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.

<table>
<thead>
<tr>
<th>Existing Commercial Areas</th>
<th>Strip Commercial</th>
<th>Nodal Commercial</th>
<th>Approximate Built Square Footage*</th>
<th>Neighboring Strip Commercial</th>
<th>Existing Strip Commercial</th>
<th>CC200</th>
<th>CC400</th>
<th>CC600</th>
<th>Regional Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown</td>
<td>X</td>
<td></td>
<td>1.3 million</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N. 2nd St and N. 3rd St</td>
<td>X</td>
<td></td>
<td>225,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iowa (Harvard Rd to W. 6th St)</td>
<td>X</td>
<td></td>
<td>190,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Iowa (23rd St to K-10)</td>
<td>X</td>
<td></td>
<td>1.3 million</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 23rd St (Iowa St to Louisiana St)</td>
<td>X</td>
<td></td>
<td>660,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. 23rd St (Learnard St. to Harper St.)</td>
<td>X</td>
<td></td>
<td>190,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6th St (Alabama to Iowa St)</td>
<td>X</td>
<td></td>
<td>140,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 6th St (Iowa to Kasold)</td>
<td>X</td>
<td></td>
<td>209,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 6th St &amp; Monterey Way</td>
<td>X</td>
<td></td>
<td>100,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 6th St &amp; Wakarusa Dr</td>
<td>X</td>
<td></td>
<td>48,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinton Pkwy &amp; Kasold Dr</td>
<td>X</td>
<td></td>
<td>110,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinton Pkwy &amp; Wakarusa Dr</td>
<td>X</td>
<td></td>
<td>28,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. 19th St &amp; Massachusetts St</td>
<td>X</td>
<td></td>
<td>95,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. 19th St &amp; Haskell Ave</td>
<td>X</td>
<td></td>
<td>27,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 15th St &amp; Kasold Dr</td>
<td>X</td>
<td></td>
<td>50,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. 15th St &amp; Wakarusa Dr</td>
<td>X</td>
<td></td>
<td>19,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9th St (Kentucky St to Illinois St)</td>
<td>X</td>
<td></td>
<td>40,000</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* 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, **CC600** 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.
ALL 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.
COMMERCIAL LAND USE GOALS AND POLICIES

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

GOAL 1: Established Commercial Area Development

Encourage the retention, redevelopment and expansion of established commercial areas of the community.

Policy 1.1: Recognize and Emphasize Downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center

A. Encourage and support the development of a broad mix of land uses, with an emphasis on retail as a major land use, the provision of parking facilities, improved accessibility, and the expansion of Downtown Lawrence while maintaining the integrity of surrounding neighborhoods.

B. Strengthen, define and support neighborhood residential areas adjacent to Downtown Lawrence in order to reinforce the safety, image and identity of Downtown Lawrence.

C. Closely analyze (through Policies 1.7, 3.7 G, 3.9 E, and any other relevant Policies) the impact of requests for development of community and/or regional shopping areas to ensure that such development does not have a negative impact on the Regional Retail/Commercial/Office/Cultural Center. This analysis would be used to evaluate the potential impact on the future viability of the Regional Retail/Commercial/Office/Cultural Center as a whole and not the potential impact on individual businesses or properties.

Policy 1.2: Sustain Downtown Lawrence as a Mixed Use Activity Center

Continue to encourage a broad mix of uses in Downtown Lawrence, including retail, office, residential, entertainment, lodging, unique visitor attractions, expanded conference facilities, a core concentration of governmental, cultural and social facilities and services, as well as recreation, leisure and community events.

Policy 1.3: Assure Compatibility of Development

A. Encourage new development and redevelopment to consider horizontal and vertical proportions, building forms, roof types, and exterior materials and details existing in the surrounding area.

B. New development and redevelopment shall conform to the applicable adopted design guidelines.
Policy 1.4: Redevelopment of Existing Commercial Areas

A. Existing commercial areas should be improved and upgraded. Particular emphasis should be given to existing commercial gateways. Overall storm water management, vehicular and pedestrian access, and site maintenance shall be undertaken.

B. Upgrade the image and appearance of existing developments with new lighting, landscaping, signage and pedestrian access.

C. Encourage public and/or private partnerships for redevelopment.

D. Consider financial and development incentives to encourage re-use (renovation or redevelopment) of commercial properties.

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.

Policy 1.6: Maintain an Inventory of Commercial Land

Maintain an appropriate supply of commercially zoned land so that site choices are available and infrastructure expansion can occur in an efficient and orderly manner. Annually evaluate current and approved planned land uses and land availability. The evaluation shall consider, but not be limited to: approved planned development not yet constructed, compatibility with existing nearby development, parcel size and infrastructure service delivery and phasing plans.

Policy 1.7: Monitor Economic Impact of Commercial Growth

A. The amount of commercial space, the quality of commercial space, commercial space vacancy rates, and the size of commercial space shall be monitored for each quadrant of the city (15th Street shall be the north-south dividing line and Iowa Street the east-west dividing line). Each matrix cell shall include the total gross square footage of all the buildings in each respective size range and condition grade. Each cell shall also include the vacancy rate for buildings of each respective size and condition.

B. These variables shall be placed in a matrix and used in analyzing any commercial rezoning request and/or development plan.

C. The matrix shall be updated annually.

D. Planning Staff shall be responsible for maintaining and revising the matrix. However some of the data for some of the variables, particularly vacancy rates,
may have to be provided by outside sources.

E. Planning Staff will provide an annual sales tax per square foot ratio. This data will be provided for different sectors within the city limits.

F. Establish and implement a methodology for the annual collection of business use data in support of economic impact analyses.

<table>
<thead>
<tr>
<th>Condition of the Commercial Space</th>
<th>Excellent</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>0-2,500 Sq. Ft.</strong></td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
</tr>
<tr>
<td><strong>2,501-5,000</strong></td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
</tr>
<tr>
<td><strong>5,001-15,000</strong></td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
</tr>
<tr>
<td><strong>15,001-30,000</strong></td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
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<td><strong>30,001-60,000</strong></td>
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<td>total sq. ft./vacancy rate</td>
</tr>
<tr>
<td><strong>60,001- 20,000</strong></td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
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<tr>
<td><strong>120,001- 00,000</strong></td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
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<tr>
<td><strong>200,001+</strong></td>
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<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
<td>total sq. ft./vacancy rate</td>
</tr>
</tbody>
</table>

The above matrix will be completed for each quadrant of the city, plus an additional table summarizing the totals for the entire city.
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.

Policy 2.2: Locate Less Compatible Uses Toward the Interior of Commercial Areas

A. The overall design and arrangement of commercial development shall be compatible with adjacent residential uses.

B. Ensure adequate screening of unsightly views of commercial developments (such as loading docks, rooftop equipment, service entrances, trash containers, parking areas, exterior storage) through the extensive use of elements such as landscaping, berms, fencing, architectural design, open space, setbacks, and/or building orientation.

C. In order to ensure that parking lots are not the dominant visual feature associated with commercial areas, buildings shall be located adjacent to the public rights-of-way and parking located toward the interior of the development.
Policy 2.3: Higher-Density Residential Development as Transitional Use

Use higher-density residential development as a transitional land use between commercial developments and the surrounding low-density residential neighborhoods.

Policy 2.4: Provide Sufficient Site Area for the Design of Transitional Elements

Site improvements within commercial areas such as lighting, signage and landscaping shall be designed and coordinated in order to create a positive identity and visual image throughout the development area.

Policy 2.5: Office, Research and Semi-Public Development as Transitional Use

A. Encourage using low-intensity office, research and semi-public development as a transition between commercial development and low-density residential neighborhood. The development shall include:

1. Design elements such as height, massing, and scale compatible with the surrounding low-density residential uses;

2. Site design that is compatible with surrounding residential neighborhoods with consideration given to extensive screening, building and parking orientation, and preservation of natural site amenities; and

3. Site access provided from arterial, collector or access streets, with traffic directed away from surrounding residential areas.

Policy 2.6: Parks, Recreation and Open Space as Transitional Use

Encourage the use of medium- to low-intensity recreational facilities such as neighborhood parks, bike/hike trails and natural areas as transitional areas.
Guidelines are needed to provide direction on how much, where and at what scale commercial development is appropriate for the market it is intended to serve.

**GOAL 3: Criteria for Commercial Development**

Provide regional, community and neighborhood shopping opportunities to meet the commercial and retail needs of the community.

**Policy 3.1: Utilize Locational Criteria for Commercial Development**

A. **Commercial Nodes**: Nodes shall occur at arterial/collector or arterial/arterial intersections depending on the type of commercial center.

B. **Strip Commercial Development**: Stop the formation or expansion of Strip Commercial Development by directing new development in a more clustered pattern.

C. **Assembling of Land**: Encourage the assembling of small tracts to form larger, more cohesive parcels to enable well-planned and orderly development to occur.

D. **Vehicular Access**: Limit the principal vehicular access of commercial development to arterial, collector or frontage (access) streets.

E. **Site Layout**: Commercial development shall be located to avoid substantial disruption of natural drainage and vegetation.

F. **Compatibility with Adjacent Land Uses**: Encourage the location of commercial nodes where they can efficiently utilize local resources, where their adverse impacts on adjacent uses are minimized, and where they will effectively provide the community with desired products, services and employment opportunities.

G. **Public Improvements**: Construction of a new commercial center cannot begin until all infrastructure improvements serving the center have been completed.

**Policy 3.2: Establish Design Standards for Commercial Development**

A. The city shall develop reasonable design standards for new and redeveloped commercial areas which improve:

1. Integration with the surrounding neighborhoods;
2. Pedestrian movement to and within the commercial areas;
3. The aesthetics of the districts from the surrounding street system; and
4. The design to create attractive focal points for the surrounding populations.

B. Incentive systems shall be developed to encourage commercial areas to provide
mixed use projects that include residential and office uses integral to the design.

C. These design standards and incentives shall be adopted into HORIZON 2020 and implemented through zoning, subdivision and the Capital Improvements Plan.

Policy 3.3: Criteria for Inner-Neighborhood Commercial Centers

A. Encourage redevelopment of existing Inner-Neighborhood Commercial Centers through alternative standards for:

1. Required parking;
2. Open space requirements;
3. Required setbacks; and
4. Required lot size.

B. Do not encourage the expansion of existing Inner-Neighborhood Commercial Centers.

C. Inner-Neighborhood Commercial Centers may be located on local, collector, or arterial streets. They may also take access from an alley.

D. Standards for New Inner-Neighborhood Commercial Centers:

1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
3. Centers may include residential uses;
4. Centers shall no more than 3,000 gross square feet of commercial space; and
5. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.

Policy 3.4: Criteria for Mixed-Use Redevelopment Centers

A. Encourage redevelopment of areas where existing structures are underutilized, have experienced a high turnover rate, or have remained vacant for an extended period of time.

B. Mixed-Use Redevelopment Centers shall be no larger than six acres in size.

C. Mixed-Use Redevelopment Centers shall include a mix of the following uses within the subject area and where possible, include mixed-use structures:

1. Residential;
2. Civic;
3. Office;
4. Small-scale commercial:
   a. Total commercial spaces shall not exceed 25% of the net floor area within the subject area, and
   b. A single retail space shall not occupy more than 16,000 square feet of ground-floor level, net floor area of a structure; and

5. Open space.

D. Mixed-Use Redevelopment Centers shall maintain the character of the surrounding neighborhoods by:

1. Achieving integration with adjacent land uses by providing transitions between uses through alleyways and use and landscape buffers;
2. Incorporating existing structures wherever possible;
3. Maintaining general structure spacing, massing, scale, and street frontage relationship when incorporating new structures.

E. Mixed-Use Redevelopment Centers shall provide multi-modal services to include the following options:

1. Pedestrian, including pedestrian-scaled street furnishings, plantings and gathering spaces;
2. Bicycle, including bicycle parking;
3. Vehicular; and
4. Transit, if available.

Policy 3.5: Criteria for Mixed-Use Districts

A. Encourage preservation of areas that are mixed use in nature, as well as development and redevelopment of areas with vacant land, or where existing structures are underutilized, have experienced a high turnover rate, or have remained vacant for an extended period of time.

B. Mixed-Use Districts shall be no larger than 20 acres in size.

C. Mixed-Use Districts shall include a mix of the following uses within the subject area and where possible, in mixed-use structures:
   a. Residential;
   b. Non-residential.

D. Mixed-Use Districts shall maintain the character of the surrounding neighborhoods by:
   a. Achieving integration with adjacent land uses by providing transitions through alleyways, variation among development intensity, and implementation of landscape buffers;
   b. Incorporating existing structures wherever possible;
   c. Maintaining general structure spacing, massing, scale, and street frontage relationship when incorporating new structures.
E. Mixed-Use Districts shall provide multi-modal services to include the following options:

a. Pedestrian oriented public spaces, which shall include pedestrian-scaled street furnishings, and plantings;
b. Bicycle, including bicycle parking;
c. Vehicular; and
d. Transit.

Policy 3.6: 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 higher-density 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. Facades 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.

Policy 3.7: Criteria for Existing Strip Commercial areas

A. A redevelopment plan should be made for each existing Strip Commercial Center

B. Tools such as public/private partnerships, special overlay districts, reduced development standards, lot consolidation and purchase, access management plans, cross access easements, etc. should be used to enhance redevelopment opportunities for existing Strip Commercial areas.

C. Existing Strip Commercial areas shall not expand into surrounding lower-intensity zoning areas.

D. Curb cut consolidation and cross access easements shall be included when an existing site plan is revised or a new site plan proposed.

E. Existing Strip Commercial areas shall develop or redevelop in a manner consistent with the city's adopted design guidelines.

Policy 3.8: Criteria for Community Commercial Centers (under 200,000 square feet) CC200

A. CC200 Centers shall be located at the intersection of arterial/arterial streets.

B. CC200 Centers shall have no more than 200,000 gross square feet of commercial space.

C. No single store shall occupy more than 100,000 gross square feet.
D. A general merchandise store (including discount and apparel stores) shall not exceed 65,000 gross square feet.

E. The sum of the gross square footage for all stores occupying space between 40,000 and 125,000 shall not be more than 75 percent of gross commercial square footage for the corner of the intersection.

F. Corners of the node not developed with commercial uses shall have extensive on-site screening and shall be utilized for office, employment-related, public and semi-public, parks and recreation, and higher-density residential uses. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses) adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area.

G. New or existing CC200 Centers shall not encroach or expand into the surrounding residential or lower-intensity uses.

H. A proposal requiring a revised or new site plan for property in a CC200 Center shall include plan for reducing curb cuts, providing cross access easements to adjacent properties, and buffering for adjacent non-commercial uses.

I. A nodal plan shall be completed before proposals for the redevelopment or expansion of an existing CC200 Center that include more than 50 percent of the existing gross commercial square footage or plans to expand the center by more than 20 percent go before the Planning Commission.

J. Proposals for the redevelopment or expansion of an existing CC200 Center that include more than 50 percent of the existing gross commercial square footage or plans to expand the center by more than 20 percent shall include a building with at least 40,000 gross square feet of commercial space.

K. A nodal plan shall be completed before a proposal for a new CC200 Center goes before the Planning Commission.

L. Proposals for a new CC200 Center shall include a building with at least 40,000 gross square feet of commercial space.

M. CC200 Centers shall develop or redevelop in a manner that is consistent with the city’s adopted design guidelines.

Policy 3.9: Criteria for Community Commercial Centers (under 400,000 square feet) CC400

A. CC400 Centers shall be located at the intersection of two arterial streets that both have at least a four lane cross-section or the intersection of a four-lane arterial and a state or federally designated highway.

B. CC400 Centers must be a minimum of 3.75 miles apart.
C. CC400 Centers shall have a maximum of 400,000 gross square feet of commercial space.

D. 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.

E. No single store in a CC400 Center shall occupy more than 175,000 gross square feet.

F. The sum of the gross square footage for all stores occupying between 100,000 and 175,000 cannot be more than 70 percent of the gross commercial square footage for the corner of the intersection.

G. If the proposal for a corner of the intersection includes more than 100,000 gross square feet of commercial space, the proposal shall include a single building that has at least 40,000 gross square feet of commercial space.

H. Proposals in which the commercial gross square footage is less than ten percent of the total square footage of the project do not have to meet the minimum acreage and lot depth.

I. Any commercial development proposal for a single corner in a new CC400 Center shall be a minimum of 20 acres in size.

J. Any commercial development proposal for a single corner in a new CC400 Center shall have a length-to-depth ratio between 1:1 and 3:2.

K. Access points into a new CC400 Center shall be from the two points furthest from the intersection.

L. CC400 Centers shall be designed with feeder and/or reverse frontage streets to collect internal traffic and for easy access from the surrounding community.

M. CC400 Centers shall be designed with pedestrian mobility as a top priority.
   1. Centers shall be designed to facilitate the movement of pedestrians from store to store and building to building.
   2. Parking lots shall provide pedestrian accessways to reduce the potential of pedestrian/vehicle conflicts.

O. Facades shall have a variety of textures, colors, shapes, etc. such that the buildings in a CC400 Center do not have a single uniform appearance.

P. CC400 Centers should have dedicated open space areas that useable are by the center’s employees and shoppers.
Q. Buildings shall not be separated from adjacent street rights-of-way by large expanses of parking.

R. Corners of the node that are not developed with commercial uses should be utilized for office, employment-related, public and semi-public, parks and recreation, and higher-density residential uses with extensive on-site screening. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses) adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area.

S. Existing CC400 Centers shall not expand into areas with existing less intensive uses (low-intensity residential, institutional uses, office, multi-family residential, etc.).

T. A nodal plan must be completed before a development proposal for any corner of CC400 Center is forwarded to the Planning Commission.

U. CC400 Centers shall develop in a manner that is consistent with the city's adopted design guidelines.

Policy 3.10: Criteria for Community Commercial Centers (under 600,000 square feet) CC600

A. CC600 Centers shall be located at the intersection of two state or federally designated highways.

B. CC600 Centers shall have a maximum of 600,000 gross square feet of commercial retail space as defined in this chapter. Other uses of a non-retail nature shall not have a space limitation.

C. A maximum of 90 percent of the commercial square footage, as defined in this chapter, in a new CC600 Center shall be located on two corners of the intersection. The remaining commercial square footage, as defined in this chapter, shall be located on one or both of the remaining corners.

D. No more than two commercial buildings over 100,000 gross square feet each may be located on a single corner of the node.

E. Corners of the node that are not developed with commercial uses should be utilized for office, employment-related, public and semi-public, parks and recreation, and higher-density residential uses with extensive on-site screening. Encourage the development of mixed-use centers (office, employment-related uses, public and semi-public uses) adjacent to community commercial development to provide mutual attraction to employees and retailers and to enhance the visual image of the area.

F. A nodal or area plan must be completed before a development proposal for any corner of a CC600 Center is forwarded to the Planning Commission. Expansion of
the CC600 center shall require amendment of the nodal or area plan.

G. CC600 Centers shall develop in a manner that is consistent with the city’s adopted design guidelines.

**Policy 3.11: Nodal Plan Criteria**

A. The city should attempt to complete a nodal plan for newly designated Commercial Center before there is pressure to develop the node.

B. A nodal plan shall be completed for any new Commercial Center before a development proposal for the node can go before the Planning Commission.

C. A nodal plan shall include the following information:

1. Existing natural features;
2. Appropriate transitional uses;
3. Appropriate use for each specific corner of the intersection;
4. Access points from each location;
5. Necessary infrastructure improvements;
6. Overall traffic flow in and around the node and the surrounding area;
7. The “ultimate geometric design” for the intersection based on the proposed land uses for the intersection; and
8. Any and all other necessary information needed to create the nodal plan.

**Policy 3.12: Criteria for the Regional Retail/ Commercial/ Office/ Cultural Center**

A. Recognize and emphasize Downtown Lawrence as the Regional Retail/Commercial/Office/Cultural Center -- which is an intensely developed, large-scale, mixed use location that serves as an activity center for the community.

B. Continue to encourage a broad mix of uses in downtown Lawrence, including retail, office, residential, entertainment, lodging, unique visitor attractions, expanded conference facilities. Maintain the core concentration of governmental, cultural/social facilities and services and recreation, leisure and community events in this area.

C. Encourage the continuation of community social activities (Art in the Park, holiday parades, etc.) to occur in Downtown Lawrence.

D. Continue to support the building design criteria set forth in the “Downtown Architectural Design Guidelines”.

E. The “Downtown Architectural Design Guidelines” should be amended to include the W. 9th Street area that serves as a gateway into Downtown Lawrence.

F. Maintaining and protecting the vitality of Downtown Lawrence is important to the
citizens of Lawrence. Because of its high importance as an asset to the community, any new proposal for a new Regional Commercial Center must demonstrate that it will not have a substantial impact on Downtown Lawrence.

Policy 3.13: Criteria for Regional Commercial Centers

A. The Comprehensive Plan does not anticipate the need for a new Regional Commercial Center within the planning period.

B. Designating a new Regional Commercial Center will require an amendment to the Comprehensive Plan.

C. Design Criteria

1. The commercial development plan for a corner shall have a minimum of 40 acres;
2. The development shall have a minimum of 1,400 linear feet of frontage on a public street;
3. A Regional Commercial Center shall not have more than 1.5 million gross square feet of commercial space; and
4. A Regional Commercial Center shall be located at the intersection of two state or federally designated highways or the intersection of an arterial street and a state or federally designated highway.

D. A nodal plan shall be completed before a development proposal for a Regional Commercial Center is forwarded to the Planning Commission.

F. Parking lots shall be designed to minimize conflicts between pedestrians and vehicles.

G. Centers shall be designed to facilitate the movement of pedestrians from store to store and building to building.

H. Buildings shall be placed near adjacent street right-of-way.

I. The majority of parking for the center shall be behind the front building line.

J. A proposal requiring a revised or new site plan for property in an existing Regional Commercial Center shall include a plan for reducing curb cuts, providing cross access easements to adjacent properties, and buffering for adjacent non-commercial uses.

K. New or existing Regional Commercial Centers shall not intrude or expand into the surrounding residential or lower-intensity uses.

L. CC400 Centers shall develop in a manner that is consistent with the city’s adopted design guidelines.
Policy 3.14: 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.

Policy 3.15: Require a Market Impact Analysis

A. Proposals to create any shopping district that, when considering the entire node, will result in greater than 150,000 gross square feet of commercial building space shall include an independent market analysis. Initial development proposals of 50,000 gross square feet or less on any single corner are exempt from this market analysis requirement, but will be limited to one exemption per corner of the intersection. The market analysis shall adhere to all of the following criteria:

1. The entity proposing the commercial project shall provide the funding of the study.

2. The independent consultant that performs the market study shall be chosen by the city and agreed upon by the entity submitting the proposal for the shopping center.

3. The study shall analyze the commercial proposal and provide at least the following information:

   a. The overall viability of the proposal;
   b. The validity of the proposal considering any community retail vacancy, sales/square foot and square footage/capita data as outlined in Policy 1.7;
   c. How the proposal will impact existing commercial development in the community;
   d. How the mix and sizes of proposed uses of the development will impact the viability of Downtown Lawrence;
   e. A building phasing schedule based upon the community’s ability to absorb the additional commercial square footage; and
   f. Any other additional information required by the Planning Commission.
B. 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 of greater than eight percent.

Policy 3.16: Criteria for Auto-Related Commercial Centers

A. Auto-Related Centers shall be located at the intersection of two state or federally designated highways.

B. Auto-Related Centers shall have a lot length-to-depth ratio between 1:1 and 3:2 and shall be a minimum of 20 acres in size.

C. As Auto-Related Centers are located in areas that serve as “gateways” to the city, any proposal shall be closely scrutinized for architectural appearance, landscaping, signage, etc.
Traffic impacts continue to be a major concern in commercial developments. Ensure safe and efficient access and circulation within and around commercial areas.

**GOAL 4: Transportation Considerations**

Promote a multi-modal transportation system that provides or improves access and circulation within and adjacent to commercial areas.

**Policy 4.1: Levels of Service**

The expansion of existing or new commercial development shall not occur until the surrounding street 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 shall consider the existing and projected traffic conditions in relation to 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**

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.

**Policy 4.5: Limit Access**

A. Minimize curb cuts along arterial and collector streets.

B. Encourage shared access between adjacent commercial developments and coordinated traffic circulation within proposed development areas.
C. Lot access and street configurations shall be designed to avoid curb cuts and local street intersections on arterial streets and to coordinate access with adjacent developments.

**Policy 4.6: Provide Vehicular Circulation**

A. Development proposals shall provide adequate internal circulation within commercial developments that allows access to adjacent commercial buildings and commercial or mixed-use centers.

B. Development proposals shall ensure that vehicular circulation related to a specific proposal does not rely on public streets for internal traffic circulation needs but provides circulation within the development.

**Policy 4.7: Provide Pedestrian Access**

A. The city should develop a pedestrian/bicycle pathway system that provides access from the University of Kansas campus to Downtown Lawrence.

B. Development proposals should provide safe, convenient pedestrian access to concentrated retail areas from parking areas.

C. Development proposals should include sidewalks on one side of local streets (public and private) and both sides of collector and arterial streets.

D. Development proposals should include pedestrian access linking developments to neighborhoods while ensuring physical separation from vehicles along both public and private streets and within parking areas.

E. Development proposals shall give consideration to providing a safe, reasonable method for pedestrian access across major intersections.

**Policy 4.8: Provide Bicycle Access**

A. Commercial development proposals should provide for interior bicycle access.

B. The city should develop a plan to provide bicycle links between major activity generators within the community.

**Policy 4.9: Encourage Convenient Parking within Commercial Areas**

A. Development proposals shall provide convenient parking for retail areas.

B. The city and property owners should work together to develop convenient parking for short-term visitors and long-term parking areas for employees.

**Policy 4.10: Utilize Outlying Parking Lots**

Identify potential parking areas which can serve mass transit and carpooling.
Policy 4.11: Ensure Adequate Truck Loading and Maneuvering Areas

Development proposals shall provide adequate loading space within a building or a side or rear yard, designed in such a way that all storage, standing and maneuvering of trucks will take place solely on private property.
Map 6-1
Existing and Potential
Commercial Land Use Locations

Legend
- Auto Related Center
- CC - 200
- CC - 400
- CC - 600
- Neighborhood
- Regional
- Existing Strip Commercial
- City Limits
- Urban Growth Area
- Future Thoroughfares T2040
- future collector
- future freeway
- future minor arterial
- future principal arterial
- rural minor collector
- principal arterial
- principal arterial
- freeway
- collector/rural major collector
- minor arterial

Figure 6-1 is provided as a conceptual representation of the recommendations in Chapter 6. This map should not be used for site specific location of commercial development beyond the identification of intersections recommended for commercial development. Nodal locations are meant only to depict intersections identified in this chapter and are not scalable representation of where an intersection commercial zoning or development should/could occur.

Revised: April 4, 2014
CHAPTER FOURTEEN - SPECIFIC PLANS

Purpose
Long-range planning in an area specific manner is an important aspect of the overall community planning process. Specific plans provide the focused guidance necessary for proper decision making regarding an area’s future. Chapter 14 references adopted specific plans and provides guidance, through the Hierarchy of Plans, for completing the proper type of plan for an area.

The plans referenced below have been adopted through a Comprehensive Plan process, as described on pages 17-8 and 17-9. As such, these plans are considered Comprehensive Plan policy and are an element of Horizon 2020. The plans are separate documents from Horizon 2020 and can be accessed online at http://www.lawrenceplanning.org or copies can be obtained by contacting the Lawrence-Douglas County Planning Department.

Plans prepared for specific areas, whether they are areas within the City of Lawrence or areas within unincorporated Douglas County contain detailed policy guidance for those areas. The plans, when adopted through a Comprehensive Plan process, and referenced in this chapter, become the official Comprehensive Plan policy for the respective areas. The policy contained in the plans take precedence over other policy found in Horizon 2020, unless specifically stated otherwise in the Plans.

Plan Review
Plans can eventually lose their relevance to a specific area. Additionally, some plans will require review to confirm if policies are being followed, goals are being met, and implementation is occurring.

Therefore, it is necessary to ensure plans are reviewed on a regular basis to update them or to rotate them out of the Comprehensive Plan if they have lost their relevance. Each plan listed below has a date which will trigger a review of that plan. Planning Staff will review the plan to determine if it meets one of the following criteria and needs the required action:

1. Plan remains relevant - no action necessary.
2. Plan has been superseded by another plan - remove from Chapter 14.
3. Plan is out of date and no longer relevant - remove from Chapter 14.
4. Plan requires updating - staff will update and forward recommendations for Commission consideration.

Staff will report on the review of a specific plan to the Planning Commission along with a recommendation for action, if necessary. If an update is required, staff will provide the Planning Commission a plan to complete the update. A Comprehensive Plan Amendment will be required to remove a specific plan from Chapter 14 or to update a specific plan.
Specific Plans

- **6th and Wakarusa Area Plan**
  - **Location**: The intersection of 6th Street and Wakarusa Drive
  - **Adoption Date**: December 2, 2003 by Lawrence City Commission
  - **Review Date**: 2017
  - **REVISED**: July 10, 2012 by Lawrence City Commission
  - **REVISED**: <DATE PENDING> by Lawrence City Commission

- **HOP District Plan**
  - **Location**: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
  - **Adoption Date**: May 10, 2005 by Lawrence City Commission
  - **Review Date**: 2010

- **Burroughs Creek Corridor Plan**
  - **Location**: Area around the former BNSF railroad corridor between E. 9th St. and E. 31st St.
  - **Adoption Date**: February 14, 2006 by Lawrence City Commission
  - **Review Date**: 2011

- **East Lawrence Neighborhood Revitalization Plan**
  - **Location**: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
  - **Adoption Date**: November 21, 2000 by Lawrence City Commission
  - **Review Date**: 2010

- **Revised Southern Development Plan**
  - **Location**: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended (Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
  - **Adoption Date**: December 18, 2007 by Lawrence City Commission
  - **REVISED**: January 7, 2008 by Douglas County Board of Commissioners
  - **REVISED**: June 18, 2013 by Lawrence City Commission
  - **REVISED**: June 12, 2013 by Douglas County Board of Commissioners
  - **Review Date**: 2017
• Southeast Area Plan
  Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O’Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).
  Adoption Date: January 8, 2008 by Lawrence City Commission
  January 28, 2008 by the Douglas County Board of Commissioners
  REVISED
  June 14, 2008 by Lawrence City Commission
  July 24, 2008 by Douglas County Board of Commissioners
  REVISED
  October 7, 2008 by Lawrence City Commission
  November 10, 2008 by Douglas County Board of Commissioners
  UPDATED
  September 27, 2011 by Lawrence City Commission
  November 11, 2011 by Douglas County Board of Commissioners
  Review Date: 2021

• Farmland Industries Redevelopment Plan
  Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.
  Adoption Date: March 11, 2008 by Lawrence City Commission
  March 31, 2008 by Douglas County Board of Commissioners
  Review Date: 2013

• K-10 & Farmer’s Turnpike Plan
  Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.
  Adoption Date: December 9, 2008 by Lawrence City Commission
  January 7, 2009 by Douglas County Board of Commissioners
  Review Date: 2019

• Lawrence SmartCode Infill Plan
  Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.
  Adoption Date: January 27, 2009 by Lawrence City Commission
  February 23, 2009 by Douglas County Board of Commissioners
  Review Date: 2019
• West of K-10 Plan  
Location: Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway  
Adoption Date: June 9, 2009 by Lawrence City Commission  
May 6, 2009 by Douglas County Board of Commissioners  
REVISED  
March 26, 2013 by Lawrence City Commission  
April 10, 2013 by Douglas County Board of Commissioners  
Review Date: 2019

• Oread Neighborhood Plan  
Location: Generally located between W. 9th Street and W. 17th Street and between the KU campus and Massachusetts Street.  
Adoption Date: September 28, 2010 by Lawrence City Commission  
Review Date: 2020

• Inverness Park District Plan  
Location: Generally located south of Clinton Parkway between Inverness and Crossgate Drives, and north of K-10 Highway.  
Adoption Date: September 20, 2011 by Lawrence City Commission  
November 12, 2011 by Douglas County Board of Commissioners  
REVISED  
May 15, 2012 by Lawrence City Commission  
June 13, 2012 by Douglas County Board of Commissioners  
Review Date: 2021

• Northeast Sector Plan  
Location: Generally located north and east of Lawrence and north of the Kansas River to the Douglas County line.  
Adoption Date: September 11, 2012 by Lawrence City Commission  
June 13, 2012 by Douglas County Board of Commissioners  
Review Date: 2022
Hierarchy of Plans
The following Hierarchy of Plans describes the types of plans that can be used for the long-range planning of the community. The Hierarchy also provides guidance as to when it is appropriate to use each type of plan and the typical process used to complete a type of plan. The Hierarchy of Plans was adopted by the Lawrence-Douglas County Planning Commission on June 26, 2006, by the Lawrence City Commission on August 15, 2006, and by the Board of County Commissioners on September 11, 2006. Figure 14-1 provides an abbreviated description of each type of plan.
Comprehensive Plan

A Comprehensive Plan expresses a community's desires about the future image of the community. It provides the foundation and framework for making physical development and policy decisions in the future. The Comprehensive Plan is a policy guide which describes in text and displays in graphics the community's vision for directing future land development. A Plan includes several components:

- It is a policy plan, stating the community's desires for directing land use decisions through the identified goals and policies.
- It provides a physical plan component by mapping generalized land uses and describing in policies the relationships between different land uses.
- It is long-range, considering a community's expected growth in the future. Future land use maps graphically display the potential development of the community.
- It is comprehensive, considering issues such as demographic, economic and transportation factors which have shaped and will continue to influence land development in a community.

How is the comprehensive plan used?

The Comprehensive Plan provides a vision for the community. It is used as a policy guide that identifies the community's goals for directing future land use decisions. The Plan is also used by property owners to identify where and how development should occur; by residents to understand what the city and county anticipates for future land uses within the community; and by the city, county and other public agencies to plan for future improvements to serve the growing population of the community.

Specifically, the city and county use the Comprehensive Plan to evaluate development proposals; to coordinate development at the fringes of the county's cities; to form the foundation for specific area plans; to project future service and facilities needs; and to meet the requirements for federal and state grant programs. The Comprehensive Plan is used most often as a tool to assist the community's decision makers in evaluating the appropriateness of land development proposals. The Comprehensive Plan allows the decision makers to look at the entire community and the effects of land use decisions on the community as a whole to determine whether individual proposals are consistent with the overall goals of the community.

Typical Process
The typical process of a comprehensive plan and the plan itself could include any of the following:

- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Watershed or Sub-basin Plan

A watershed or sub-basin plan is a document that studies stormwater runoff and the potential for flooding and environmental impact of a particular watershed or sub-basin, before and after potential development, which drains into a river or other body of water. This plan has boundaries defined by the natural watershed basin or sub-basin of the area. It uses multiple layers of information pertaining to the natural and built environment to develop a comprehensive picture of the carrying capacity of the land for urban densities of development.

This is the second largest and most challenging type of plan to develop. A watershed or sub-basin plan is similar to the development of a comprehensive land use plan in its level and intensity of work. This type of plan could take 24 to 36 months to complete.

When is a watershed or sub-basin plan appropriate?
This type of plan is commonly used to study greenfield, undeveloped, natural, or agriculturally used areas on the fringe of urban development. A watershed or sub-basin plan is used to determine the long-term future (potential) for urban densities of development and their impact on the natural environment.

Purpose or reasons to use a watershed or sub-basin plan are to:
1. Provide information regarding the impact of the natural environment on the potential for future development.
2. Determine any environmental constraints and hazards for future development.
3. Provide a shared vision for area’s residents/owners and local government entities.
4. Provide information regarding the area’s needs, priorities, and proposed projects.
5. Provide guidance on matters of land use, development, and site layout to possible area residents or investors.
6. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
7. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
8. Provide a framework to guide an area’s development efforts and track development trends and progress.
9. Provide maps showing existing information and proposed information.

Typical Process of a Watershed Plan
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
Sector Plan

A sector plan covers one or more sections of land and uses geographic and demographic information to develop a detailed land use vision for future development or redevelopment of the study area. Boundaries are generally based on physical features such as arterial thoroughfares, rivers, or other natural geographic elements.

In the hierarchy of plans, a sector or area plan is the third tier. Based on the size of the area being studied, one or more sections of land, it could take between 18 and 24 months to develop.

When is a sector plan appropriate?
This type of plan is used to forecast development trends or future development patterns for building out or redeveloping an area. This planning tool is most useful when an area is largely undeveloped and/or on the edges of current development.

Purpose or reasons to use a sector plan are to:
1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
3. Provide information regarding the area’s needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.
6. Provide a framework to guide an area's development efforts and track development trends and progress.

Typical Process
The typical process of a sector plan and the plan itself could include any of the following:
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Neighborhood Plan

A neighborhood plan is a document that studies the issues of a specific, established neighborhood association, or an area that could be covered by a neighborhood association. If a neighborhood association exists, the boundaries of the neighborhood plan shall conform to those of the neighborhood association. If no neighborhood association exists, the boundaries of the neighborhood plan shall be defined using other methods such as natural features and/or streets. Neighborhood plans use geographic and demographic information to develop a detailed land use vision for the future development or redevelopment of the neighborhood.

A neighborhood plan is the fourth tier in the hierarchy of plans. Depending on the amount of current development, a neighborhood plan could take from 9 to 12 months to develop.

When is a neighborhood plan appropriate?
A neighborhood plan is appropriate when there are traffic issues or significant development, redevelopment, or infill development in a neighborhood.

Purpose or reasons to use a neighborhood plan are to:
1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility's goals.
3. Provide information regarding the area's needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community's long term vision.
5. Provide a shared vision for area's residents/owners and local government entities.
6. Provide a framework to guide an area's development efforts and track development trends and progress.

Typical Process
The typical process of a neighborhood plan and the plan itself could include any of the following:
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Nodal Plan

A nodal plan is a document based on a prescribed radius around the intersection of two or more major thoroughfares. This plan studies specifically defined criteria such as vehicular and pedestrian circulation and connectivity in association with the density and intensity of proposed land uses.

In the hierarchy of plans, a nodal plan is under the category of “special area” plans. This plan’s level of study and detail is restricted because the boundaries are restricted. The process could take 6 to 12 months.

When is a nodal plan appropriate?
Examples when this type of plan is useful are:
- The study of major road intersections where large-scale commercial developments are proposed.
- A siting study is requested for a public facility, branch libraries or community building, where the service area radiates outward from the site.

Purpose or reasons to use a nodal plan are to:
1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
3. Provide information regarding the area’s needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.
6. Provide a framework to guide an area’s development efforts and track development trends and progress.

Typical Process
The typical process of a nodal plan and the plan itself could include any of the following:
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Traffic counts
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Corridor Plan

A corridor plan is a document that studies a linear development, natural or man-made, and the adjacent area bounding this feature. A corridor plan is used to develop an integrated vision that coordinates multiple planning disciplines such as transportation, environmental, and/or land use.

The corridor plan is a type of a “specific issue” plan because it is predominately used to assess transportation and land use planning issues. The timeline of completion of this type of plan varies depending on the length of the corridor and the level of development that have already occurred along the corridor. This process could take 9 to 24 months.

When is a corridor plan appropriate?

Examples when this type of plan is useful are:

- Along major arterial streets
- When studying access management
- When studying riverine, riparian, and wildlife habitat areas
- Along abandoned railroad corridors for rails-to-trails applications

Purpose or reasons to use a corridor plan are to:

1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
3. Provide information regarding the area’s needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.
6. Provide a framework to guide an area’s development efforts and track development trends and progress.

Typical Process

The typical process of a corridor plan and the plan itself could include any of the following:

- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Specific Issue/ District Plan

A specific issue or district plan is a document that is developed to address a defined geographic area, development proposal, the coordination of the extension of public services, or infrastructures as part of a unilateral annexation, or land use issue that does not clearly fall in one of the other plan categories.

In the hierarchy of plans, a specific issue/district plan falls under “special area” plans. The level of detail in this plan is concentrated on a specific subject based on the study issues identified. This type of plan could take 6 to 12 months to develop.

When is a specific issue or district plan appropriate? Examples where these types of plan are useful are:
- When the study of a sub-area of a neighborhood is needed to evaluate a rise in housing types [rental housing vs. owner-occupied]
- When there is significant redevelopment in an established neighborhood
- When there is a request for a predominate change in land use
- When a major redevelopment plan is proposed
- When there is a conflict between land use and zoning
- Where there is concern that an area is underserved by parks or other public facilities

Purpose or reasons to use a specific issue or district plan are to:
1. Provide guidance on matters of land use, development and site layout to possible area residents or investors.
2. Provide implementation recommendations for coordination of development with adequate public facility’s goals.
3. Provide information regarding the area’s needs, priorities, and proposed projects.
4. Determine if development proposals and land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.
6. Provide a framework to guide an area’s development efforts and track development trends and progress.

Typical Process
The typical process of a specific issue/district plan and the plan itself could include any of the following:
- Identify the study area boundary
- Identify key stakeholders
- Public meetings
- Inventory survey and data analysis
- Goals, visions, policies, and objectives
- Plan drafts
- Adoption process
- Maps of existing and proposed land use
Figure 14-1

Hierarchy of Plans

**Comprehensive Plans**
- Community Wide Plan
  - Purpose: to establish the overriding goals and policies of the community’s envisioned future
  - Examples: Horizon 2020, Transportation 2025

**Watershed or Sub-basin Plans**
- Plans that encompass an entire watershed or sub-basin
  - Purpose: to study stormwater runoff and the potential for flooding and environmental impact of a particular watershed or sub-basin, before and after potential development, which drains into a river or other body of water
  - Example: North Lawrence Drainage Study

**Sector Plans**
- Plans that encompass one or more sections of land
  - Purpose: uses geographic and demographic information to develop a detailed land use vision for future development or redevelopment of the study area
  - Examples: Northwest Area Plan, Southern Development Plan

**Neighborhood Plans**
- Plans that encompass a specific established neighborhood association
  - Purpose: to provide history/background, a summary of current conditions, goals, objectives, action plan, and guidelines for use and development on the neighborhood’s specific issues
  - Examples: Comprehensive Downtown Plan, Great Neighborhood Plan

**Special Area Plans**
- Plans that do not fall into any of the above categories

**Nodal Plans**
- Plans that encompass prescribed radius around an intersection of two or more major thoroughfares
  - Purpose: to study current conditions, goals, objectives, action plan, guidelines for use and development surrounding an intersection
  - Examples: 6th/KC10 Intersection Nodal Plan

**Corridor Plans**
- Plans of a linear nature, often encompassing a segment of roadway or specific feature
  - Purpose: to study current conditions and provide goals, objectives, action plan, and guidelines for use and development
  - Examples: 23rd Street Corridor Plan, Burroughs Creek Corridor Plan

**Specific Issue/District Plan**
- Plans that deal with a specific issue
  - Purpose: to study current conditions and provide goals, objectives, action plan, and guidelines for use and development regarding a specific issue
  - Examples: 6th/Wakarusa Intersection Area, HOP District Plan, Historic District Plan
PLANNING COMMISSION REPORT
Regular Agenda - Public Hearing Item

PC Staff Report
04/21/2014

ITEM NO. 6A    PCD TO PCD; 8 ACRES; 4700 OVERLAND DR (SLD)

Z-14-00057: Consider a request to rezone approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest], located at 4700 Overland Drive. The zoning application proposes modifying the uses in the PD (Planned Development) from a mix of residential, office, with 14,440 SF of retail space to 45,048 SF retail space, 6,150 SF office space, and no residential use. Submitted by Treanor Architects, for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

STAFF RECOMMENDATION: Staff recommends approval of the request to rezone approximately 8 acres from PCD-[Bauer Farm] to PCD-[Bauer Farm Northwest] based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. The maximum retail area for the entire PCD-[Bauer Farm Northwest] shall not exceed 50,000 gross square feet.
2. No single retail or commercial building shall be larger than 50,000 gross square feet of space.
3. All residential uses are prohibited.
4. The permitted list of uses shall be included as part of the rezoning ordinance to specifically include:
   a. Licensed Premises; and Liquor, wine and beer sales for consumption off the premises.
   b. Hotel and Motel
5. The permitted uses include uses listed on the approved Final Development Plan for Bauer Farm in the following Use Groups, except as specifically prohibited here:
   a. USE GROUP 7 – COMMUNITY FACILITIES – PUBLIC UTILITIES, are permitted except the following uses are prohibited: Halfway house or service-oriented rehabilitation center or residence; Hospital, general, not including animal; Rehabilitation center for persons with disabilities; and Sewage disposal plant, private;
   b. USE GROUP 9 – PROFESSIONAL OFFICES; are permitted
   c. USE GROUP 9A – LIMITED SERVICES; are permitted
   d. USE GROUP 11 – INNER NEIGHBORHOOD COMMERCIAL USES; are permitted
   e. USE GROUP 12 – RETAIL STORES – PERSONAL SERVICES, are permitted except the following uses are prohibited: Automobile service stations; Department store; Food convenience store, including gasoline sales and single bay auto wash; Furrier shop, including the storage of furs; Hat blocking and repair; Pawnshop; Reading room; Surgical and dental supply sales; Similar Uses; and Accessory Uses;
   f. USE GROUP 13 – AUTOMOTIVE SERVICES; RETAIL SALES; OTHER, are permitted except the following uses are prohibited: Aircraft sales, rental, service; Ambulance service; Auction room auctioneer; Automobile service station; Baseball park, commercial; Boat and marine sales, rental and repair; Carnival or circus; Carting, crating, express hauling, moving and storage; Eating establishment, providing only drive up service or no seating facilities; Exterminator, pest; Food
convenience store, including gasoline sales; Food locker plant, for consumer use; Funeral home, mortuary, or undertaking establishment; Garage or parking for common or public utility vehicles; Glass sales and cutting shop; Linen supply, diaper service, uniform supply; Liquids, flammable, underground storage of; Lumber, limited sales; Media Store (Ord. 7226); Mobile homes, sales and service; Motorcycle sales, service and rental; Photostatting; Sex Shop (Ord. 7226); Sexually Oriented Media Store (Ord. 7226); Taxidermist; Telephone answering service; Theatre, drive-in; Trailer sales and rental; Transit vehicle storage and servicing; Truck rental and sales; Similar Uses; and Accessory Uses; AND g. USE GROUP 15 – AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES, are permitted except the following use is prohibited: Race Track.

Reason for Request: The request for rezoning is to amend the retail cap currently in place for the Bauer Farm Development. Please refer to the Comprehensive Plan Amendment application included with this submittal.

KEY POINTS
• The rezoning request amends a portion of the original PD-[Bauer Farm PCD] to be known as PD-[Bauer Farm Northwest PCD].
• This request is submitted concurrently with a revised preliminary development plan.
• This request removes the mixed use portion of the commercial development proposed in the original development concept.
• Residential density included in the original development concept is relocated to the PRD portion of the development.

ASSOCIATED CASES/OTHER ACTION REQUIRED
• CPA-14-00059; Comprehensive Plan amendment. Concurrent item on this agenda
• Z-14-00057; Rezoning Request – subject of this staff report
• PDP-14-00055; Revised Preliminary Development Plan for Bauer Farm and Bauer Farm Northwest. Concurrent item on this agenda.
• PF-14-00054; Final Plat for Bauer Farm 6th Plat – Administrative item that will final plat the balance of the undeveloped commercial land north of Bauer Farm Drive.
• Submission and approval of a Final Development Plan prior to issuance of a building permit.

PLANS AND STUDIES REQUIRED
• Traffic Study – Not required for rezoning
• Downstream Sanitary Sewer Analysis – not required for rezoning
• Drainage Study – Not required for rezoning
• Retail Market Study – Not required for rezoning

ATTACHMENTS
Attachment A: Area Map
Attachment B: Use Group Tables – 1966 Zoning Code
Attachment C: Existing and proposed use restrictions

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
• Letter from Kirk McClure
Project Summary:
This Planned Development (PD) known as Bauer Farm currently includes three distinct zoning districts.

- 31.29 Acres of PCD – Planned Commercial Development
- 21.42 Acres of PRD – Planned Residential Development
- 2.3 Acres of POD - Planned Office Development (pending publication)

The project has been separated into two halves at this time, a commercial half and a residential half. This proposed request is for 8 acres within the PCD portion of the Bauer Farm Development Plan that modifies the existing use and development restrictions. This area will be known as PD- [Bauer Farm Northwest PCD]. The remaining commercial area will retain the original name, uses, and restrictions as PD-[Bauer Farm PCD].

The general history of the Bauer Farm Development is summarized later in this report. This proposed zoning request specifically alters the allowed uses and the amount of retail area within the northwest portion of the Bauer Farm Planned Development. Uses are based on the Use Groups established in the 1966 Zoning Code. A copy of the Use Group tables are attached to this report for reference. Existing Use restrictions established per Z-6-7-07; Ordinance 8359 and are listed in Attachment C. In addition to restricting uses, the ordinance limits the maximum amount of gross square feet of space – 72,000 GSF and no one building shall be more than 50,000 GSF.

The proposed changes increase the retail limitation and propose to permit Hotel and Motel uses. This development was originally intended as a mixed use development. Development conditions have not resulted in a project envisioned by the original approval for this area. One reflection of the change to a more conventional development pattern is the removal of the residential elements within this quadrant of the development. The proposed zoning and development plan retain the limitation on single commercial buildings less than 50,000 SF.

1.  **CONFORMANCE WITH THE COMPREHENSIVE PLAN**
Applicant’s Response: *As stated above (reason for the request), this request includes an application to amend the current retail cap in-place for the Bauer Farm Development. Please refer*
to the comprehensive Plan Amendment application included with this submittal to detail how the increased retail will conform to the Horizon 2020 plan.

This application has been submitted concurrently with a request for a Comprehensive Plan Amendment. Horizon 2020 provides general commercial strategies in Chapter 6. The plan recommends commercial "development occur in nodes and avoid continuous lineal and shallow lot depth." The plan also encourages infill development and/or redevelopment of existing commercial areas. Horizon 2020 identifies W. 6th Street and Wakarusa Drive as an existing commercial area (page 6-3).

It should be clear that this rezoning does not amend the boundary of the existing commercial geographic area but does modify the allowed uses and intensity through changes in the allowed uses and amount of retail space of the district. The proposed request does not expand the commercial node beyond Overland Drive. This is consistent with Horizon 2020 recommendations. The following graphic highlights the boundary of the W. 6th Street and Wakarusa Drive node as described in Horizon 2020.

The current language of Horizon 2020 identifies W. 6th Street and Wakarusa Drive as an existing Community Commercial Center but also recognizes that “the existing node exceeds the commercial gross square footage at the intersection than is recommended for a CC200 Center.” (page 6-17) The comprehensive plan is discussed, in detail, in the related CPA report (CPA-14-00059). Approval of the rezoning will allow more gross commercial square footage in this area.

Staff Finding – Approval of this request modifies the intensity of the overall node but does not expand the geographic boundary of the designated commercial area. This request is consistent with the location recommendations of Horizon 2020 but inconsistent with the current intensity of development. Assuming approval of the proposed Comprehensive Plan Amendment, the proposed change would comply with the intensity of development.

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

<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Zoning and Land Use:</td>
</tr>
</tbody>
</table>
Surrounding Zoning and Land Use:

To the north:
GPI (General Public and Institutional) District on the north side of Overland Drive. Existing Free State High School campus.

To the west:
CO (Commercial Office) District and PD-[6Wak PCD] along the west side of Wakarusa Drive. Existing undeveloped commercial pad sites.

To the south:

To the east:
PD-[Bauer Farm PRD]; developed retirement facility and undeveloped land adjacent to commercial portion of development request.

**Staff Finding** – This property is part of the Bauer Farm Planned Development. The western portion is zoned for commercial uses. The property is surrounded by a variety of non-residential uses including the Lawrence Free State High School along the north side of Overland Drive, retail uses along the south side of W. 6th Street. Undeveloped residential land to the east and undeveloped commercial and office land to the west.

### 3. CHARACTER OF THE NEIGHBORHOOD

Applicant’s Response: *The Bauer Farm development is a mixed-use development of retail, office and residential use. Currently, the development has nine (9) structures constructed as well as public infrastructure (storm, sanitary water) utilities. The development also features shared on-site detention.*

This property is not located within a designated neighborhood but is adjacent to the West Lawrence Neighborhood to the west and the Quail Run Neighborhood to the south. This property
is part of the *West 6th Street and Wakarusa Drive Area Plan* discussed later in this report. This rezoning request was submitted concurrently with a revised Preliminary Development Plan that further defines the character of the neighborhood through a proposed physical development pattern that will result if the rezoning is approved. Portions of the Bauer Farm Planned Development are vacant, including commercial and residential areas.

The Bauer Farm Planned Development is located along the W. 6th Street corridor. It is bounded by Overland Drive to the north, Wakarusa Drive to the west, W. 6th Street to the south and Folks Road to the east. Bauer Farm is a micro-neighborhood area that was designed and planned for a mix of residential and non-residential uses. Auto oriented commercial uses were designed and designated to be located adjacent to W. 6th Street. The original development plan included vertical mixed-use buildings north of Bauer Farm Drive, within the boundary of the proposed zoning change.

The focus of the Preliminary Development Plan review was on the commercial portion of the development and that the cursory review of the residential changes focused on the shift of units from the west side to the east side. Staff has assumed that the total residential units represented is consistent with the PRD-3 zoning maximum density of 25 units to the acre.

**Residential Uses in the Neighborhood**

To date, the east part of the development plan, identified for residential uses, only includes the retirement facility at the corner of Folks Road and Overland Drive. If approved, the proposed request will modify the residential uses within the Planned Development. The type and orientation of the residential use north of Bauer Farm Drive within the commercial portion of the development...
were part of the vertical mixed use form planned for the area. Approval of this request removes the residential element from the commercial area of the Planned Development. Additional review of the residential configuration will include an analysis and detailed plan for utility extension as well as vehicular access and circulation with a final plat and a final development plan for the residential portion of the development.

**Commercial Uses in the Neighborhood**

The commercial portion of Bauer Farm is located generally between Champion Lane and Wakarusa Drive but also includes three lots east of Champion Lane along W. 6th Street and Theater Lawrence on the northeast corner of Champion Lane and Bauer Farm Drive. The current PD-[Bauer Farm PCD] is dominated by auto-oriented uses that include a tunnel carwash, a pharmacy with a drive up window, a tire repair store, and three eating and drinking uses with drive-thru/pick up windows along Bauer Farm Drive. Another significant use within the development is Theater Lawrence, a community use, that is not counted in the retail square footage summaries. This use separates the residential from the commercial use within this development area.

The broader neighborhood area east of Wakarusa Drive and north of W. 6th Street includes 60 acres that make up the Lawrence Free State High School campus and a variety of residential uses.

**Local Community Facilities**

1. Free State High School
2. Lawrence Indoor Aquatic Center
3. Theater Lawrence
4. Lawrence Nature Park

**Staff Finding** – Bauer Farm PD is a micro neighborhood within a larger neighborhood context. Bauer Farm is also located at the intersection of several neighborhoods and includes or is adjacent to significant community facilities. Much of the land within the Bauer Farm Planned Development is vacant.
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 located within the West 6th Street and Wakarusa Drive Area Plan. The subject of this request is in a portion of the commercial node and has remained vacant since the original development approvals were granted in 2003. The Area Plan states:

- The intensity of uses should step-down as they move away from the immediate intersection.
- W. 6th Street/ Wakarusa Drive is anticipated to evolve into one of the more prominent commercial centers of the community.
- City Staff was directed to ensure that new development is compatible with existing development located within and adjacent to the intersection areas.

The plan specifically addresses the area east of Wakarusa Drive as follows:

The development plan for Bauer Farm has evolved since the original approval in 2003. The development includes Theater Lawrence in the central portion (part of the Commercial area) of the planned development consistent with the Plan recommendation for public/institution/recreational type use.

This rezoning request represents an amendment to the existing uses and intensity of development by an overall increase in the total retail area allowed as well as amending the mix of uses within the commercial portion of the Bauer Farm Planned Development. The proposed changes will result in a conventional commercial development typology rather than the mixed-use office-residential activity previously approved through the zoning and development plan for this property.

Staff Finding – As written the proposed zoning, when considered concurrently with the revised Preliminary Development Plan, do not result in the integrated mixed-use development pattern anticipated for this area and described in the area plan.

5. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS
Applicant's Response: The Bauer Farm development is currently zoned as a planned development (PD) and shall remain unchanged. This zoning request is to amend the retail use/allotment from the current cap of 72,000 SF to 112,000 SF.

This zoning request will establish a separate planned commercial zoning boundary applicable to the northwest portion of the development. The current PCD included 31 acres (including right-of-way). This rezoning request is considered concurrently with the revised Preliminary Development Plan (PDP-14-00055).

### Summary
- 31 acres – Red Outline
- Area is platted with the exception of 6.9 acres north of Bauer Farm Drive
- Commercial portion of development includes Theater Lawrence.

### Existing Bauer Farm PD

The proposed request would rezone only the northwest quadrant of the PCD excluding the car wash located on the northeast corner of Bauer Farm Drive and Wakarusa Drive.

### Summary
- 10 acres - Blue Outline
- Area is unplatted with the exception of the existing drainage easement.

### Proposed Bauer Farm Northwest PD

The proposed request would modify the allowed uses specifically to include a hotel/motel use planned on the southeast corner of Overland Drive and Wakarusa Drive and to accommodate an increase in the total retail square footage for the node. The proposed square footage for the proposed PCD is 60,308 SF. Of this total 15,285 SF is designated for a 108 room hotel that is not technically a retail use category per Section 20-1107 of the Land Development Code.

Residential uses within the overall planned development have been relocated to the east half of the planned development. As such, the lot designated as a multi-story multi-family use in the northwest corner of the PC has been revised to a hotel/motel use. Residential uses in the proposed...
development pattern, as shown in the revised Preliminary Development Plan, are inconsistent within the developing commercial pattern of the surrounding properties. Residential uses are not recommended in this revised configuration.

Prior to submission of the application, staff discussed zoning options, including a conventional zoning designation, that would remove the subject property from the planned development. This option was found to be problematic for both procedural reasons and accounting purposes when assessing the development in the context of the remaining planned development. The proposed zoning retains the base district as a Planned Commercial District but amends the uses and intensity permitted for this portion of the planned development. To distinguish this area from the remaining planned commercial zoning it has been designated as Bauer Farm Northwest.

**Staff Finding** – The existing zoning limits are not suitable for the developing character of this Planned Development. Residential uses are more suitable in the area east of Champion Lane.

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

Applicant’s Response: *This property is multi-phased development, with the initial planning commencing in 2005.*

The following summary provides a brief history of the evolution of the Bauer Farm Planned Development. The original commercial rezoning included only 18.93 acres in 2003 (Ord. 7756).

![2003 Bauer Farm Development Concept](image)

Original restrictions included “no one building shall be larger than 50,000 SF of space”, “there be no more than 62,000 GSF of retail commercial space” and “uses listed be included as part of the zoning ordinance”.

In October 2005 the commercial boundary was expanded (Z-3-17-05) to include an additional 8.23 acres east of Champion Lane and uses were revised (Z-7-48-05).¹ Multi-Family Residential uses were added as well as uses in **Use Groups 12, Retail Sales** and **Use Group 13 Automotive Service, Retail Sales Other** with some uses in each Use Group specifically prohibited. The related Preliminary Development Plan was eventually approved by the City Commission on March 4, 2008.

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¹ PC staff report 10/25/2005. Zoning requests were concurrent with the Preliminary Development Plan PDP-3-2-05.
2005 Revised Bauer Farm Development Concept approved in 2008

Uses within the PCD portion of the development were again revised in 2007 (Z-6-7-07; Ord. 8359). This ordinance is the currently applicable regulation for use of this property. The Preliminary Development Plan was revised in 2009 to accommodate the tunnel car wash. The uses were not altered by that development plan change. A modification was made in late 2010 to accommodate a revision to the lots along W. 6th Street east of Champion Lane for the Burger King site. The 2010 approval did not change the uses, limitation on drive-thru’s for restaurant uses, or otherwise impact the number of lots or total retail square footage. It did amend the interior lot lines of the three lots. Two of the lots along W. 6th Street east of Champion Lane remain vacant. They are not included in the proposed zoning changes.

Also, a revised Preliminary Development Plan in 2010 amended the residential portion of the Bauer Farm PD. This request removes the residential uses from the commercial portion and reallocates them to the residential portion PD-[Bauer Farm PRD]. The residential allocation is discussed as part of the revised Preliminary Development Plan staff report (PDP-14-00055).

Several lots within the commercial portion of the PD have been constructed. The following table summarizes the developed lots within PD-[Bauer Farm].

<table>
<thead>
<tr>
<th>Existing Use</th>
<th>Address</th>
<th>Gross SF</th>
<th>Net SF</th>
</tr>
</thead>
</table>

PC Staff Report – 04/21/2014
Z-14-00057
Item No. 6A-11
Within the remaining PD-[Bauer Farm] there are three undeveloped lots. Two lots are located east of Burger King on the south side of Bauer Farm Drive and one lot is located north of CVS Pharmacy, also on the south side of Bauer Farm Drive. Preliminary Development Plans have included development concepts for these lots as restaurants to the east of Burger King with one additional drive-thru. The lot north of CVS is anticipated to develop with an automotive service use. Retail space has been assigned to these lots through the approved preliminary development plan.

Existing Use | Address | Gross SF | Net SF
---|---|---|---
Total All Uses Developed | | 88,296 | 63,692
Total Commercial Uses | | 44,882 | 33,239

restaurant use | 4661 Bauer Farm Dr. | 3,700 | 2,590
restaurant use with drive-thru | 4651 Bauer Farm Dr. | 6,300 | 4,410
automotive service use | 4851 Bauer Farm Dr. | 2,300 | 1,610

Total Undeveloped commercial | | 12,300 | 8,610

\(^2\) Theater Lawrence is not a retail use and does not count toward the retail caps for the nodal center.
This existing and approved retail area for PD-[Bauer Farm] is not amended with this application.

The proposed PD-[Bauer Farm Northwest] includes the area north of Bauer Farm Drive and west of Champion Lane excluding the Tunnel Car Wash. The proposed retail area for PD-[Bauer Farm Northwest] includes:

<table>
<thead>
<tr>
<th>Use</th>
<th>Gross SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>specialty grocery store</td>
<td>27,275 SF</td>
</tr>
<tr>
<td>retail use</td>
<td>11,623 SF</td>
</tr>
<tr>
<td>hotel with 108 rooms</td>
<td>15,285 SF</td>
</tr>
<tr>
<td>mixed-use commercial (6,125 SF) and office (6,125 SF)</td>
<td>12,250 SF</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>66,433 SF</strong></td>
</tr>
<tr>
<td><strong>Total Office</strong></td>
<td><strong>6,125 SF</strong></td>
</tr>
<tr>
<td><strong>Total Retail (excluding hotel)</strong></td>
<td><strong>45,023 SF</strong></td>
</tr>
</tbody>
</table>

The proposed uses do not exceed the 50,000 SF maximum building restriction established by the current zoning restriction for a single building. The total retail area proposed to be included in PD-[Bauer Farm Northwest] is 45,023 per the proposed revised Preliminary Development Plan.

The vacant properties shown in the above graphic have remained undeveloped since the current zoning was established in 2007.

**Staff Finding** – The PCD portion of the Bauer Farm Planned Development includes both developed and vacant land. The undeveloped portion of the PCD has been included in various versions of Preliminary and Final Development Plans for the area. The proposed PD-[Bauer Farm Norwest] specifically includes undeveloped property and an existing detention pond.

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

Applicant’s Response: *The property is currently zoned as a planned development; therefore, no change in zoning is proposed.*

The proposed zoning is adjacent to the remaining portions of PD-[Bauer Farm] to the east and south. The area to the west (west of Wakarusa Drive) is a developing commercial area that includes planned commercial and commercial office zoning. The area north of Overland Drive is an existing high school campus including the Indoor Aquatic Center.

A study of the area related to traffic impacts notes that a signal is required at W. 6th Street and Champion Lane. City staff is currently working on forming the benefit district and anticipates the signal installation in the fall/winter of 2014.

The adjacent high school, Free State High School, has submitted a site plan that includes changes to the existing driveways at Overland Drive to improve access and circulation in the immediate area. The traffic study notes that additional review of traffic signal timing may be needed after the installation of the signal at Champion Lane. No additional improvements to the street network are identified for this development. The proposed change in zoning shifts the residential uses to the
east and creates a more conventional commercial development pattern on the west side of the property.

Appropriate site design and commercial design standards will be applicable to this development to ensure compatibility with recommendations for the area as a commercial corridor and significant commercial node.

**Staff Finding** – Approval of the rezoning is not anticipated to detrimentally affect nearby properties.

**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 proposed change benefits the citizens of Lawrence by providing a unique retail offering that is not otherwise exactly matched in the community and is compatible with the existing commercial development along a principal arterial roadway, offering services that are readily accessible and desirable for the entire population, not just those residing in northwest Lawrence. Permitting the proposed use enables infill commercial development and thereby limits further sprawl.

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

Since this property was originally approved for a new-urbanist form of development, additional land has been added to the commercial inventory to the west. Rock Chalk Park is nearing completion and will function as a use, drawing out-of-town people/customers to an area that is supported by few transient housing options. Approval of the request to modify uses will allow for transient accommodations in the northwest area of Lawrence.

Approval of the request will facilitate infill development of an existing commercial area without expanding the geographic boundary of a designated node. Public infrastructure exists in this area and is capable and planned to support, the proposed development. The proposed increase in intensity of the area will not substantively impact existing public infrastructure. Approval of the request could result in additional retail choices within the northwest area of Lawrence.

Denial of the request limits the amount of retail gross square footage that would be allowed within this node and would maintain the prohibition of a hotel/motel use.

**Staff Finding** – Approval of the request facilitates development of a designated commercial area.

**9. PROFESSIONAL STAFF RECOMMENDATION**

The proposed request creates two distinct but symbiotic commercial zoning districts within the Bauer Farm Planned Development. This rezoning request is considered concurrently with the Comprehensive Plan Amendment as it relates to the context of the W. 6th Street and Wakarusa Drive commercial node and the revised Preliminary Development Plan for Bauer Farm Planned Development.
This subdivision of the zoning district allows the context of the development to remain intact while providing a specific allocation of development to an area within the overall development. Elements of the remaining PD-[Bauer Farm PCD] are self-limiting by the fact that only three lots remain undeveloped along the south side of Bauer Farm Drive. The retail cap for the node is established within the recommendation of the Comprehensive Plan Amendment (CPA-14-00059). This proposed request is consistent with the CPA.

Retail Market Study: Section 20-1107 was revised to define retail businesses, to require the city to maintain a database of retail space and retail businesses in the City, and produce a city-wide retail market report biennially that includes an analysis of both the supply and demand sides of the retail market. The 2012 Retail Market Study can be viewed here:

http://www.lawrenceks.org/assets/pds/planning/documents/2012Retail.pdf

In 2013, TA-12-00205 revised the standards for reviewing a project proposal with respect to the retail market. According to 20-1303 (g)(10), only projects that seek to add 100,000 square feet or more of retail space are required to have an analysis of their impact on the retail market included as a criteria in their application for zoning. Since this project is only seeking to add 50,000 square feet of retail space, it is exempt from the requirement of providing an analysis of its impact on the retail market.

**CONCLUSION**

This rezoning request assumes the approval of the concurrent Comprehensive Plan Amendment. The request facilitates the development of the portion of Bauer Farm north of Bauer Farm Drive and modifies the uses by allowing a hotel/motel use and removing the residential elements from this phase of the development. Hotel/motel uses are not counted toward retail space. Likewise, the existing theater is not counted as retail space.

Staff recommends approval of the proposed zoning and creating PD-[Bauer Farm Northwest PCD] to distinguish it from the existing commercial development within the planned development for accounting purposes.
Z-14-00057: Rezoning (Map Amendment) of 8 acres of PD
PDP-14-00055: Preliminary Development Plan for Bauer Farm
Located at 4700 Overland Drive

Lawrence-Douglas County Planning Office
April 2014
<table>
<thead>
<tr>
<th>CP</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>C4</th>
<th>C5</th>
<th>Parking Group</th>
<th>Special Cond.</th>
</tr>
</thead>
</table>
| 20-709.10 | S | S | S | S | S | USE GROUP 12. RETAIL STORES - PERSONAL SERVICES. Certain types of retail stores and service establishments which: (a) Provide for a wide variety of local consumer and transient needs, and (b) Have a small service area and are, therefore, not distributed widely throughout the city. (1) Retail Stores and Service Establishments Altering, pressing, repairing of wearing apparel 12 Antique sales 13 Appliance, furniture, home furnishings, sales, rental repair 13 Art supply sales 12 Automobile service stations 24 1440 Bank, savings & loan and trust company 12 Barber or beauty shop 11 Bicycle sales, rental, repair 13 Book sales 12 Bowling alley 10 Camera or photographic supply sales 12 Clothing sales 15 Club or lodge, whose chief activity is carried on as a business 26 1453 Computer store; sales, service and equipment 12 Confectionery store 12 Department store 12 Drug store 11 Dry cleaning 12 Eating place, enclosed, without dancing or entertainment and not providing service in automobiles 26 1453 Florist shop and greenhouse 12 Food convenience store, including gasoline sales and single-bay auto wash (Ord. 6205) 12 1440 Food store, including retail bakery 11 Furrier shop, including storage of furs 13 Garden supply sales 13 Gift, novelty, souvenir sales 12 Hardware store and small tool rental, but not including sales of lumber or industrial hardware 12 Hat blocking and repair 13 Hobby supply sales 12 Ice vending machine 13 Interior decorating shop 12 Jewelry sales and repair 12 Laundry pick-up station 12 Laundry, self-service only 11 Licensed premises 11 1453 Liquor, wine and beer sales, for consumption off the premises 12 Loan office 13 Locksmith, key shop 12 Mail order agency 12 Music, musical instrument and phonographic record sales 13 Newsstand 11 Nursery stock sales 13 Optical goods, sales 13 Orthopedic or medical appliance sales 12 Paint and wall paper sales 13 Pawnshop (Ord. 5033) 12 Photographic processing 15 Photographic studio 12 Post Office 12 Quick copy or duplicating center 11 Radio and television studio 12 Reading room 12 Sewing machine sales and repair 12 Shoe repair and sales 12 Sporting goods sales 12 Surgical and dental supply sales 12 Theatre, indoor commercial 9 Variety store 12 Video store, sale or rental of video equipment, movies and games parlor 12
### ZONING DISTRICTS

<table>
<thead>
<tr>
<th>CP</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>C4</th>
<th>C5</th>
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</thead>
</table>

#### PERMITTED USE GROUPS

<table>
<thead>
<tr>
<th>Parking Group</th>
<th>Special Cond.</th>
</tr>
</thead>
</table>

2. **Similar Uses**

Other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group.

3. **Accessory Uses**

(Ord. 6578)

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20-709.11  

| USE GROUP 13. AUTOMOTIVE SERVICES; RETAIL SALES; OTHER. Primarily automotive service establishments and accessory uses, including consumer and non-consumer retail goods and services not appropriate for the neighborhood shopping district, including certain goods and services for agricultural, industrial, commercial, or institutional use. |
|---|---|

**1. Automotive Services and Retail Sales**

- Aircraft sales, rental, service
- Ambulance service
- Amusement park, commercial
- Auction room auctioneer
- Automobile parking garage
- Automobile parts store; tires & accessories
- Automobile repair and services
- Automobile sales, service, rental (new and used)
- Automobile service station
- Barber and beauty equipment sales
- Baseball park, commercial
- Blueprinting and similar reproduction processes
- Boat and marine sales, rental and repair
- Bus passenger station
- Business machine rental, repair, sales
- Car or truck wash
- Carnival or circus
- Carting, crating, express hauling, moving and storage
- Caterer
- Eating establishment, enclosed, with dancing or entertainment
- Eating establishment, providing only drive-up service or no seating facilities
- Exterminator, pest
- Food convenience store, including gasoline sales
- Food locker plant, for consumer use
- Free standing automated banking or dispensing facility
- Funeral home, mortuary, or undertaking establishment
- Garage or parking for common or public utility vehicles
- Glass sales and cutting shop
- Golf driving range, commercial, (pkg. requirement applies to tee area only)
- Golf pitch and putt courses, miniature golf course
- Home improvement center
- Hotel
- Laboratory, medical or dental
- Leather goods, sales and repair
- Linen supply, diaper service, uniform supply
- Liquids, flammable, underground storage of
- Lumber, limited sales
- Media Store (Ord. 7226)
- Mobile homes, sales and service
- Monument sales, including incidental processing
- Motel
- Motorcycle sales, service and rental
- Office equipment and supplies, sales and service, rental and repair
- Pet shop
- Photostatting
- Plumbing fixture sales
- Quick copy or duplicating center
- Recording studio
- School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors
- Secretarial service
- Sex Shop (Ord. 7226)
- Sexually Oriented Media Store (Ord. 7226)
- Skating rink, commercial
- Studio for professional work or for the teaching of any form of fine arts,
### Zoning Districts

<table>
<thead>
<tr>
<th>CP</th>
<th>C1</th>
<th>C2</th>
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<th>C4</th>
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</tbody>
</table>

**Permitted Use Groups**

1. Photography, music, drama, etc.

Swimming pool, commercial (parking requirements include pool area) 11 1437
Taxidermist 15 1426
Telephone answering service 12 1426
Theatre, drive-in 20 1426
Trailer sales and rental 17 1426
Transit vehicle storage and servicing 16 1426
Truck rental and sales 16 1426

2. Similar Uses

Other business services which (1) are similar to the listed uses in function, traffic-generating capacity, and effects upon other land uses, and (2) are not included in any other use group.

3. Manufacturing Uses

Baked goods, candy, delicatessen, and ice cream, all for retail sales on the premises only 15 1426
Clothing: custom manufacturing or altering for retail, including custom dressmaking, millinery, or tailoring 15 1426

4. Accessory Uses

(Ord. 6578)

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20-709.12

**USE GROUP 14. RETAIL - WHOLESALE SALES AND SERVICES.** Consumer and non-consumer type retail and wholesale stores and service establishments and accessory uses that serve a wide area, including the entire city and surrounding trade area.

1. Retail - Wholesale Goods and Services

   - Automobile body shop 22 1428
   - Blacksmith shop 15 1428
   - Building materials and lumber yards (parking requirements do not apply to lumber sheds) 13 1428
   - Cold storage plant 17 1428
   - Contractor or construction offices and shops 15 1428
   - Dry cleaning plant, including carpet cleaning 12 1428
   - Farm equipment sales, service and repair 15 1428
   - Feed and fertilizer sales 15 1428
   - Freight depot, railroad or truck 17 1428
   - Hardware, industrial sales 15 1428
   - Ice plant 22 1428
   - Machine tools, sales, rental, repair 15 1428
   - Mini-warehouse facilities N/A 1456
   - Pawnshop 12 1454
   - Sexually Oriented Cabaret (Ord. 7226) 12 1459/1460
   - Sexually Oriented Motion Picture Theatre (Ord. 7226) 9 1459/1460
   - Warehousing establishment 17 1459/1460
   - Wholesaling establishment, including storage 15 1459/1460

2. Similar Uses

Other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses, and (2) are not included in any other use group.

3. Accessory Uses

(Ord. 6768)

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20-709.13

**USE GROUP 15. AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES.** Uses similar in nature and traffic-generating capacities that appeal to large groups of people or that provide uses with high density (people to space) ratios whose primary intent is one of amusement or recreational pursuits or cultural enrichment.

1. Indoor Recreational Amusement or Cultural Facilities

   - Athletic club 12 1428
   - Auditorium 7 1426/1427
   - Bowling alley 10 1426/1427
   - Field house 7 1426/1427
   - Game arcade, including video games 11 1428
   - Physical culture center and health services, including spas, gymnasiums, reducing salons, masseur/masseuse, or hot tubs 11 1428
   - Skating rink 12 1428
   - Swimming pool, commercial 11 1428
   - Theatre, indoor 9 1428

2. Outdoor Amusement, Recreational or Cultural Facilities

   - Baseball park or batting cages, commercial 7 1428
## ZONING DISTRICTS

<table>
<thead>
<tr>
<th>CP</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>C4</th>
<th>C5</th>
<th>Parking Group</th>
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<td>1415</td>
<td>1428</td>
</tr>
</tbody>
</table>

### USE GROUP 17. MANUFACTURING - LOW NUISANCE.

Primarily manufacturing uses and which are of non-objectionable nature and are not harmful to nearby residential and commercial areas.

#### 1. Manufacturing Uses

- Advertising displays
- Apparel or other textile products from textile or other materials, including hat bodies or similar products
- Art needle work, hand weaving or tapestries
- Bakery products: limited to 7,500 sq. ft. of floor area per establishment
- Beverages, nonalcoholic
- Books, hand binding or tooling
- Bottling works, all beverages
- Brooms and brushes
- Cameras or other photographic equipment except film
- Carpentry, custom woodworking, or customer furniture making shops, cabinet shops
- Clocks or similar products
- Custom ceramic products
- Custom hair products
- Dry cleaning plant
- Electrical appliances, including lighting fixtures, irons, fans, toasters, electrical toys or similar appliances
- Electrical equipment assembly, including home radio or television receivers, home movie equipment or similar products but not including electrical machinery
- Glass products from previously manufactured glass
- Jewelry manufacturing from precious metals
- Machines, business, including typewriters, accounting machines, calculators, card accounting equipment, or similar appliances
- Medical, dental, drafting instruments, optical goods, or similar precision instruments
- Mini-warehouse facilities
- Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers or similar appliances
- Phonographic record pressing (Ord. 5113)
- Printing or publishing, including engraving or photo-engraving
- Scenery construction
- Second hand store
- Sign painting shops
- Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods or similar products
- Warehousing (limited to 6,500 sq. ft. total floor area per building unit), general, bulk, equipment, or refrigerated, not including animal or scrap and waste materials
- Watch making
- Wholesaling establishment, including storage

#### 2. Recycling Uses

- Large collection facilities

#### 3. Accessory Uses

(Ord. 6306; Ord. 6768; Ord. 6770)
<table>
<thead>
<tr>
<th>Zoning District</th>
<th>PERMITTED USE GROUPS</th>
<th>Parking Group</th>
<th>Special Cond.</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-1</td>
<td>20-7A04.1 S USE GROUP 7. COMMUNITY FACILITIES &amp; UTILITIES-RESIDENTIAL as set forth in Section 20-610.8, subject to &quot;Special Conditions&quot; reference set forth therein.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20-7A04.2 S USE GROUP 9. PROFESSIONAL OFFICES as set forth in Section 20-610.10, subject to &quot;Special Conditions&quot; reference set forth therein.</td>
<td></td>
<td></td>
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<tr>
<td>20-7A04.3 S USE GROUP 9A. LIMITED SERVICES. These uses are limited in development, intensity and traffic-generating capacity to uses which are compatible with established residential neighborhoods. 1. Bank, savings &amp; loan, and trust company 12 2. Dry cleaning outlet store 12 3. Freestanding automated banking or dispensing facility 7 4. Funeral home, mortuary or undertaking establishment 16 5. Laboratory, medical or dental 13 6. Loan office 13 7. Personnel services 13 8. Photographic studio 12 9. Post Office branch facility 12 10. Professional cleaning services 13 11. Radio and television studio 12 12. Recording studio 16 13. School, commercial or trade, when not involving any danger of fire or explosion, nor of offensive odor, noise, dust, glare, heat, vibration or other objectionable factors 16 14. Secretarial service 13 15. Studio for professional work or for teaching of any form of fine arts i.e. photograph, music, dancing, drama, etc. 13 16. Telephone answering service 12</td>
<td></td>
<td>1428</td>
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</tr>
<tr>
<td>ZONING DISTRICTS</td>
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</tr>
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<tr>
<td>20-610.1</td>
<td>S S S S S</td>
<td>USE GROUP 1. AGRICULTURAL-ANIMAL HUSBANDRY. Agricultural uses and nearby residential uses: 1. Agricultural Uses Animal and poultry husbandry, dairying and pasturage, but not including the keeping of swine, the feeding of offal or garbage or retail sales on the premises; all other agricultural uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses; and (2) are not included in any other use group. 2. Accessory Uses</td>
<td>1403</td>
</tr>
<tr>
<td>20-610.2</td>
<td>P P P P P</td>
<td>USE GROUP 2. AGRICULTURAL-FIELD CROPS. Agricultural uses and accessory uses that are compatible with nearby residential uses: 1. Agricultural Uses Field crops, floriculture, greenhouse, horticulture, nursery, truck gardening or viticulture, but not including retail sales on the premises; all other agricultural uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group. 2. Accessory Uses</td>
<td></td>
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<tr>
<td>20-610.4</td>
<td>S S S S S</td>
<td>USE GROUP 3A. RESIDENTIAL-DUPLEX 1. Residential Uses. Single family dwelling or duplex 2. Accessory Uses (Ord. 4247, Sec. 3)</td>
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</tr>
<tr>
<td>20-610.5</td>
<td>S S S S S</td>
<td>USE GROUP 4. RESIDENTIAL - MULTI-FAMILY. Medium and high-density multi-family residences. 1. Residential Uses Multi-family dwelling, including duplex Rooming and/or boarding house Single-family attached dwelling (row house or Townhouse) Bed &amp; Breakfast establishment, except in the RM districts it is not permitted in RM-D and RM-1 2. Accessory Uses (Ord. 6048, Sec. 1; Ord. 6382)</td>
<td>1428</td>
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<tr>
<td>20-610.6</td>
<td></td>
<td>USE GROUP 5. RESIDENTIAL-DORMITORY. High-density residential uses other than those multi-family uses permitted in Use Group 4. 1. Residential Uses Apartment hotel Dormitory-type residence hall Fraternity Sorority 2. Accessory Uses</td>
<td>1404/1428</td>
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<tr>
<td>20-610.7</td>
<td>S S S S S</td>
<td>USE GROUP 6. RESIDENTIAL - MOBILE HOME PARK 1. Residential Uses Mobile homes park 2. Accessory Uses (Ord. 6048, Sec. VII)</td>
<td>1420/1608</td>
</tr>
</tbody>
</table>

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**TABLE II (Residential Use Table)**

<table>
<thead>
<tr>
<th>ZONING DISTRICTS</th>
<th>PERMITTED USE GROUPS</th>
<th>Parking Group</th>
<th>Special Cond.</th>
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<tbody>
<tr>
<td>RO-1, 1A, 1B</td>
<td>RO-2</td>
<td>RS</td>
<td>RM</td>
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### PERMITTED USE GROUPS

<table>
<thead>
<tr>
<th>USE GROUP 7.  COMMUNITY FACILITIES - PUBLIC UTILITIES</th>
<th>Parking Group</th>
<th>Special Cond.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) may appropriately be located in residential areas to provide education, recreation, health, and other essential services and, (b) do not create significant objectionable influences in residential areas.</td>
<td></td>
<td>1428</td>
</tr>
</tbody>
</table>

1. **Community Facilities**
   - Adaptive reuse of properties listed as a landmark on the Lawrence, State or National Registers of Historic Places or included in the Lawrence or National Register of Historic Districts
   - Art gallery or museum
   - Cemetery, columbarium, or mausoleum
   - Child care center
   - Child care home - occupant primary provider
   - Child care home - non-occupant primary provider
   - Church or other place of worship, including student center
   - Club or lodge, private, except those whose chief activity is carried on as a business
   - Communication Towers
   - Community building, public
   - Golf course, but not including commercially operated driving range, putt and putt course or miniature golf course
   - Halfway house or service-oriented rehabilitation center or residence
   - Health center, government operated
   - Hospital, general, not including animal
   - Institution for children and aged, nonprofit
   - Library or museum: public or private, open to public without charge
   - Monastery, convent or similar institution of religious training
   - Mortuary, funeral parlor, or undertaking establishment
   - Nursing home or rest home
   - Parish house, nunnerly, rectory, etc.
   - Park, playground, or playfield, public
   - Private recreation facility (exclusive of family swimming pools and swimming pools that are accessory uses to hotels, motels and apartments)
   - Rehabilitation center for persons with disabilities
   - Sanitarium
   - School, public, parochial, or private, non-profit:
     - (a) Grades nine and below including kindergarten
     - (b) Grades ten and above
   - Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.
   - Swimming pool, accessory
   - Theatre, live (if indoors)

2. **Public Utilities**
   - Electrical substation
   - Gas regulator station
   - Radio or television transmitter or tower
   - Sewage disposal plant, private
   - Telephone exchange, but not including garage, shop, or service
   - Water filtration plant, pumping station, elevated storage or reservoir

3. **Similar Uses**
   - All other uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group.

4. **Accessory Uses**
   (Ord. 6359; Ord. 6382; Ord. 6489)
### ZONING DISTRICTS

#### PERMITTED USE GROUPS

<table>
<thead>
<tr>
<th>RO-1, 1A, 1B</th>
<th>RO-2</th>
<th>RS</th>
<th>RM</th>
<th>RD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20-610.9</strong></td>
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</tbody>
</table>

**USE GROUP 8. TEMPORARY USES**

(a) Uses of a non-residential nature which need to be located in residential areas on a temporary basis.

(b) Uses of a commercial nature which are temporary and where in duration, traffic generation, or intensity, are allowable in residential neighborhoods or as accessory commercial uses to established commercial operations.

1. Temporary Uses - Non-residential Nature
   - Automobile parking lot, for special event
   - Batching plant, asphaltic or Portland cement, concrete, non-commercial
   - Construction building and/or yard
   - Earth moving and excavation; depositing construction materials, clay, earth, gravel, minerals, rock, sand or stone on the ground
   - Off-street parking and loading
   - Tract office
   - All other temporary uses which (1) are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses and (2) are not included in any other use group.

2. Temporary Uses - Commercial Nature
   - Special Events
     - Temporary outdoor sales area as an accessory use to an established commercial operation
     - Licensed transient merchant's temporary structures as defined in Chapter 6, Article 8, of the City Code.

(Ord. 6698)

<table>
<thead>
<tr>
<th>RO-10</th>
<th>RO-10</th>
</tr>
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<tbody>
<tr>
<td><strong>20-610.10</strong></td>
<td>S</td>
</tr>
<tr>
<td></td>
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</tr>
</tbody>
</table>

**USE GROUP 9. PROFESSIONAL OFFICES.** Offices for medical, professional and governmental purposes and accessory use, not including retail sales to the public, that are of a nature that may be located adjacent to or combined with residential uses without harmful effects to said residential uses.

1. Medical and Related Offices
   - Chiropractic, chiropractic, dental, electrology, medical, optical, optometric, osteopathic, including a clinic

2. Ambulatory (Outpatient) Surgery Center

3. Professional and Governmental Offices
   - Accounting, architecture, engineering, governmental, insurance sales, law, real estate and sales and brokerage, motion picture studios (enclosed)

4. Veterinarian
   - Office and incidental boarding, with no open kennel or yard where animals are confined or exercised

5. Financial Institutions

6. Studio for professional work or for teaching of any form of fine arts e.g. photography, music, dancing, drama, etc.

7. Other Offices
   - All other offices which (1) are similar to the listed uses in function, traffic-generating capacity, effects on other land uses, and (2) are not included in any other use group.

8. Accessory Uses.

(Ord. 6287; Ord. 6770; Ord. 7047 rev.)
**Existing and Proposed Use Restrictions for PCD-[Bauer Farm Northwest]**

<table>
<thead>
<tr>
<th>Existing Use restrictions established per Z-6-7-07; Ordinance 8359 as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. No single retail or commercial building shall be larger than 50,000 gross square feet of space.</td>
</tr>
<tr>
<td>2. The permitted list of uses be included as part of the rezoning ordinance to specifically include:</td>
</tr>
<tr>
<td>a. Ground floor multiple-family residential uses;</td>
</tr>
<tr>
<td>b. Licensed Premises; and</td>
</tr>
<tr>
<td>c. Liquor, wine and beer sales for consumption off the premises.</td>
</tr>
<tr>
<td>3. The permitted uses include uses listed on the approved Final Development Plan for Bauer Farm in the following Use Groups, except as specifically prohibited here:</td>
</tr>
<tr>
<td>a. USE GROUP 4 – MULTIPLE-FAMILY RESIDENTIAL;</td>
</tr>
<tr>
<td>b. USE GROUP 7 – COMMUNITY FACILITIES – PUBLIC UTILITIES, except Halfway house or service-oriented rehabilitation center or residence; Hospital, general, not including animal; Rehabilitation center for persons with disabilities; and Sewage disposal plant, private;</td>
</tr>
<tr>
<td>c. USE GROUP 9 – PROFESSIONAL OFFICES;</td>
</tr>
<tr>
<td>d. USE GROUP 9A – LIMITED SERVICES;</td>
</tr>
<tr>
<td>e. USE GROUP 11 – INNER NEIGHBORHOOD COMMERCIAL USES;</td>
</tr>
<tr>
<td>f. USE GROUP 12 – RETAIL STORES – PERSONAL SERVICES, except Automobile service stations; Department store; Food convenience store, including gasoline sales and single bay auto wash; Furrier shop, including the storage of furs; Hat blocking and repair; Pawnshop; Reading room; Surgical and dental supply sales; Similar Uses; and Accessory Uses;</td>
</tr>
<tr>
<td>g. USE GROUP 13 – AUTOMOTIVE SERVICES; RETAIL SALES; OTHER, except Aircraft sales, rental, service; Ambulance service; Auction room auctioneer; Automobile service station; Baseball park, commercial; Boat and marine sales, rental and repair; Carnival or circus; Carting, crating, express hauling, moving and storage; Eating establishment, providing only drive up service or no seating facilities; Exterminator, pest; Food convenience store, including gasoline sales; Food locker plant, for consumer use; Funeral home, mortuary, or undertaking establishment; Garage or parking for common or public utility vehicles; Glass sales and cutting shop; Hotel; Linen supply, diaper service, uniform supply; Liquids, flammable, underground storage of; Lumber, limited sales; Media Store (Ord. 7226); Mobile homes, sales and service; Motel; Motorcycle sales, service and rental; Photostatting; Sex Shop (Ord. 7226); Sexually Oriented Media Store (Ord. 7226); Taxidermist; Telephone answering service; Theatre, drive-in; Trailer sales and rental; Transit vehicle storage and servicing; Truck rental and sales; Similar Uses; and Accessory Uses; AND</td>
</tr>
<tr>
<td>h. USE GROUP 15 – AMUSEMENT, RECREATIONAL AND CULTURAL FACILITIES, except Race Track.</td>
</tr>
<tr>
<td>4. There will be no more than 72,000 gross square feet of retail commercial space in the PCD-2 portion of the Planned Unit Development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The following uses and restrictions are proposed with this change:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. No single retail or commercial building shall be larger than 50,000 gross square feet of space.</td>
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April 14, 2014

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Re: ITEM NO. 6B PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM;
4700 OVERLAND DR (SLD) PDP-14-00055:
Consider a Revised Preliminary Development Plan for Bauer Farm and Bauer Farm

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

Three issues are raised by the application for a revised preliminary development plan for Bauer Farm.

Addition of a 108 Room Hotel Competed with Taxpayer Subsidized Hotels

The City of Lawrence, Kansas, has invested approximately $11 million in the Oread Hotel through Tax Increment Financing. The City invested an additional $10 million in the 9th and New Hampshire development with a large portion of that investment financing another hotel. Sadly, the City invested in this second hotel without any market analysis to determine whether or not the city can absorb this additional hotel space without risking the viability of the initial investment. To further compound this problem, the City voted zoning for yet another hotel in the North Mass development. These actions all threaten to viability of this large amount of public investment.

Now the Bauer Farm development proposes another hotel. It would be poor planning to follow a path that would further threaten the existing taxpayer investment in hotels.
Recommendation: The Planning Commission should not approve any additional hotels until a detailed and unbiased market analysis demonstrates that there is latent demand for all of the hotels that are in operation, under construction, and proposed.

Addition of Retail Space to an Already Saturated Market

The retail market of Lawrence is overbuilt. The City’s own 2012 retail report indicates that the supply of retail space grew dramatically since 2000 while inflation adjusted retail spending has actually fallen during the same time period. This means that the retail market is not absorbing the surplus space but is suffering from a growing excess.

The total value of all retail space in the market is a function of the total spending in that market. Adding more space does not add more value or jobs or sales taxes to the market. Only growth in retail spending can stimulate growth in the market’s value, jobs and tax revenues.

Recommendation: The retail market is overbuilt. The Planning Commission should not, except in very compelling circumstances, add to an already overbuilt market.

Deviations from Promised Development

The node at 6th Street and Wakarusa Avenue has a history that is a textbook of poor planning with incremental mistakes followed by more incremental mistakes. The planned amount of retail space for the entire node was given to the southeast corner of the node. Then the developer of the southwest corner of the node asked for retail space beyond what the node needed, and it was granted. Then the developer of the northwest corner of the node asked for retail space far beyond what the node needed, and it was granted. Finally, Bauer Farm in the northeast corner asked for retail space very far beyond what the node needed, and it was granted.

Part of the reason that Bauer Farm received any retail space was in response to the promise that Bauer Farm would develop a mixed-use new urbanism design. Bauer Farm has not only failed to deliver on this promise, it has rendered the promises meaningless. The developer has pursued every form of commercial development from drive-through fast food vendors to home improvement centers without regard to the promises made to the city and the neighborhood. This leaves the City powerless in any future negotiations because developers learn to promise what will gain approval with the knowledge that the developer need not deliver. The developer can simply alter the design later to anything they want.

Recommendation: The Planning Commission should withhold accepting any additional changes to the development plan and press for a return to the original development proposal.

Sincerely,

Kirk McClure
PLANNING COMMISSION REPORT  
Regular Agenda - Public Hearing Item

PC Staff Report  
4/21/14  
ITEM NO. 6B PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR (SLD)

PDP-14-00055: Consider a Revised Preliminary Development Plan for Bauer Farm and Bauer Farm Northwest, and Bauer Farm Residential to include the addition of a 108 room hotel and two retail stores and one mixed use building in Bauer Farm Northwest, located at 4700 Overland Drive. The plan proposes 45,048 SF of retail uses where 14,440 SF was previously approved. Changes to Bauer Farm Residential include a revision to the number of residential dwelling units from 272 to 342, removing a street connection to Overland Drive, and revising the building form from row houses to apartments along W. 6th Street and Overland Drive. Submitted by Treanor Architects, for Free State Group, LLC and Bauer Farms Residential, LLC, property owners of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of the Revised Preliminary Development Plan for Bauer Farm Planned Development based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised plan that includes the following notes and changes:
   a. Revise General Note 39 to correctly reflect the variances and waivers granted with this revised Preliminary Development Plan.
   b. Show the extension of the Access and Utility Easement in Block 1 north to Overland Drive.
   c. Label the water line on the north side of Bauer Farm Drive as existing or proposed, as applicable.
   d. Show and label all proposed easements such that all proposed water lines are located within right-of-way or in a utility easement.
   e. Provide additional easement along the south side of Overland Drive to complete a total of 15’ wide utility easement for the sanitary sewer.
   f. Show and label the sanitary sewer service line for the proposed hotel use.
   g. Revise the sanitary sewer alignment extension to Block 9, Lot 5 so that it is not located within the Bauer Farm Drive right-of-way.
   h. Show and label all sanitary sewer easements.
   i. Revise General Notes on page 4 as they related to the proposed duplex uses.
   j. Show and note the correct off-street parking summary for the residential uses.
   k. Revise General Note 43 on page 4 to indicate that the maintenance agreement shall be reviewed, modified and re-executed as applicable to each Final Development Plan for Bauer Farm.

2. Provision of an exhibit to show the location and amount of open space in the commercial and residential portions of the development.
**Reason for Request:** See Description of project below.

**KEY POINTS**
- The focus of this application is on the commercial portion of the Bauer Farm Development Plan to be known as PD-[Bauer Farm Northwest].
- Approved uses on the south side of Bauer Farm Drive are not altered by this application.
- Changes to the residential portion of Bauer Farm PD are proposed with this application.
- The Preliminary Development Plan also serves as the Preliminary Plat for the remaining undeveloped property.

**FACTORS TO CONSIDER**
- Compliance with the 1966 Zoning Code for Planned Developments.
- Compliance with the Subdivision Regulations.
- Conformance with Horizon 2020.

**ASSOCIATED CASES/ OTHER ACTION REQUIRED**

**Associated Cases**
- CPA-14-00055; Comprehensive Plan Amendment to revise Chapter 6 and the 6th & Wakarusa Nodal Plan.
- Z-14-00057; amending the uses and retail square foot limitation of existing PCD
- **PDP-14-00055; Revised Preliminary Development Plan**
- PF-14-00054; Final Plat Bauer Farm 6th Plat

**Other Action Required**
- City Commission approval of Preliminary Development Plan.
- City Commission approval of rezoning and publication of ordinance.
- Submittal and approval of Final Development Plan.
- Approval of a Final Plat.
- Submission and approval of public improvement plans.
- Recording of Final Development Plan and Final Plat with the Douglas County Register of Deeds.
- Submission and approval of building permits prior to construction.

**ATTACHMENTS**
- Attachment A: Area Map
- Attachment B: Proposed Preliminary Development Plan
- Attachment C: Residential Neighborhood Map

**PUBLIC COMMENT RECEIVED PRIOR TO PRINTING**
- Jonathan Becker – Briarwood Home Owners Association indicating opposition to the request.
- Kirk McClure - Letter

**Project Summary:**
This Planned Development (PD) known as Bauer Farm includes three distinct zoning districts.
Table 1: Project Summary

<table>
<thead>
<tr>
<th>Commercial PCD</th>
<th>Residential PRD</th>
<th>Office - POD</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 31.29 Acres of PCD – Planned Commercial Development</td>
<td>• 21.42 Acres of PRD – Planned Residential Development (includes ROW)</td>
<td>• 2.3 Acres of POD – Planned Office Development</td>
</tr>
<tr>
<td>• PD-[Bauer Farm PCD] Bauer Farm Phase I, IA, IB, IC and V,</td>
<td>• Bauer Farm Phase IV-Retirement</td>
<td>• Bauer Farm Phase VI – Office</td>
</tr>
<tr>
<td>• 14.100 Acres (excluding ROW); developed and undeveloped land</td>
<td>• 4.23 Acres; 124 units</td>
<td>• Z-3-16-05; (pending publication)</td>
</tr>
<tr>
<td>• PD-[Bauer Farm Northwest PCD] Bauer Farm Phase III, VI and VII</td>
<td>• Bauer Farm Phase VII – Mixed residential</td>
<td>• PDP-03-02-05; approved for single use; vacant land</td>
</tr>
<tr>
<td>• 8.009 Acres (excluding ROW); Undeveloped land</td>
<td>• 11.6 acres 218 units</td>
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<tr>
<td></td>
<td>• Total area includes future ROW for Bauer Farm Drive Connection.</td>
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</tbody>
</table>

No change to the Office portion of the development plan is proposed with this application. The original condition of approval for the POD included approval of a preliminary development plan and platting of the property. To date this lot is not platted.

Table 2: General Summary

<table>
<thead>
<tr>
<th>GENERAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Zoning and Land Use: PD [Bauer Farm PCD]; developing commercial area between Wakarusa Drive and Champion Lane and between Overland Drive and W 6th Street.</td>
</tr>
<tr>
<td>PD-[Bauer Farm PRD] west of Folks Road. Existing retirement facility and undeveloped land.</td>
</tr>
<tr>
<td>PD-[Bauer Farm POD] northwest corner of W. 6th Street and Folks Road (pending publication upon Final Plat). Undeveloped land.</td>
</tr>
</tbody>
</table>
Surrounding Zoning and Land Use:

<table>
<thead>
<tr>
<th>To the north:</th>
<th>GPI (General Public and Institutional) District and RSO (Single-Dwelling Residential and Office) District along the north side of Overland Drive. Existing Free State High School campus and apartment development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To the west:</td>
<td>CO (Commercial Office) District and PD-[6Wak PCD] along the west side of Wakarusa Drive. Existing undeveloped commercial pad sites.</td>
</tr>
<tr>
<td>To the east:</td>
<td>PD – [Brianwood/Brianwood Cottages PRD] District and RSO (Single-Dwelling Residential) District along the east side of Folks Road. Existing residential and office uses.</td>
</tr>
</tbody>
</table>

REASON FOR THE REQUEST:

Applicant’s Response:

1. An additional 40,000 sf of retail use has been added to the development. Please refer to the comprehensive plan amendment application concurrently submitted with this application.

2. The nw quadrant of the development, block 6, has been revised (minus the area of the existing Hurricane Car Wash) to reflect the following:
   - A 108 room hotel site at the far nw corner of the development along Overland Drive, north of the Hurricane Car Wash;
   - New 11,623 sf in-line retail and 27,275 sf grocery store with associated parking; and
   - Re-configured office-retail use at the nw corner of Bauer Farm Drive and Champion Lane.

   The private drive to the east of the hurricane car wash, linking Bauer Farm Drive and Overland Drive, will remain as previously planned.

3. The residential section to the east of the theatre Lawrence has been revised to reflect an increase in the number of units from the previously shown PDP within the area east of the theatre, as the residential component west of Champion Lane has been shifted to this area. The changes include the following:
   - Multi-family units to the south, north of 6th Street, 6 buildings
   - Removal of the "mansion homes"

   The remaining residential types of units remains the same within an updated layout. Only the connection of Bauer Farm Drive through the residential portion of the development will be dedicated as a public street. The streets north and south of Bauer Farm Drive will be private streets.
4. The existing detention wet basins along the east and west sides of Champion Lane will be modified in order to maintain the required volume needed for the basins draining to these two ponds. With the modifications to the west pond for the proposed grocery and in-line retail, the west pond will be re-shaped and segmental retaining walls (such as redi-rock ledgestone units) installed along the perimeter of the pond to maximize storage volume. The east pond will be slightly modified with walls constructed along the north and northeast sides of the basin. These modifications will provide the necessary on-site storage volume, as detailed in the revised/updated storm water management study.

Staff’s Response:
This report addresses changes to the commercial and residential portions of the Bauer Farm Planned Development. The proposed plan revises the uses and development pattern for the commercial area and to a lesser degree the residential configuration.

STAFF ANALYSIS
The Preliminary Development Plan for Bauer Farm [PDP-03-02-05], approved by the City Commission at their March 4, 2008 meeting was represented as a New Urbanism style of development that employed Traditional Neighborhood Design (TND). The Preliminary Development Plan contains three sections: a Planned Commercial Development (PCD), Planned Residential Development (PRD), and a Planned Office Development (POD).

The approval of the original Preliminary Development Plan and the approval of a revised Preliminary Development Plan [PDP-06-01-09] included reconsideration and re-approvals of several waivers/variances. These waivers and variances, listed below, require re-approval with this revised Preliminary Development Plan and will be discussed later in this report.

- Waiver 1. Lot Size: Reduction in lot size to permit lots with less than 4000 sq ft of area.

- Waiver 2. Periphery Boundary: Reduction in periphery boundary to reduce the 20 ft of commercial peripheral to 10 ft along W 6th Street, 17 ft along Wakarusa Drive, and 10 ft on Overland Drive and Folks Road. 35 ft residential periphery boundary reduced to 10 ft setback on Overland Drive and Folks Road and 16 ft setback on W 6th Street. No periphery boundary is required between the PUD areas within Bauer Farm.

- Waiver 3. Residential Setbacks: Distances less than 10 ft between the A Custom Homes and B Starter Homes and between the cottages above the A garages and the B Starter Homes, and residential front yard setbacks of approximately 10 ft and side and rear yard setbacks less than 10 ft; providing the structures are designed to meet the building code requirements for zero setback. There are no “Custom Homes” included in this revised Preliminary Development Plan.

- Waiver 4. Commercial Setbacks: Commercial building setback as close as 10 ft on W 6th Street, 17 ft on Wakarusa Drive, and 10 ft on Champion Lane.

- Subdivision Design Standard 1: Local streets intersecting opposite sides less than 125 feet.

- Subdivision Design Standard 2. Alleyways permitted within the residential areas of the subdivision.
Subdivision Design Standard 3. Local private street widths of 20 feet back of curb to back of curb. (Revision of the private streets to public streets was approved by the City Commission and the width waiver remains.)

These variances were approved as part of previous Preliminary Development Plans and require reapproval with this revision. This report is divided into two parts. Part one will address subdivision elements applicable to this development project for the remaining unplatted land in both the commercial and residential portions of the property. Part two will address the Development Plan as it relates to the commercial and residential portions of the property.

PART ONE - SUBDIVISION REVIEW

This application is being submitted concurrently with a Final Plat (PF-14-00054). If approved, the area south of Overland Drive and north of Bauer Farm Drive between Wakarusa Drive and Champion Lane will be platted. This will complete the subdivision requirements for the PCD portion of the Bauer Farm Development Project. A final plat has not been submitted for the residential portion of the development plan.

Figure 1: Undeveloped Land in Bauer Farm

The proposed plan does not alter the existing right-of-way for Bauer Farm Drive or for Champion Lane within the commercial portion of the Planned Development. Streets in the residential portion, with the exception of Bauer Farm Drive, will be dedicated as access easements for private streets and drives within the interior part of the residential area.

This development plan has used a consistent Block and Lot numbering through the project. As land is Final Platted, different block and lot numbers are assigned. These do not alter the naming convention of the preliminary development plan.
**Commercial Summary**

The proposed lot arrangement is different from the previously approved plan with fewer and larger lots from originally planned for this portion of the development. The proposed lot arrangement is consistent with a more conventional retail development form. The proposed changes occur within the currently unplatted portion of the Bauer Farm Planned Development. This area is generally located on the north side of Bauer Farm Drive and west of Champion Lane.

The following table shows the lot arrangement using the lot numbering in the Preliminary Development Plan. Lot 3 in the “Approved Lot Arrangement” image on the left was developed as the Hurricane Car Wash and is not impacted by the this revised Preliminary Development Plan.

<table>
<thead>
<tr>
<th>Proposed Lot and use configuration</th>
<th>Lot</th>
<th>Area</th>
<th>General use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block 6, Lot 2</td>
<td>91,570 SF</td>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Block 6, Lot 3</td>
<td>92,723 SF</td>
<td>Retail</td>
<td></td>
</tr>
<tr>
<td>Block 6, Lot 4</td>
<td>116,528 SF</td>
<td>Retail</td>
<td></td>
</tr>
<tr>
<td>Block 6, Lot 5</td>
<td>31,055 SF</td>
<td>Retail/Office</td>
<td></td>
</tr>
</tbody>
</table>

A minimum lot size for a PCD is not established in the 1966 Development Code for commercial uses. Peripheral setbacks and building separations are required and are addressed later in this report. The proposed lots meet or exceed the minimum area requirements for lots in the CC (Community Commercial) District of the Land Development Code if a base zoning district were applicable to this development. There are no proposed subdivision waivers or variances associated with the proposed lot configuration for the commercial portion of Bauer Farm.

Each lot is adjacent to an existing public street. The interior circulation is modified by the proposed lot arrangement and proposed development pattern but is retained. An interior access drive between Bauer Farm Drive and Overland Drive is located between proposed Lots 2 and 3 providing a north-south connection parallel to Champion Lane. The east west connection in the northwest quadrant is provided in a conventional block style arrangement with cross access easements trough parking lots rather than the previously proposed private street in the approved plan configuration.

The proposed plan includes a 42’ wide to a 24’ wide private street between Overland Drive and Bauer Farm Drive east of Wakarusa Drive. The plan also includes an access easement between Champion Lane and Bauer Farm Drive in the southeast portion of the commercial area. There is
no parking along this drive. Interior sidewalks are proposed on both sides of the drive. An additional evaluation of street trees will be included in a review of the Final Development Plan as this area is developed.

![Figure 4: Interior Commercial Access Drives](image)

There is no new dedication of right-of-way for this portion either. Interior utility easements and cross access easements are modified by the proposed configuration. These elements will continue to be reviewed as part of a Final Plat for the remaining property.

**Residential Summary**

The residential portion of the plan includes the developed retirement facility located in the northeast portion of the Planned Development and the office use (phase VI - Block 9, Lot 5) for context. These lot boundaries are not altered by this proposed revision.

This project includes changes in the housing type planned for the remaining residential portion of the Bauer Farm Development. The number of units has been increased along W. 6th Street. The plan also removes the “mansion Homes” included in the previous version. The approved plan included a private street connection to Overland Drive that the revised plan does not. Access to the residential area is only provided via Bauer Farm Drive in the revised plan.

The proposed plan indicates that Bauer Farm Drive is intended as a public street. The street is off-set within the development to discourage cut-through traffic. This is consistent with previous plans for the area. Additionally, the interior access has been revised from a public street configuration to a private street arrangement.

![Figure 5: Approved Residential Block Pattern](image)
The comparison of the proposed plan to the approved plan is complicated by the change in residential typology and unit naming. The following table is provided to show the general unit and lot mix within the residential portion of the development.

The clubhouse area represents a single block within the proposed development. The general lot dimensions of the area in the approved plan were 145’ by 285’. The proposed plan shows this area on a parcel generally 126’ by 260’. The following table provided a brief summary of the clubhouse area and the retirement housing with the PRD portion of the development. Table 8, at the end of the report provides a comparison of the approved and proposed residential units for the proposed residential portion of the development.

<table>
<thead>
<tr>
<th>Approved PDP Clubhouse area</th>
<th>Proposed PDP</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
<td><strong>Area</strong></td>
</tr>
<tr>
<td>“E” Clubhouse (CH)</td>
<td>4,000 SF</td>
</tr>
<tr>
<td>Retail</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Residential Units in CH</td>
<td>4-units</td>
</tr>
<tr>
<td>Fitness Center</td>
<td>3,600 SF</td>
</tr>
<tr>
<td>Retirement Residence</td>
<td>124</td>
</tr>
<tr>
<td>Total Units</td>
<td>272</td>
</tr>
</tbody>
</table>

Interior private streets are approximately 24’ wide with on street parking. The alley located in the central portion of the residential area are approximately 17’ wide. These dimensions will be further evaluated with a final plat, utility and access easement review and final development plans as the area is developed.

The proposed residential development includes a type of housing that is located on lots less than 4,000 SF. (Unit types “B” and “D”) as shown on Page 3 of the revised Preliminary Development Plan. Section 20-1006 requires a minimum of 4,000 SF per lot for individual residential buildings. These lots require a variance as part of the development plan if they are intended as individual lots.

![Figure 6: Proposed Block Pattern](image)

In addition to variances from the minimum lot size requirement, this proposed development includes variances from the street design standards for off-set streets and a “T-intersection” alley design. The off-set street, Bauer Farm Drive, is consistent with previously approved designs for this Planned Development.
Figure 7: Residential Uses

<table>
<thead>
<tr>
<th>Type</th>
<th>Lots</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Type A&quot; Rowhouse</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>&quot;Type B&quot; Duplex</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>&quot;Type C&quot; Duplex</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>&quot;Type D&quot; Single</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>&quot;A1-A6&quot; Apartment Buildings</td>
<td>Unconfimed</td>
<td>159</td>
</tr>
<tr>
<td>Clubhouse</td>
<td>1</td>
<td>5</td>
</tr>
</tbody>
</table>

**Easements and Rights-of-way**

The Preliminary Plat elements include an initial evaluation of the easements and rights-of-way needed to support the proposed lot arrangements. Additional easements are needed for the proposed development and are reflected as conditions of approval. Easements will continue to be evaluated as part of the Final Plat for the remaining undeveloped portions of the land in the Bauer Farm Planned Development including the commercial, residential and office lots.

**Subdivision Variances:**

1. Residential lot size
2. Off-set street for Bauer Farm Drive
3. Alley with T-intersection

Staff recommends reapproval of the subdivision variances associated with this revised Preliminary Development Plan. Additionally, staff recommends that General Note 39 on page 4 of the Preliminary Development Plan be revised to correctly reflect the subdivision variances granted by this revised plan.
PART TWO - PRELIMINARY DEVELOPMENT PLAN REVIEW

The proposed Preliminary Development Plan for Bauer Farm Planned Development has been evaluated based upon findings of fact and conclusions per Article 10 of the 1966 Zoning Code for the City of Lawrence, requiring consideration of the following nine items:

1) In what respects the plan is or is not in general conformity with the provisions of the Comprehensive Plan of the City.

This application is being considered concurrently with the proposed rezoning and Comprehensive Plan Amendment to increase the retail limit for the commercial portion of Bauer Farm. The residential use is not changed by the related Comprehensive Plan Amendment (CPA-14-00059) or rezoning (Z-14-00047). The evaluation of compliance with the Comprehensive Plan is considered for the broad topic of land use in general.

Recommendations for commercial development from Chapter 6 of Horizon 2020 are listed below.

“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.”

This development plan does not modify or expand the physical boundary of the commercial node in which it is located. This property is not subject to important architectural or historical resources within the immediate area. However, the plan has historically been presented as a New Urbanism product that was located at the edge of the urban area when originally considered for development in the late 1990’s and early 2000’s. Since then the area has developed to the north and west of this property. The remaining commercial area has been vacant since the original land use approvals were granted in 2003. This project does represent infill development of a designated commercial area and thus is compliant with these basic land use recommendations of Horizon 2020.

Recommendations for medium- and higher-density residential development from Chapter 5 of Horizon 2020 are listed below.

“Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space.” (Policy 1.1, page 5-23)

“Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas.” (Policy 3.4, page 5-29)

Residential Density:
The approved residential zoning district, PRD-3, allows a maximum density of 25 dwelling units per acre. Residential density is calculated based on Net Residential Area. Net Residential Area for a Planned Unit Development includes the area within the district less; “commercial...
development, public streets, parks, and school sites, major drainage courses, and other areas not retained for the exclusive use of the benefit of the residents in the planned residential development“ per Section 20-1007.

Approved Preliminary Development Plan (PDP-1-1-10 amending the residential uses for the retirement housing development) shows the density for the PRD area as follows:

**Table 5: Approved Residential Density**

<table>
<thead>
<tr>
<th>GROSS PRD ACREAGE</th>
<th>COMMERCIAL BLDG. AREA, R/W, TRACTS &amp; D/E</th>
<th>NET RESIDENTIAL ACREAGE</th>
<th>TOTAL DWELLING UNITS</th>
<th>DWELLING UNIT DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.44</td>
<td>5.36</td>
<td>11.08</td>
<td>272</td>
<td>24.55</td>
</tr>
</tbody>
</table>

The proposed Revised Preliminary Development Plan (PDP-14-00055) shows the revised summary as follows:

**Table 6: Proposed Residential Density**

<table>
<thead>
<tr>
<th>GROSS PRD ACREAGE</th>
<th>COMMERCIAL BLDG. AREA, R/W, TRACTS &amp; D/E</th>
<th>NET RESIDENTIAL ACREAGE</th>
<th>TOTAL DWELLING UNITS</th>
<th>DWELLING UNIT DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.44</td>
<td>1.37</td>
<td>15.37</td>
<td>342</td>
<td>22.25</td>
</tr>
</tbody>
</table>

The revised plan includes more land area in the Net Residential Area resulting in a lower overall density. This change results from the modification of the development plan to include private streets rather than public streets. As the residential development is, refined density will continue to be reviewed with a future final plat and final development plan for these uses. Overall, the plan is consistent with the land uses proposed for this area.

**Staff Finding** - The proposed development complies with the land use goals and policies for the land uses proposed assuming the corresponding Comprehensive Plan Amendment and the Rezoning are approved for this development.

2) **In what respects the plan is or is not consistent with the Statement of Objectives of Planned Unit Development. [The statement of objectives of planned unit developments per Section 20-1002 of the 1966 Zoning Ordinance]**

- (1) To promote and permit flexibility that will encourage innovative and imaginative approaches in residential, commercial, and industrial development which will result in a more efficient, aesthetic, desirable and economic use of land while maintaining density and intensity of use consistent with the adopted comprehensive plan for the city;
- (2) To promote development within the city that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension;
- (3) To promote design flexibility including placement of buildings, and use of open space, pedestrian and vehicular circulation facilities to and through the site, and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size or proximity.
- (4) To provide for the preservation of historic or natural features where they are shown to be in the public's interest including but not limited to such features as: drainageways, floodplains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks or structures.
One objective noted in Section 20-1002 (1966 Code) is that a Planned Unit Development will permit design flexibility and encourage innovative and imaginative approaches to development which will result in a more efficient, aesthetic, desirable and economic use of land. The PD zoning provides the maximum flexibility to the developer in tailoring the uses and the project to community desires. Waivers/variances previously approved are also included with this request to clearly indicate the intent of development and to provide the Planning Commission the opportunity to re-evaluate and re-approve the waivers/variances they determine are warranted.

This revised Preliminary Development Plan has used this flexibility to provide buildings along W. 6th Street that frame the street with reduced peripheral setbacks. This technique was also used for the retirement facility along Folks Road. The plan continues to use this flexibility in the residential portion of the Bauer Farm Planned Development.

The remaining commercial area proposes a more conventional design but is no less part of the overall development project and is not easily separated from developed elements that provide the peripheral and interior street network. A significant change to the commercial area is the removal of the vertical mixed uses north of Bauer Farm Drive.

The overall development plan remains a mixed-use development with direct connections between aggregate land uses rather than integrated mixed-use development envisioned in previously approved development plans for this property.

**Staff Finding** - The overall development is a mixed-use, residential, office, and commercial development that is consistent with the objectives of a Planned Unit Development. The developed portion of the property has established a pattern of reduced setbacks along public streets and includes a strong pedestrian connection between uses within the development.

3) The nature and extent of the common open space in the Planned Unit Development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.

Section 20-1006 (1966 Zoning Code) lists the general development standards applicable to all Planned Unit Developments. The Code specifically requires a minimum of 20% of the land area devoted to residential uses be set aside for open-air recreation uses and other common open spaces. Common open space is defined as an open area designed and developed primarily for the use and benefit of the residents of the development for recreation (whether private or public, courts, gardens, or parking for open space uses; it shall not include space devoted to streets and parking for residential and nonresidential uses).

**Residential Open Space:**
- Previous residential area included 16.44 Acres.
- Previous street and off-street parking area included 7.23 Acres.
- The developed retirement housing area includes 4.24 acres
- The remaining gross residential area includes 11.62 Acres including Bauer Farm Drive ROW.

This revised Preliminary Development Plan removes residential uses from the PCD portion of the development. All residential uses are located east of Champion Lane. Common open space provided in the residential area, excluding the retirement housing, includes all of the clubhouse...
area and common sidewalk areas along the front of the row houses and other units similar to the front yard areas throughout the development.

The net residential area for the undeveloped portion of the PRD area, excluding public streets, is 10.08 acres. The required 20% open space for the undeveloped residential portion of the PRD is 2.016 acres. The original clubhouse area represented 41,325 SF (.94 Acres) within the residential portion of the Bauer Farm Planned Development. The revised clubhouse area includes approximately 32,760 SF (.75 Acres). Staff recommends the applicant provide a revised exhibit showing the location of Common Open Space for the residential area of the Bauer Farm Development.

Open space will be managed by a homeowners association as part of the residential portion of the development.

Commercial Open Space: Common open space within the commercial portion can be evaluated on a per lot and total development plan area. The approval of the rezoning establishes a boundary between the developed and undeveloped commercial land within Bauer Farm. Since each area will have a separate zoning district, open space should be provided for each of the two developments. Approved development plans for the existing commercial development have demonstrated the lots met or exceeded the open space requirements.

The site summary provided for the undeveloped commercial portion notes that Block 6, Lot 3 and Block 6, Lot 4 both include less than the required 20% open space (18% and 12% respectively). Block 6, Lot 2 and Block 6, Lot 5 both exceed the required 20% open space requirement (26% and 35% respectively).

<table>
<thead>
<tr>
<th>Block 6 SF</th>
<th>Lot 2</th>
<th>Lot 3</th>
<th>Lot 4</th>
<th>Lot 5</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>15,285</td>
<td>11,623</td>
<td>27,275</td>
<td>6,125</td>
<td>60,308</td>
</tr>
<tr>
<td>Pavement</td>
<td>52,027</td>
<td>64,573</td>
<td>75,354</td>
<td>13,891</td>
<td>205,845</td>
</tr>
<tr>
<td>Imperious</td>
<td>67,312</td>
<td>76,196</td>
<td>102,629</td>
<td>20,016</td>
<td>266,153</td>
</tr>
<tr>
<td>Pervious</td>
<td>24,258</td>
<td>16,527</td>
<td>13,899</td>
<td>11,039</td>
<td>65,723</td>
</tr>
<tr>
<td>Lot Size</td>
<td>91,570</td>
<td>92,723</td>
<td>116,528</td>
<td>31,055</td>
<td>331,876</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Block 6 %</th>
<th>Lot 2</th>
<th>Lot 3</th>
<th>Lot 4</th>
<th>Lot 5</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>17%</td>
<td>13%</td>
<td>23%</td>
<td>20%</td>
<td>18%</td>
</tr>
<tr>
<td>Pavement</td>
<td>57%</td>
<td>70%</td>
<td>65%</td>
<td>45%</td>
<td>62%</td>
</tr>
<tr>
<td>Imperious</td>
<td>74%</td>
<td>82%</td>
<td>88%</td>
<td>64%</td>
<td>80%</td>
</tr>
<tr>
<td>Pervious</td>
<td>26%</td>
<td>18%</td>
<td>12%</td>
<td>36%</td>
<td>20%</td>
</tr>
<tr>
<td>Lot Size</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

The total commercial area includes 65,723 SF (20%) open space within the development.

Staff Finding - This plan does not clearly show where common open space is provided for the undeveloped residential portions of the development. The commercial portion relies on a shared amount of common open space to meet the minimum required standard.
4) **Whether the plan does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.**

This revised Preliminary Development Plan modifies the interior circulation for both the commercial and residential portion of the Bauer Farm Planned Development. The plan does retain connectivity throughout the development. An access point from Overland Drive to the residential portion of the development, west of the retirement housing, is removed with this plan. The street network surrounding the property will be enhanced with the addition of the traffic signal at Champion Lane and W. 6th Street within the next year. Additional evaluation of open space and amenities within the development will continue to be reviewed with each successive Final Development Plan for this property.

Adequate public facilities are generally available to this property. Public improvement plans are required with a Final Plat for this property as a pre-construction development requirement.

**Staff Finding** - The proposed plan complies with the requirements for public services and provides adequate control over vehicular traffic.

5) **Whether the plan will or will not have a substantial adverse effect on adjacent property and the development or conservation of the neighborhood area.**

As discussed in the rezoning report, the remaining vacant land within the Planned Development is surrounded by developed portions of Bauer Farm or existing development along the perimeter streets outside of the development. The substantial changes within this development are the:

1. Change in retail format from a mixed-use retail, residential office development to a conventional retail format as shown in the drawing.
2. Increase in the total square feet of retail space within the development from 71,756 SF to 158,903 SF)
3. Removal of residential uses from the commercial side of the development.
4. Change in the housing type within the residential part of the development.
5. Change from public to private streets within the residential part of the development.

This revised Preliminary Development Plan continues the mix of housing types. However, the residential form includes fewer detached homes and more apartment style units within the residential portion of the development. Duplex units have also been added to the plan as a housing type.

The proposed residential development pattern is similar to the surrounding development and is relatively insular as are the other development areas to the north and northwest. See Attached Residential Neighborhood Map.

The additional retail square footage added to the development is addressed in the Comprehensive Plan Amendment and the Rezoning staff reports. The likely adverse effect on existing development is one of perception by the change from the mixed-use new urbanism form of development to one of a conventional commercial format.

**Staff Finding** - The proposed plan will not have a substantial adverse effect on adjacent property other than one of perception regarding the typology and form of the commercial use proposed west of Champion Lane.
6) *In what respects the plan is or is not in conformance with the development standards and criteria of this article.*

Specific waivers and variances are associated with this proposed development including a reduction in the peripheral setback, building setback reductions related to the commercial development and lot size setback reductions related to the residential (PRD) portion of the development. The Planning Commission approved these waivers/variances as part of their action to approve the original Preliminary Development Plan in December 2006. The variances and reductions are listed in General Note 39 on page 4 of the proposed development plan. This note should be revised to reflect the specific uses and variances associated with this application. Approval of this Preliminary Development Plan will reconfirm these deviations from the development standards of the applicable zoning code. A parking reduction was previously approved for the retirement facility use per the approved preliminary development plan in 2010. There are no changes to that variance previously granted as the phase has been constructed.

**Commercial Compliance:**

**Off-Street Parking:** Within the commercial area, off-street parking is provided on an individual lot basis. Extra parking spaces are provided along the public street. Non-residential uses in a planned unit development shall provide off-street parking at a ratio of one space per 200 net square feet. The proposed revised Preliminary Development Plan shows compliance with off-street parking for all uses with the exception of the hotel use. Off-street parking for this use required one space per guest room and one space for every two employees [,.5 spaces per employee]. As proposed, the hotel use provides 85 spaces to the required 111 spaces. As a planned development, off-street parking is generally shared throughout the development. The total commercial development proposed requires 558 spaces 896 spaces are provided throughout the development.

**Residential Compliance:**

**Off-Street Parking:** Off-street parking is required on a per bedroom unit calculation with the exception of detached and duplex residential uses. Attached dwellings (apartments) required 1.5 spaces per bedroom for studio, 1-Br units and 2-Br units and 2.5 spaces per 3-BR units or larger. Two spaces per dwelling unit are required for detached and duplex type housing. The 1966 Zoning Code does not require guest parking for multi-dwelling development.

The proposed plan includes eight detached dwelling units, 8 accessory dwelling, and 44 duplex units. Sixteen (32) spaces must be provided for detached dwelling units. Staff recommends the plan be revised to show and note the correct off-street parking space requirement for the remaining undeveloped residential portion of the development. Additional review with the submission of a Final Development Plan is needed to assure adequate parking is provided for the residential portion.

A separate off-street parking reduction was granted for the retirement housing in the northeast corner of the property. That development is not modified with this proposed change but is shown for context.

**Staff Finding** – As conditioned and with the approved and recommended waivers/variances, this Preliminary Development Plan is in conformance with the provisions of the 1966 Zoning Regulations.
7) In what respects the plan is or is not in compliance with the requirements for application for tentative approval of the Planned Unit Development. [This finding refers to Section 20-1005 (1966 Zoning Code) of the Zoning Ordinance.]

This finding is applicable to new Planned Units Developments. This application is for a revision to an approved Preliminary Development Plan. Multiple approvals have been granted for this property including Final Development Plan Approval for the developed portions of Bauer Farm.

This revised Preliminary Development Plan specifically amends the commercial portion by increasing the total retail area and removing the residential use within the PCD portion of the development. The plan assumes approval of the related comprehensive plan amendment and the rezoning associated with the retail increase.

The revised Preliminary Development Plan amends the residential portion by changing and increasing the type and number of residential units within the undeveloped portion of Bauer Farm. Additionally, access is modified by removing a direct access to Overland Drive and reverting the interior streets from public streets to private streets. The related Comprehensive Plan Amendment and the rezoning do not affect these changes.

**Staff Finding** - The plan proposes revisions to a previously approved Preliminary Development Plan. The plan meets the four criteria noted in Section 20-1005 (1966 Zoning Code) for tentative approval.

8) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

This revised Preliminary Development Plan represents an evolution of a development concept that began many years ago. Each revision and iteration of the plan has sought to respond to changing conditions in both the retail and residential conditions within the community. Undeveloped land must be maintained in a reasonable manner including weed management and nuisance controls. The approval of this Preliminary Planned Development and previous versions provide a scope of development intent that has evolved from a mixed-use new urbanism form of development to a conventional form within the commercial portion of the development. The residential portion has retained the mixed-use residential form but has varied in the type of housing proposed since the original approvals.

The applicant executed an agreement with the City relating to maintenance elements with the planned development. The agreement will need to be modified with the future submission of a Revised Final Development Plan for Bauer Farm. Staff recommends the plan be revised to add a note that the maintenance agreement shall be revised as appropriate to the applicable Final Development Plan.

**Staff Finding** - A revised phasing schedule has been noted on the face of the Revised Preliminary Development Plan.

9) Stormwater detention calculations and storage of excess stormwater drainage as per City Policy.

The City Stormwater Engineer has reviewed this revised Preliminary Development Plan. The plan meets the requirements for stormwater management for this development. The Plan proposes a modification to the detention pond in the northwest portion of the commercial area.
west of Champion Lane. The details of the change will continue to be reviewed as part of the final plat and the final development plan for that phase of the development.

**Staff Review and Conclusion**

This property was originally approved prior to the adoption of the Land Development Code. There are technical changes needed to the plan and these have been listed in the conditions of approval.

Elements such as commercial design review of the retail buildings, photometric plans and final landscape plans will be reviewed in detail with final development plans for each phase of the development. Subdivision approval and applicable public improvement plans are required prior to development of this property.

### Table 8: Residential Comparison Table

<table>
<thead>
<tr>
<th>Approved</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot/Use type</strong></td>
<td><strong>Lot/Use Type</strong></td>
</tr>
<tr>
<td><strong>Number units</strong></td>
<td><strong>Number Units/Lots</strong></td>
</tr>
<tr>
<td><strong>A</strong> Custom Home</td>
<td>Not in this plan</td>
</tr>
<tr>
<td>8/8</td>
<td>0</td>
</tr>
<tr>
<td>Carriage House</td>
<td>Not in this plan</td>
</tr>
<tr>
<td>8/0 Accessory use</td>
<td>0</td>
</tr>
<tr>
<td>“B” Starter Home</td>
<td>Not in this plan</td>
</tr>
<tr>
<td>12/12</td>
<td>0</td>
</tr>
<tr>
<td>“C” Row Home</td>
<td>Not in this plan</td>
</tr>
<tr>
<td>110/6</td>
<td>“A” Rowhouse [4-plex]</td>
</tr>
<tr>
<td>“D” Mansion Home</td>
<td>Not in this plan</td>
</tr>
<tr>
<td>6/1</td>
<td>14/4</td>
</tr>
<tr>
<td>Duplex</td>
<td>“B” Duplex</td>
</tr>
<tr>
<td>0</td>
<td>30/15</td>
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<tr>
<td>Apartment Building</td>
<td>“C” Duplex</td>
</tr>
<tr>
<td>0</td>
<td>14/7</td>
</tr>
<tr>
<td></td>
<td>“D” Single</td>
</tr>
<tr>
<td></td>
<td>8/8</td>
</tr>
<tr>
<td></td>
<td>A1-Apartment Building</td>
</tr>
<tr>
<td></td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>A2-Apartment Building</td>
</tr>
<tr>
<td></td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>A3-Apartment Building</td>
</tr>
<tr>
<td></td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>A4-Apartment Building</td>
</tr>
<tr>
<td></td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>A5-Apartment Building</td>
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<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>A6-Apartment Building</td>
</tr>
<tr>
<td></td>
<td>33</td>
</tr>
<tr>
<td>Residential Lot total-partial</td>
<td>Residential Lot total-partial</td>
</tr>
<tr>
<td>27 lots</td>
<td>35 lots</td>
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</table>

**Table Notes**

1. “C” Row Homes in the approved plan were shown as individual units each with direct access to the abutting public or private street. These units were located along the periphery of the residential portion of the development.
2. The plan labels building type “A” as rowhouse. The design and configuration of the units and lot arrangement are more conventionally referred to as 4-plex, a type of multi-dwelling residential use.
3. Lot count assumes all apartments exclusive of the clubhouse are located on a single lot.
### Table 9: Commercial Comparison Table

<table>
<thead>
<tr>
<th>BLOCK 6</th>
<th>Lot 1</th>
<th>Lot 2</th>
<th>Lot 3</th>
<th>Lot 4</th>
<th>Lot 5</th>
<th>Lot 6</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>Buildings</td>
<td>7,000</td>
<td>31,875</td>
<td>4,070</td>
<td>12,000</td>
<td>11,250</td>
<td>6,150</td>
<td>72,345</td>
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<td>Pavement</td>
<td>29,329</td>
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<td>27,480</td>
<td>29,654</td>
<td>21,201</td>
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<tr>
<td>Imperious</td>
<td>36,329</td>
<td>76,641</td>
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<td>39,480</td>
<td>40,904</td>
<td>27,351</td>
<td>250,002</td>
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<tr>
<td>Pervious</td>
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<td>22,664</td>
<td>13,879</td>
<td>12,493</td>
<td>11,806</td>
<td>103,489</td>
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<table>
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<tr>
<th>Use</th>
<th>2 Story</th>
<th>3 Story</th>
<th>Tunnel</th>
<th>3 Story Mixed-Use</th>
<th>3 Story Mixed-Use</th>
<th>2 Story</th>
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<tr>
<td></td>
<td>Office</td>
<td>Apartment</td>
<td>Car Wash</td>
<td>Retail; Office; Residence</td>
<td>Retail; Office; Residence</td>
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<td>Hotel</td>
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### Proposed Commercial

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<th>BLOCK 6</th>
<th>LOT 1</th>
<th>Lot 2</th>
<th>Lot 3</th>
<th>Lot 4</th>
<th>Lot 5</th>
<th>NA</th>
<th>TOTAL</th>
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<td>Lot Size</td>
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<table>
<thead>
<tr>
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<th>Retail</th>
<th>Retail</th>
<th>Retail Office</th>
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</thead>
</table>
Z-14-00057: Rezoning (Map Amendment) of 8 acres of PD
PDP-14-00055: Preliminary Development Plan for Bauer Farm
Located at 4700 Overland Drive

Lawrence-Douglas County Planning Office
April 2014
April 14, 2014

Re: ITEM NO. 6B PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 4700 OVERLAND DR (SLD) PDP-14-00055:
Consider a Revised Preliminary Development Plan for Bauer Farm and Bauer Farm

Dear Members of the Lawrence Douglas County Metropolitan Planning Commission,

Three issues are raised by the application for a revised preliminary development plan for Bauer Farm.

Addition of a 108 Room Hotel Competed with Taxpayer Subsidized Hotels

The City of Lawrence, Kansas, has invested approximately $11 million in the Oread Hotel through Tax Increment Financing. The City invested an additional $10 million in the 9th and New Hampshire development with a large portion of that investment financing another hotel. Sadly, the City invested in this second hotel without any market analysis to determine whether or not the city can absorb this additional hotel space without risking the viability of the initial investment. To further compound this problem, the City voted zoning for yet another hotel in the North Mass development. These actions all threaten to viability of this large amount of public investment.

Now the Bauer Farm development proposes another hotel. It would be poor planning to follow a path that would further threaten the existing taxpayer investment in hotels.
Recommendation: The Planning Commission should not approve any additional hotels until a detailed and unbiased market analysis demonstrates that there is latent demand for all of the hotels that are in operation, under construction, and proposed.

Addition of Retail Space to an Already Saturated Market

The retail market of Lawrence is overbuilt. The City’s own 2012 retail report indicates that the supply of retail space grew dramatically since 2000 while inflation adjusted retail spending has actually fallen during the same time period. This means that the retail market is not absorbing the surplus space but is suffering from a growing excess.

The total value of all retail space in the market is a function of the total spending in that market. Adding more space does not add more value or jobs or sales taxes to the market. Only growth in retail spending can stimulate growth in the market’s value, jobs and tax revenues.

Recommendation: The retail market is overbuilt. The Planning Commission should not, except in very compelling circumstances, add to an already overbuilt market.

Deviations from Promised Development

The node at 6th Street and Wakarusa Avenue has a history that is a textbook of poor planning with incremental mistakes followed by more incremental mistakes. The planned amount of retail space for the entire node was given to the southeast corner of the node. Then the developer of the southwest corner of the node asked for retail space beyond what the node needed, and it was granted. Then the developer of the northwest corner of the node asked for retail space far beyond what the node needed, and it was granted. Finally, Bauer Farm in the northeast corner asked for retail space very far beyond what the node needed, and it was granted.

Part of the reason that Bauer Farm received any retail space was in response to the promise that Bauer Farm would develop a mixed-use new urbanism design. Bauer Farm has not only failed to deliver on this promise, it has rendered the promises meaningless. The developer has pursued every form of commercial development from drive-through fast food vendors to home improvement centers without regard to the promises made to the city and the neighborhood. This leaves the City powerless in any future negotiations because developers learn to promise what will gain approval with the knowledge that the developer need not deliver. The developer can simply alter the design later to anything they want.

Recommendation: The Planning Commission should withhold accepting any additional changes to the development plan and press for a return to the original development proposal.

Sincerely,

Kirk McClure
Memorandum
City of Lawrence
Planning & Development Services

TO: Planning Commission
FROM: Mary Miller, Planner
CC: Scott McCullough, Planning and Development Services Director
Date: For April 21, 2014 meeting
RE: MISC NO. 1; VARIANCE FOR CERTIFICATE OF SURVEY; 120 HWY 40(MKM)

CSR-13-00496: Consider a variance associated with a Certificate of Survey requested from Section 20-806(d)(2)(i) of the Subdivision Regulations [Section 11-106(d)(2)(i) of the County Code] to allow the creation of a Residential Development Parcel with a minimum width less than required. Submitted by Howard Smith, for Howard and Fredonna Smith property owners of record.

Attachment A: Certificate of Survey, CSR-13-00496

While Certificates of Survey are processed administratively, Planning Commission approval is required for variances from the Subdivision Design Standards. The Certificate of Survey referenced above is currently under review. A copy of the Certificate of Survey is being provided with this memo for context; however, no action is required on the Certificate of Survey. This survey was before the Commission previously for a variance from the requirement to dedicate additional right-of-way for Hwy 40, as KDOT indicated additional right-of-way was not needed at this time.

As the applicant began planning for the future residential development on Residential Development Parcel 2, he determined that the topography of the new Residential Development Parcel (RDP) and the minimum required setback from the adjacent road posed constraints for the development of the parcel.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g) [11-113(g), County Code]. This section lists the criteria that must be met in order for a variance to be approved. A discussion of the requested variance follows with an evaluation with the approval criteria:

VARIANCE REQUESTED: To allow a Rural Certificate of Survey with a Residential Development Parcel that does not comply with all applicable zoning district regulations (specifically, the 90% Minimum Parcel Width requirement provided in Section 12-318 of the County Zoning Regulations). [Section 20-806(d)(2) of Subdivision Regulations; 11-106(d)(2) of the County Code.]
A Rural Certificate of Survey is a residential land division that is permitted in the unincorporated portions of the county outside the Urban Growth Areas. A minimum of 20 acres is required for a Certificate of Survey and a maximum of 2 developable parcels (Residential Development Parcels or RDPs) are possible, unless the property is bounded on 2 sides by local roads; in which case 3 RDPs are possible.

This Certificate of Survey will create 2 Residential Development Parcels on approximately 30 acres. The property is developed with one residence and outbuildings and RDP 2 will be available for additional residential development. RDP 1 has frontage on Hwy 40, a principal arterial; therefore, a minimum frontage of 1320 ft and a minimum parcel width of 1188 ft is required (Per Section 12-318 of the Zoning Regulations). RDP 2 will take access to E 175 Road, a major collector, and is required to have a minimum frontage of 500 ft and a minimum parcel width of 450 ft. With the layout shown in Figure 1, both RDPs are able to comply with these requirements; however, as shown in the next section of this memo, RDP 2 does not have a suitable building area due to topography of the site.

Criteria 1.
Strict application of these regulations will create an unnecessary hardship upon the Subdivider.

The strict application of these regulations would result in the creation of a Residential Development Parcel that would be very difficult to develop due to the topography of the site. To illustrate, Figure 2a shows an aerial photo with contours and 2b provides slope information from the City GIS maps. Slopes between 7% and 15% are shown in brown and slopes 15% and higher are in red. The steepest slopes are located within the center of the building envelope.

To determine if this hardship is unnecessary, a review of the alternate configuration of the parcels, revised to create a suitable building envelope for RDP 2, is necessary. Providing the required minimum parcel...
width of 1188 ft for RDP 1 limits the depth of RDP 2 as shown in Figure 1. Providing the depth for RDP 2 which is necessary to provide a buildable area would reduce the minimum width of RDP 1 to approximately 620 ft. (Figure 3)

![Figure 3](image)

**Figure 3.** Proposed reconfiguration of parcels overlain on the contour and aerial maps. RDP 1 is currently developed and RDP 2 will have adequate space for building, while observing the required setback (in red) and avoiding the steep slopes

**Staff Finding:**
Strict application of the regulations would require the creation of a RDP which, due to the topography of the site and the required building setbacks, would have a very limited building area. This hardship would be unnecessary as it is possible to reconfigure the parcels with a variance to the minimum parcel width requirement and create 2 RDPs suitable for development.

**Criteria 2. The proposed variance is in harmony with the intended purpose of these regulations.**

The Subdivision Regulations note that the purpose of the Rural Certificate of Survey land division is to implement the comprehensive plan’s recommendation to provide suitable residential development in the Rural Area of Douglas County. The overall purpose of the Subdivision Regulations is to provide for the harmonious and orderly development of land; contribute to conditions conducive to health,
safety, aesthetics, convenience, prosperity and efficiency; and to provide for the conservation and protection of human and natural resources. The variance would allow 2 RDPs to be created which both have adequate area (one with approximately 20 acres the other with approximately 10 acres) and which both have suitable building envelopes which do not require the development on slopes greater than 15%. Moving development away from the steep slopes should also reduce erosion and maintain the vegetation that is currently on the slopes.

**Staff Finding:**
The variance will allow RDP 2 to have greater depth than would be possible while observing the minimum width for RDP 1. This greater depth would provide a larger building envelope and would not require development to occur on steep slopes. This would be in harmony with the intended purpose of the Subdivision Regulations to provide suitable residential development in the rural areas and to contribute to conditions conducive to health, safety, convenience and efficiency.

**Criteria 3: The public health, safety, and welfare will be protected.**

**Staff Finding:**
The reduction of the width of RDP 1 from a minimum of 1188 ft to approximately 620 ft would have no negative impact on the public health, safety, or welfare.

**STAFF RECOMMENDATION:** Staff recommends approval of the variance requested from Section 20-806(d)(2)(i) of the Subdivision Regulations [Section 11-110(d)(2)(i) of the County Code] to allow a land division through Certificate of Survey CSR-13-00496 with RDP 1 having a minimum parcel width of 619.88 ft rather than the 1188 ft required by Code subject to the following condition:

1. The following note shall be added to the Certificate of Survey:
   a. “At their April 21, 2014 meeting, the Planning Commission approved a variance from Section 20-806(d)(2)(i) of the Subdivision Regulations to allow a minimum parcel width of 619.88 ft for RDP 1.”
Smith Certificate of Survey—with RDPs with compliant parcel width
Smith Certificate of Survey—with reconfigured parcel widths.
ITEM NO. 8  TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2 (SMS)

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

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

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

RELEVANT GOLDEN FACTOR:
- Conformance with the comprehensive plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- No comments received prior to printing.

ATTACHMENTS
- Attachment A – Existing text of Section 20-403
- Attachment B – Map of existing CN2 District locations
RELEVANT DEVELOPMENT CODE DEFINITIONS

20-1762 SPORTS AND RECREATION, PARTICIPANT
Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis.) The following are participant sports and recreation use types (for either general or personal use):

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

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

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

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

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

Section 20-208(a) provides the purpose statement for the CN2 District: The CN2, Neighborhood Shopping Center District, is primarily intended to implement the Comprehensive Plan's "Neighborhood Commercial Centers" policy of providing for the sale of goods and services at the neighborhood level. Adding the option to locate outdoor participant sports activities in neighborhood commercial settings creates the opportunity to locate such uses throughout the community and potentially to place them in walkable locations. Approval with a Special Use Permit provides the opportunity to look at specific proposals and evaluate potential impacts so that they can be mitigated. In Staff’s opinion, it is reasonable to permit this use as a Special Use in all CN2 Districts.
Proposed Article Changes
Changes to the text are shown below and are noted in red. Additions are underlined and deletions are struck-through. The entire Sections 20-403 & 20-509 are provided at the end of this report as Attachment A for reference.

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

Amend Section 20-403:

<table>
<thead>
<tr>
<th>COMMERCIAL USE GROUP</th>
<th>Base Zoning Districts</th>
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<tr>
<td></td>
<td>CN1</td>
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<tr>
<td>Active Recreation</td>
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<td>Entertainment &amp; Spectator Sports, General</td>
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<td>Entertainment &amp; Spectator Sports, Limited</td>
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<td>Participant Sports &amp; Recreation, Indoor</td>
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<td>Participant Sports &amp; Recreation, Outdoor</td>
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</tr>
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<td>Private Recreation</td>
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</table>
CONFORMANCE WITH THE COMPREHENSIVE PLAN
The characteristics of commercial centers are described in Horizon 2020, Chapter 6 – Commercial Land Use. Neighborhood centers may contain a variety of commercial uses, including a grocery store, convenience store, and other similar retail shops and services. The plan states that to insure there are a variety of commercial uses and no one use dominates a center, no one store shall occupy more than 40,000 square feet with the exception of a grocery store. These centers are designed to provide for the sale of goods and services at the neighborhood level. The plan states that Neighborhood Commercial Centers without a grocery store shall contain no more than a total of 100,000 gross square feet of commercial space.

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

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

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

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

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

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

The zoning diagnostic that was prepared before the Development Code was drafted suggested that there were not significant differences in the various commercial districts in the previous code. The proposed use is currently permitted by-right in most of the commercial and two of the industrial zoning districts. It is permitted with a Special Use Permit in the MU and GPI districts. If this use is added as a by-right permitted use, the distinctions between CN2 and other commercial districts become less distinct. Allowing these uses with approval of a Special Use Permit provides the opportunity to evaluate each site and proposal independently and give extra scrutiny to the proposals. The SUP process also provides a mechanism to establish conditions to mitigate potential impacts based upon the surrounding land uses.
Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Development Code (Sec. 20-104).

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

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

Permitting the Participant Sports and Recreation, Outdoor use in the CN2 District is consistent with the purpose of this neighborhood district to provide a variety of commercial services at the neighborhood level. The Development Code provides protections, such as bufferyard requirements between commercial and residential properties, which can mitigate potential impacts to surrounding properties. Requiring approval of a SUP for these uses also provides the opportunity to look at the specific proposal and operations of a proposed use to determine appropriate conditions that will ensure compatibility with nearby properties.
### 20-403 NONRESIDENTIAL DISTRICT USE TABLE

#### Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- *** = Standard Applies**
- **- = Use not allowed**

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*Use-Specific Standards (Sec. 20-)*
### Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- *** = Standard Applies
- **- = Use not allowed**

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| **Nature Preserve/Undeveloped** | P | P | P | P | P | P | P | P | P | P | P | P | P | A
| **Private Recreation** | P | P | P | P | P | P | P | P | P | P | P | P | A
<p>| <strong>Campus or Community Institution</strong> | P* | P* | P* | P* | P* | P* | P* | P* | P* | – | – | – | – | A’ | 522 |
| <strong>Neighborhood Institution</strong> | P* | P* | P* | P* | P* | P* | P* | P* | P* | – | – | – | – | – | 522 |
| <strong>Kennyel</strong> | – | – | – | – | – | – | – | – | – | P | P | P | P | – | – | – | – |
| <strong>Livestock Sale</strong> | – | – | – | – | – | S | S | S | S | P | P | P | P | – | – | – | – |
| <strong>Sales and Grooming</strong> | P | P | P | P | P | P | P | P | P | P | P | P | P | – | – | – | – |
| <strong>Veterinary</strong> | – | – | P | P | P | P | P | P | P | P | P | P | A |
| <strong>Accessory Restaurant</strong> | – | – | – | – | – | – | – | – | – | – | – | – | – | – | A |
| <strong>Bar Or Lounge</strong> | – | – | S* | – | P* | P* | P* | P* | P* | – | – | – | – | – | 509 |
| <strong>Brewpub</strong> | – | P* | S* | – | P* | P* | P* | P* | P* | – | – | – | – | – | 509 |
| <strong>Fast Order Food</strong> | P* | P* | P | P | P* | P* | P* | P* | P* | P* | – | P* | – | – | – | A’ |
| <strong>Fast Order Food, Drive-In</strong> | – | S | – | – | – | P | P | P | P | P | – | – | – | – | – |
| <strong>Nightclub</strong> | – | – | – | – | P* | – | P* | P* | – | – | – | – | – | – | 509 |
| <strong>Private Dining Establishments</strong> | P* | P* | – | P* | P* | P* | P* | P* | P* | – | – | – | – | – | 539 |
| <strong>Restaurant, Quality</strong> | P* | P* | P | P | P* | P* | P* | P* | P* | P* | – | – | – | – | – | 524 |
| <strong>Administrative and Professional</strong> | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | A | P* | – | P* | A* | 518 |
| <strong>Financial, Insurance &amp; Real Estate</strong> | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | – | – | – | – | A’ | 510 |
| <strong>Other</strong> | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | A | P* | – | – | – | 537 |
| <strong>Commercial</strong> | – | S | S | S | S | S | P | P | P | P | P | P | P | P | P | P | A |</p>
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<th>Retail Sales &amp; Service</th>
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<td>Repair Service, Consumer</td>
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<td>Retail Establishment, Large</td>
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**Vehicle Sales & Service**

- **Cleaning (Car Wash):** S S S P P P P A P A P
- **Fleet Storage:** - - - - - - P P P P P - - -
- **Gas and Fuel Sales:** S S S P P P - - - - - - A
- **Truck Stop:** - - - - - S S S S S - - -
- **Heavy Equipment Repair:** - - - - - P P P - P - - -
- **Heavy Equipment Sales/Rental:** - - - - - P P P - - - - -
- **Inoperable Vehicles Storage:** - - - - - P P P - P - - -
- **Light Equipment Repair:** S - - S S P P P P P P - - -
- **Light Equipment Sales/Rental:** P S S S S S S P P - - -
- **RV and Boats Storage:** - - - - - P P P - P - - -

**INDUSTRIAL USE GROUP**

- **Explosive Storage:** - - - - - - - - - P - - -
- **Industrial, General:** - - - - - - - - - P P P - - -
- **Industrial, Intensive:** - - - - - - - - - P - - -
- **Laundry Service:** - - - - - P P P P P P P - - -
- **Manufacturing & Production, Ltd.:** - P S S S S P P P P - - -
- **Manufacturing & Production, Tech.:** - - - S P P P P P P P P - - -
- **Research Service:** - - - S S P P P P P P - - -
- **Scrap and Salvage Operation:** - - - - - - - - - S* S* - - -

**Wholesale, Storage & Distribution**

- **Heavy:** - - - - - S S S - S - P - - -
- **Light:** - - - - - P P P P P P P P P S -

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### OTHER USES GROUP

#### Adaptive Reuse
- **Designated Historic Property**
  - S* S* S* S* S* S* S* S* S* S* S* S* 501
- **Greek Housing Unit**
  - – – – – – – – – – – – – –

#### Agriculture
- **Agricultural Sales**
  - – – – – – – – – – – – –
- **Agriculture, Animal**
  - – – – – – – – – – – – –
- **Agriculture, Crop**

#### Communications Facilities
- **Amateur & Receive-Only Antennas**
- **Broadcasting Tower**
  - – – – – – – S – – – – P P P P P – – A
- **Communications Service Establishment**
- **Telecommunications Antenna**
- **Telecommunications Tower**
  - S* S* S* S* S* S* S* S* S* S* S* S* P* S* S* A* A* 529
- **Satellite Dish**

#### Mining
- **Mining**
  - – – – – – – – – – – – – S* – – – 515

#### Recycling Facilities
- **Large Collection**
  - – – – – – – – – – – – – – – – 540
- **Small Collection**
  - P P P* P P P P P P P P P – P – A A 540
- **Processing Center**
  - – – – – – – – – – – – S S S – – –
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the drive-ins will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see **Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”**)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.

PO BOX 1072 • LAWRENCE KS 66044-1072
league@sunflower.com • www.lawrenceleague.com
www.facebook.com/lwvldc • www.twitter.com/lwvldc
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King
Cille King, President

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

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

Debbie Galbraith
4205 Nicklaus Drive
From: Katie Huff [mailto:kayteekate@hotmail.com]
Sent: Sunday, February 23, 2014 10:58 PM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com;
montanastan62@gmail.com; jonjoserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com;
squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Planning Commission Meeting

Dear Planning Commissioners,

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

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

Please understand our concerns.

Thank you,
Dustin & Katie Huff
4424 Gretchen Ct
Dear City Planning Commissioners,

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

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

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

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

Sincerely,
Michele Vignola-Rogers
Planning Commissioners,
I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive.
My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants.
Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences.
Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.
Respectfully,
Mark Simpson
Dear Planning Commissioners:

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

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

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

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

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

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

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

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

Thank you,
Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS  66047
From: Bob Grabill [mailto:bgrabill@chiefexec.com]
Sent: Monday, February 24, 2014 10:19 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; joniosserand@gmail.com; pkelley@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Proposed development

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

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

We ask that you please not approve this.

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

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

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

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

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

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

Thank you for your consideration on this matter.

Steve and Tami Clark
4425 W 24th Pl
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

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

Dear Chairman Culver and Planning Commissioners:

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

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

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

1. We ask that you deny the rezoning of the subject tract to the CN2 District. In the future, before reconsidering any rezoning for the subject tract, the ten acres allotted to that tract for the CN2 District in the Inverness Park District Plan should be reduced to 5 acres to permit an RSO rezoning and use to take up the remaining acreage.

2. Any rezoning for that area should specifically limit the ordinance to the suggestions and approval of the Inverness Park neighborhood to allow only those uses needed by the residents.

Sincerely yours,

Cille King
President

Alan Black
Chairman
Land Use Committee

Cille King

Attachment
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The noise levels of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the drive-ins will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King

Cille King, President

Alan Black

Alan Black, Chairman

Land Use Committee
April 21, 2014

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

Dear Planning Commissioners:

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

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

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

I raise four points for your consideration:

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

Neighborhood Planning and the Inverness Park District Plan

The timeline of development activity presented in the staff report for Item No. 9A begins in 1999 with the annexation of the quarter section of ground, which was an isolated unincorporated 160 acres surrounded by a neighborhood that had been developing for over 20 years. The annexation of this property was preceded by planning of the entire 160 acres to guide its development and promote integration of the uses in these areas with the already developed neighborhoods and neighborhood schools. The progression of denser/more intense uses from Clinton Parkway, on the north, to single-family residential subdivision south of the natural drainage divide followed sound planning principles in 1999. These same planning principles are espoused today for newly annexed areas in Chapter 15.
Place Making and in the Lawrence Smart Code (although this specific area has not been identified on Map 15-1).

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

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

“ 4. Determine if development proposals are land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.” [re: Horizon 2020, pg 14-2]

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

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

Horizon 2020’s policies regarding neighborhood commercial developments:

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

- CN1 was designed to serve existing neighborhood needs and the policies for this type of neighborhood commercial development were revised in 2008, recognizing the usefulness of this type of zoning for new CN1 areas within established neighborhoods [RE: ]
- This site shares similar siting and neighborhood compatibility issues with sites identified in Horizon 2020 as existing inner-neighborhood commercial center sites [re: page 6-6 in Horizon 2020].
New inner-neighborhood commercial centers are designed as “an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.” [re: page 6-20 in Horizon 2020]

New Neighborhood Commercial Centers (CN2 sites) are identified in Horizon 2020 [page 6-21] and planning policies recommend new neighborhood commercial centers occur **“at least”** (emphasis added) 1 mile radius from existing or new Commercial Centers. [page 6-33 in Horizon 2020].

The neighborhood commercial centers at Clinton Parkway and Kasold Drive and Clinton Parkway and Wakarusa Drive are 1.5 miles apart. The new CN2 at Clinton Parkway and Crossgates Drive is ½ mile from the Kasold Commercial Center and 1 mile from the Wakarusa Commercial Center.

Standards for new Inner-Neighborhood Commercial Centers, in policy 3.3 of Chapter 6 Horizon 2020, fit the neighborhoods needs more precisely than the proposal before the Commission. The standards in this policy are:
1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
3. Centers may include residential uses;
4. Centers shall have no more than 3,000 gross square feet of commercial space; and
5. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.[ page 6-31 in Horizon 2020]

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

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

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

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

Please consider the large out-pouring from our neighbors and this written communication to you that are in opposition to this development proposal for the specific commercial uses and outdoor recreational uses. They are not meeting a need, desire, or interest of our collective neighborhoods. Please deny the outdoor recreational SUP request and the text amendments to the ZR for the CN2 district and either deny the CN2 rezoning request or recommend a lesser change to CN1, which more
accurately and adequately – without need of text amendments – meets the stated priorities for neighborhood commercial in the Inverness Park District Plan.

Thank you.

Sincerely,

Linda and Richard Finger
4117 Wimbledon Drive
ITEM NO. 9A:  RSO TO CN2; 10.97 ACRES; 4300 W 24th Place (SLD/TLH)

Z-13-00483: Consider a request to rezone approximately 10.97 acres from Single-Dwelling Residential-Office (RSO) to Neighborhood Shopping Center (CN2), located at 4300 W 24th Place in Lawrence. This request has been submitted by Paul Werner Architects for Corporate Holdings II LLC, the property owner of record. Deferred by Planning Commission on 2/24/14

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

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

Updates to the zoning report from the February version are shown in bold green.

ATTACHMENTS
A. Inverness Park Plan Map
B. Table of Restricted Uses- 20-403
C. Revised map of zoning
D. Applicant’s Project Summary
E. January correspondence
F. Inverness Park Area Development History.

PROPERTY OWNER’S REASON FOR REQUEST
The property owner intends to develop an outdoor ‘Family Fun Center’ with clubhouse.

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

ASSOCIATED CASES/ OTHER ACTION REQUIRED
ASSOCIATED ITEMS BEING CONSIDERED AT THE FEBRUARY PLANNING COMMISSION MEETING:
- TA-13-00488; Special Use in CN2 District
- Z-13-00483; RSO to CN2
• SUP-13-00486; Family Fun Center
• SUP-14-00026; Inverness Corner Retail Development (with drive-thru)

OTHER ACTION REQUIRED:
• City Commission approval of rezoning and adoption of ordinance.
• Publication of rezoning ordinance.

OTHER ACTIONS REQUIRED PRIOR TO DEVELOPMENT
• Platting of the property through the Major Subdivision process.
• Special Use Permit approved prior to release of building permits, for Participant Sports and Recreation, Outdoor.

PLANS AND STUDIES REQUIRED
(None required for this rezoning)

PUBLIC COMMENT
• Letter: Gary Olson, Clinton Parkway Animal Hospital
• Letter: Wimbledon Townhome Association

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

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

REVIEW & DECISION-MAKING CRITERIA

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN
Property Owner’s Response:
“Page 18 of the Inverness Park District Plan states, “Multi-Family uses are not appropriate for this area.” The Future Land Use Map 4-1, on page 21, shows this area as ‘neighborhood commercial.’”

The CN2 (Neighborhood Shopping Center District) is primarily intended to implement the Comprehensive Plan’s “Neighborhood Commercial Centers” policy of providing for the sale of goods and services at the neighborhood level. Neighborhood Commercial Centers are generally located at least one mile from another Commercial Center. Developments in CN2 Districts are intended for Collector/Arterial Street intersections or at Arterial/Arterial Street intersections. Development is intended on only one corner of the intersection.
Horizon 2020 identifies commercial development goals in Chapter 6. Goals for established commercial areas include the retention, redevelopment and expansion of established commercial areas in the community. (Page 6-24)

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

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

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

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

**Surrounding Zoning and Land Use:**
- To the southwest:
  - RS7 (Single-Dwelling Residential District) single family residences located west of Inverness Drive.
  - GPI (Southwest Middle School and Sunflower Elementary School); Elementary and middle schools located farther southwest along Inverness Drive.
- To the south:
  - PRD-[The Grove] and PRD-[Legends at KU]; multi-dwelling residences.
- To the north:
  - RM12 (Multi-Dwelling Residential District); Bishop Seabury Academy.
  - PRD-[Wimbledon Terraces]; multi-dwelling residences
  - RSO (Single-Dwelling Residential-Office) District; Clinton Parkway Animal Hospital.
- To the northwest/west:
  - RM12 (Multi-Dwelling Residential District); a church and duplexes
- To the east:
  - RM12 (Multi-Dwelling Residential District); multi-dwelling residences
The predominate use of nearby properties are multi-dwelling residential, with single family residences located to the west and further south, east of Inverness. All adjacent properties are developed; the current property is the only undeveloped parcel in the immediate vicinity. Southwest Middle School and Sunflower Elementary School are located roughly one block south along Inverness Drive. Raintree Montessori School is located roughly one block west of the property along Clinton Parkway.

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

3. **CHARACTER OF THE AREA**

Property Owner’s Response:

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

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

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

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

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

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

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

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

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

Property Owner’s Response:

“The current zoning restricts the site to residential/office uses which would not serve the area well due to the large amount of apartments already present on 24th Street.”
Numerous concerns were raised before and during the creation of the *Inverness Park District Plan* adoption in 2012 regarding additional multi-dwelling residential development. The current RSO district is no longer suitable for this property, being inconsistent with the recommended commercial land use. The plan states this property is best suited for a neighborhood commercial use.

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

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

Property Owner’s Response:

“The site has never been developed.”

A brief history of the land use and development proposals of property south of Clinton Parkway between Crossgate Drive and Inverness Drive is provided as an attachment to this report.

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

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

Property Owner’s response:

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

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

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

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

**Staff Finding** – The proposed change facilitates development of this site consistent with planned land use of this property. The proposed change alters the land use expectations from residential to neighborhood commercial. This change is expected by staff to be beneficial to surrounding proposal owners by implementing a land use plan. Staff recommends that approval of the zoning prohibit residential uses on this property.
8. THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Property Owner’s Response:
“The gain if this site were developed would be the benefit of a commercial area that would allow nearby residents to walk to the services provided.”

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

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

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

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

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

PROFESSIONAL STAFF RECOMMENDATION

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

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

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

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

Staff recommends approval of the proposed CN2 zoning.

**CONCLUSION**

The current zoning of RSO is not consistent with the recommended use in the *Inverness Park District Plan* adopted in 2012. Rezoning to CN2 allows the parcel to be developed as a commercial development at a neighborhood-scale that implements the *Inverness Park District Plan*. 
Map 4-1 - Future Land Use

Inverness Park District Plan
Future Land Use

Legend
Future Land Use
Low-Density Residential
Medium Density Residential
Residential/Office
Commercial Office
Neighborhood Commercial
Buffer
Open Space
Plan Boundary
Water Bodies
City Limits

1 inch = 800 feet
Date: 4/8/2012 Lawrence-Douglas Co Planning
## Article 4 – Use Table

### 20-403 NONRESIDENTIAL DISTRICT USE TABLE

<table>
<thead>
<tr>
<th>Key:</th>
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<tbody>
<tr>
<td>A = Accessory</td>
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<td>P = Permitted</td>
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<td>S = Special Use</td>
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<td>* = Standard Applies</td>
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<td>- = Use not allowed</td>
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### Base Zoning Districts

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<th>OS</th>
<th>CS</th>
<th>IG</th>
<th>GPI</th>
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### RESIDENTIAL USE GROUP

| Accessory Dwelling | P* | – | P* | – | – | – | – | – | – | – | – | – | – | 534 |
| Attached Dwelling  | P* | – | P* | – | – | – | – | – | – | – | – | – | 503 |
| Cluster Dwelling   | –  | – | – | – | – | – | – | – | – | – | – | – | – | 702 |
| Detached Dwelling  | P* | – | P | – | – | – | – | – | – | – | – | – | P* | A* | 508 |
| Duplex            | P* | – | P* | – | – | – | – | – | – | – | – | – | – | 536 |
| Manufactured Home  | –  | – | – | – | – | – | – | – | – | – | – | – | P | A  | 503 |
| Manufactured Home, Residential-Design | P* | – | – | – | – | – | – | – | – | – | – | – | – | – | 513 |
| Mobile Home       | –  | – | – | – | – | – | – | – | – | – | P | P | P | A   | 513 |
| Mobile Home Park  | –  | – | – | – | – | – | – | – | – | – | – | – | – | – | 513 |
| Multi-Dwelling Structure | – | P* | P* | – | P*/S* | P* | P* | – | – | – | – | S | A | 517 |
| Non-Ground Floor Dwelling | P* | P* | P* | – | P* | P* | – | P* | – | – | – | – | – | – | 517/542 |
| Work/Live Unit    | P* | P* | P* | – | P*/S* | P* | – | P* | – | P* | – | – | – | – | 517/541 |
| Zero Lot Line Dwelling | P | – | – | – | – | – | – | – | – | – | – | – | – | – | 517 |
| Home Occupation, Type A or B | –  | – | P* | – | – | – | – | – | – | – | – | – | – | – | 517 |

### PUBLIC AND CIVIC USE GROUP

| Cemetery | P* | P* | – | P* | – | P* | P* | P* | P* | – | P* | P* | – | 505 |
| College/University | S | P | P | P | P | P | P | P | P | – | P | – | P | A |
| Cultural Center/ Library | S | P | P | S | P | P | – | – | P | – | – | – | S | P | A |
| Day Care Center | S* | P* | – | S* | S* | S* | P* | P* | P* | P* | A* | P* | – | – | 507 |
| Day Care Home, Class A | P | P | P* | – | P | P | – | – | – | – | – | – | – | – | 507 |
| Day Care Home, Class B | S/A | P* | – | S* | P | P | – | P | P | – | – | – | – | – | 507 |

Effective July 1, 2006

Amended November 22, 2013
### Key:
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- *** = Standard Applies**
- **- = Use not allowed**

### Base Zoning Districts

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<tr>
<th>Detention Facilities</th>
<th>Lodge, Fraternal &amp; Civic Assembly</th>
<th>Postal &amp; Parcel Service</th>
<th>Public Safety</th>
<th>School</th>
<th>Funeral and Interment</th>
<th>Temporary Shelter</th>
<th>Social Service Agency</th>
<th>Community Meal Program</th>
<th>Utilities, Minor</th>
<th>Utilities and Service, Major</th>
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### Effective July 1, 2006

**Land Development Code**

**Amended November 22, 2013**
### Article 4 – Use Table

#### Key:
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- **=** Standard Applies
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#### Base Zoning Districts

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#### Religious Assembly

- **Campus or Community Institution**
  - P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* 522

- **Neighborhood Institution**
  - P* | P* | P* | P* | P* | P* | P* | P* | - | P* | - | - | - | - | - 522

#### Commercial Use Group

- **Kennel**
  - - | - | - | - | - | P | P | P | - | P | - | - | - | - |

- **Livestock Sale**
  - - | - | - | - | - | S | S | S | - | P | - | P | - | - | - |

- **Sales and Grooming**
  - P | P | P | P | P | P | P | P | - | P | - | P | - | - | - |

- **Veterinary**
  - - | P | P | P | P | P | P | P | - | P | - | - | - | - | - |

- **Accessory Bar**

- **Accessory Restaurant**
  - - | - | - | - | - | - | - | - | - | A | - | - | - | - | - |

- **Bar Or Lounge**
  - - | P/S* | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - 509

- **Brewpub**
  - - | P* | S* | - | P* | P* | P* | P* | - | - | - | - | - | - | - 509

- **Fast Order Food**
  - P* | P* | P | P* | P* | P* | P* | P* | - | P* | - | - | - | - | A* 511/509

- **Fast Order Food, Drive-In**
  - - | S | - | - | - | P | P | P | - | P | - | - | - | - | - |

- **Nightclub**
  - - | - | - | - | P* | - | P* | P* | - | - | - | - | - | - | - 509

- **Private Dining Establishments**
  - P* | P* | - | P* | P* | P* | P* | P* | - | - | - | - | - | - | - 539

- **Restaurant, Quality**
  - P* | P* | P | P* | P* | P* | P* | P* | - | - | - | - | - | - | - 524

#### Office

- **Administrative and Professional**
  - P* | P* | P* | P* | P* | P* | P* | P* | P* | A | P* | - | P* | A* 518

- **Financial, Insurance & Real Estate**
  - P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | - | - | - | - | A* 510

- **Other**
  - P* | P* | P* | P* | P* | P* | P* | P* | P* | A | P* | - | - | - | 537

#### Parking Facilities

- **Accessory**

- **Commercial**
  - - | S | S | S | S | P | P | P | P | P | P | P | P | P | - | P | A
### Article 4 – Use Table

**Base Zoning Districts**

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**Retail Sales & Service**

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**Sexually Oriented Businesses**

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**Key:**
- **A** = Accessory
- **P** = Permitted
- **S** = Special Use
- **= Standard Applies**
- **- = Use not allowed**

Effective July 1, 2006
Land Development Code
Amended November 22, 2013
## Article 4 – Use Table

### Key:
- **A** = Accessory
- **P** = Permitted
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- **=** Standard Applies
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Effective July 1, 2006

Land Development Code

Amended November 22, 2013
November 26, 2013

Sheila Stogsdill
Planning and Development Services
6 East 6th St.
Lawrence, KS 66044

Dear Sheila,

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

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

The clubhouse activities will include:
1st Floor - Club rental for miniature golf, birthday party rooms, arcade games and snack area
2nd Floor - Bar with 3.2 liquor license, NASCAR driving experience arcade games and miniature bowling

Operating hours are anticipated to be:
Monday - Wednesday, 11AM - 10PM
Thursday and Friday, 11AM - 12AM
Saturday, 10AM - 12AM
Sunday, 12PM - 9PM

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

Sincerely,

Joy Rhea, RLA
Memorandum
City of Lawrence
Planning & Development Services

TO: Lawrence Douglas County Metropolitan Planning Commission
FROM: Planning Staff
Date: April 14, 2014
RE: Inverness Park Area Development History

Attachments: A—Inverness Park District Boundary Map

This memo provides a brief summary of land use for the area included in the Family Fun Center development applications (Z-13-00483, SUP-13-00486 and SUP-14-000026). The subject property proposed for CN2 zoning is part of an area known as Inverness Park. This area is also included in the Inverness Park Area Plan. The Plan was developed in response to several development applications for medium density residential uses on the remaining undeveloped land in Inverness Park. It was initiated in 2010 and approved in the fall of 2011. The Plan was then revised and approved by the City Commission in June 2012.

The history of development applications is provided below. This includes a summary of the distinct areas located within the original 160+ acre Inverness Park area. Following this description is a timeline identifying the various development proposals and rezoning actions that have occurred over the past 15 years in this area.

History
An annexation request for 163 acres was approved in 1999. The development application included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B for the most intensive part of the development of the 163 acres. The area south of W 24th Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W 24th Place was designed to provide access to all lots in the area with access prohibited to Clinton Parkway as well as limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999, and later revised in February 2001. The revisions affected the single-family area by reducing lot size and creating more lots than the original approval. The large lot configuration along Clinton Parkway and W 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as streets and other infrastructure, as well as the land use scheme and transition through the entire
acreage included in the Inverness Park Addition. At the time only the area on the west side of Inverness Drive was developed with single-family uses.

Multiple land use decisions made since 1999 have resulted in deviations in the land use pattern first proposed for the original 160 acre plan. The location of boundary streets isolates the remaining undeveloped property from connectivity with the larger surrounding neighborhood.

The area included requests for conventional detached single-family residential, duplex, office, planned commercial and planned residential zoning. The office zoning (21.63 acres) was located along the south side of Clinton Parkway adjacent to Inverness Drive. However, this zoning was withdrawn by the applicant in 1999.

Development of the area included subdivision approval that established the structure of the developing neighborhood. This included large lots along Clinton Parkway, an east–west street connection south of Clinton Parkway (W 24th Place) and large lots south of W 24th Place. The natural boundary for the higher-intensity uses in the north portion of the area was identified as the drainage area located in the central portion of the overall site and a tributary that runs north–south in the eastern portion of the property. The area south of the drainage way was platted and developed with low-density residential uses (single-family and duplex housing) between 1999 and 2002.
A - Clinton Parkway to 24th Place
Zoning along the entire Clinton Parkway frontage, north of W 24th Place between Crossgate Drive and Inverness Drive, was zoned RO-1B prior to 2006. This district allowed a maximum density of 12 dwelling units per acre. Allowed uses included single-dwelling residential, multi-dwelling residential, and office uses. When the Land Development Code was adopted in 2006, this zoning designation converted to RSO. While still allowing office uses, RSO districts do not allow multi-dwelling uses. On December 19, 2007, the Planning Commission voted unanimously to recommend rezoning 15 acres of land along Clinton Parkway from RSO to RM15 as part of the Remington Square development. The City Commission approved the rezoning on March 11, 2008 via Ord. No. 8223.

B - 24th Place to the Open Space
The zone for the large lots along the south side of W 24th Place was approved as PRD-2 with a maximum gross residential density cap of 12 dwelling units per acre via Ord. No. 7170, which was approved by the City Commission on November 16, 1999. The property, at 4301 W 24th Place, The Grove, (aka Legends at KU Phase II) was rezoned via Ord. No. 7828. This zoning was approved by the City Commission on September 14, 2004 with a limitation on the maximum gross residential density to 13.7 dwelling units per acre. Special attention was paid to the development pattern along Inverness Drive. This section of the plan required a transitional building type and dense landscaping to buffer the development from the existing detached homes west of Inverness Drive.

The Legends at KU was the first multi-family development approved and constructed. This first phase included 16.88 acres and 200 units. A second phase of development was approved for preliminary
development in the summer of 2004. Phase 2, which later became The Grove, included 12.5 acres and 172 apartments.

Three lots are located along Crossgate Drive south of W 24th Place. One lot at the corner of W 24th Place & Crossgate Drive is zoned RSO. The other two lots are currently zoned PRD-1. This zoning was approved in 1999 via Ord. No. 7169 and restricted residential development to not more than 10 dwelling units per acre. The southernmost lot is developed as Wyndam Place, a retirement facility.

C - Open Space to 27th Street
The first section completed of the 160 acre development included the single-family lots south of the drainage easement. Several final plats were approved for the low density residential development including single-dwelling and duplex homes.

Residential Uses
The original 1999 land use approvals for the 163 acres included residential and residential office uses. The intent of the zoning approval was to establish a transition of uses from north to south with the most intensive uses located closest to Clinton Parkway and the least intensive uses located closest to W 27th Street. The following graphic shows RO-1B zoning along Clinton Parkway, PRD-2 zoning along W 24th Place and along Crossgate Drive. The area south of the park area includes the RS-2 and RM-D district boundaries.
The southern portion of the original 163 acres developed consistently with planned low-density residential development. The southeast area was zoned and developed with duplex lots. The remaining southern area was developed in phases with detached single-family lots.

**Commercial Uses**

Commercial uses were not recommended at the intersections of Clinton Parkway & Crossgate Drive or Clinton Parkway & Inverness Drive prior to the adoption of the *Inverness Park Area Plan* in 2011. Previous plans including *Horizon 2020* supported commercial development at specific nodes. Along Clinton Parkway, the commercial nodes designated in this area were at Kasold Drive and Wakarusa Drive.

Through the planning process and the development of the *Inverness Park District Plan* neighborhood commercial uses were identified as appropriate for the corners at Crossgate Drive and Inverness Drive. This use was identified by residents in the area as preferable to the existing residential zoning.

**TIMELINE OF DEVELOPMENT ACTIVITY**

**1999-Annexation Request**
163.46 acres bounded by Clinton Parkway on the north, Crossgate Drive on the east, W 27th Street on the south, and Inverness Drive on the west.

**Multiple Rezoning Requests**
Large tracts were platted along Clinton Parkway and zoned RO-1B for the most intensive part of the development of the 163 acres. The area south of W 24th Place but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre.

**Preliminary Plat**
The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

**2000-Silvercrest at Inverness**
UPR-3-2-00/PDP-3-10-00, Special Use Permit/Preliminary Development Plan for assisted living/independent living senior housing development. *Project never built.*

**2001-Revised Preliminary Plat**
The revisions affected the single-family area by reducing lot size and creating more lots than the original approval. The large lot configuration along Clinton Parkway and W 24th Place did not change.

**2002-The Legends at KU**
FDP-2-1-02, Final Development Plan for multi-family residential development located along the south side of W 24th Place. This development was designed as a student oriented residential apartment complex.

**2003-Wyndam Place**
FDP-12-17-02, Final Development Plan for senior independent living units located along Crossgate Drive.
2004 - The Fountains
UPR-9-9-04, a Special Use Permit, located along Clinton Parkway proposed a mixed residential retirement facility. The retirement project expired with conditions of approval not being met. The developer abandoned the project.

2008 - Legends at KU - Phase 2
FDP-7-10-04/FDP-2-3-06, Final Development Plans approved for second phase approved, but not built.

2008 - Minor Subdivision
Modified interior lot lines for lots along Clinton Parkway.

2008 - Walgreens
Z-5-12-08, a rezoning request from RSO to CN2 at the southwest corner of Clinton Parkway & Crossgate Drive. The request was approved by the Planning Commission but was withdrawn by the applicant prior to the City Commission’s consideration of the item.

2009 - The Grove
FDP-7-5-09, Final Development Plan for multi-family residential development revised Phase 2 of the Legends at KU with new owners was approved. This development was designed as a student oriented residential apartment complex.

2009 - Remington Square
Development request for property located on the north side of W 24th Place that included a request to rezone to RM15 as well as a final plat and site plan for multi-family residential development.

2009 - Clinton Parkway Casitas
SP-9-40-09, a site plan for an attached multi-family residential development located on the southeast corner of Clinton Parkway & Inverness Drive. The applicant withdrew the request in October 2009.

2010 - W 24th Place Casitas
SP-1-2-10, a revised site plan for multi-family residential development submitted following public comment to address landscaping. This project was also withdrawn.

2010 - Inverness Park District Plan Initiated
Plan initiated by the City Commission on November 9, 2010 after concerns raised by residents in the area about the proliferation of multi-family uses and the impact they were having in the area. Plan specifically focused on the remaining undeveloped parcels in the neighborhood.

2010 - Remington Square
Rezoning request for property located on the north side of W 24th Place to increase in density from RM15 to RM24 to accommodate additional development on the east side of the property. The zoning request was denied.

2011 - Hy-Vee Gas Station
Z-7-21-11, a rezoning request from RSO to CN2 and SUP-7-4-11, Special Use Permit for Hy-Vee gas station with future carwash for the southwest corner of Clinton Parkway & Crossgate Drive.

2011- **Inverness Park District Plan Approved**
Plan approved October 2011.

2011- **Crossgate Casita**
FPD-11-11-10, Final Development Plan for attached multi-family residential development located north of the senior living facility along Crossgate Drive.

2012- **Revised Inverness Park District Plan Approved**
Plan revised to provide additional land use guidance for undeveloped portion of Remington Square and approved June 2012.

2012- **Minor Subdivision**
A minor subdivision was approved, which subdivided the lot on the southwest corner of Clinton Parkway & Crossgate Drive for the Hy-Vee gas station. This division created two commercial lots at the corner.

2013- **Family Fun Center**
Z-13-00483, rezoning request from RSO to CN2 and SUP-13-00486, Special Use Permit for current development proposal on north side of W 24th Place.
Z-13-00483: Rezone 10.97 acres from RSO District to CN2 District
SUP-13-00486: Special Use Permit for a Family Fun Center &
SUP-14-00026: Special Use Permit for Fast Order Food with Drive-thru
Located at 4300 West 24th Place
Dear Mr. Halm,

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

Molly Mulloy

February 14, 2014

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

Dear Commissioners,

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

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

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

Thank you for considering our objections to this rezoning request.

Respectfully,

Wimbledon Terrace Townhomes Assn.
Molly Mulloy, Executive Committee (mmulloy@ku.edu)
Ruth Hiss, Executive Committee (mrsdeltachi@yahoo.com)
Jane Tedder, Executive Committee (jtedder@sunflower.com)
Debbie Saiz
Alice Holtz
Ann Eversole
Kathy Rauckman
Letty Seidl
Sarah Williamson
I am the property owner of Clinton Parkway Animal Hospital, 4340 Clinton Parkway and a rental house at 4334 Clinton Parkway. We have strived to maintain and improve the outside appearance of those two properties, including a major investment in new landscaping in 2013.

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

Respectfully

[Signature]

Gary Olson, DVM
Clinton Parkway Animal Hospital
4340 Clinton Parkway
Lawrence, KS 66047
785-841-3131
Dear Planning Commissioners – This email is to voice my opposition to the proposed Family Fun Center development project at the corner of Inverness and Clinton Parkway in west Lawrence. I am not opposed to such a center as I believe in general it could be a nice leisure alternative, however think that the placement of such a facility within two blocks of four schools is NOT a wise idea. In addition to the proposal that would allow alcohol be served, the increased traffic in the area would be a hazard. Moreover, I have never seen a development such as this placed squarely in the middle of a residential neighborhood.

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

Debbie Galbraith
4205 Nicklaus Drive
Dear Planning Commissioners,

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

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

Please understand our concerns.

Thank you.
Dustin & Katie Huff
4424 Gretchen Ct
Dear City Planning Commissioners,

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

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

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

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

Sincerely,
Michele Vignola-Rogers
From: Mark Simpson [mailto:markandrews Simpson@yahoo.com]
Sent: Monday, February 24, 2014 8:58 AM
To: Caitlyn Cargill
Subject: Comments regarding 4300 W. 24th Place

Planning Commissioners,
I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive. My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants. Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences.
Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.
Respectfully,
Mark Simpson
Dear Planning Commissioners:

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

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

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

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

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

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

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

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

Thank you,
Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047
From: Kenna Heim [mailto:kennahome1@yahoo.com]
Sent: Sunday, February 23, 2014 6:35 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Proposed Family Fun Center and Fast Food restaurants

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

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

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

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

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

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

Respectfully,

Kenna Heim
4741 Larkspur Circle
Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

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

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

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

➢ **I am NOT in support of alcohol sales** at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.

➢ I am in support of open hours until **10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday**, which is a reduction from the plan.

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

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047
We understand that there is a proposed development including a go kart track close to our home in Alvamar.

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

We ask that you please not approve this.

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

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

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

Thank you for your time!

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

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

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

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

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

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

Thank you for your consideration on this matter.

Steve and Tami Clark
4425 W 24th Pl
From: Angela Jacobson [mailto:angelamk@swbell.net]
Sent: Monday, February 24, 2014 10:54 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjoserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Feedback regarding proposed family fun center (Clinton Parkway and Inverness)

Commissioners:

My husband and I live at 4416 Gretchen Ct. and have concerns about the proposed family fun center. In a perfect world, I think it is fair to say that the neighborhood would love for the space to be used as a green space or park. However, as it appears that that is not an option, the family fun center is more attractive than apartments.

In regard to the proposed plan, we have two main concerns:

First, we strongly oppose the sale of alcohol at the proposed family fun center because of its location being so near to several schools and the certain issues that will arise from having alcohol available at a facility like this with motorized vehicles surrounded by apartments filled with college students.

Second, because of the proximity to so many neighborhoods with families, we are opposed to the hours of operation running so late into the evening, particularly on Thursday night. Why not 8 or 9 p.m. during the week and 10 p.m. on weekends? The proposed go carts may be quieter than others but when you have 5 or 10 of them running at the same time, that is sure to cause trouble with noise pollution, particularly when the weather permits families to have windows open.

We also believe that whatever zoning needs to happen to ensure that neighbors have a voice as this process continues, including the development of the land nearest Inverness is critical. This area began as a residential area filled with families and schools. It is important that the area (homes, property values, kids, schools, safety) be protected.

Thank you

Angela & Thomas Jacobson
4416 Gretchen Ct.

Angela Jacobson
angelamk@swbell.net
(785)841-0376
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The noise levels of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the drive-ins will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
From: Janet Graybill [mailto:janetgraybill@live.com]
Sent: Monday, March 10, 2014 4:57 PM
To: bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelley@usd497.org; denny1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; eric.cstruckhoff@gmail.com; Bryan C. Culver
Subject: Opposition to proposed development for corner of Inverness and Clinton Parkway

Dear City Planning Commissioners,

Please add our voices to all those opposing the Family Fun Center.

Janet and Bill Graybill
4119 Wimbledon Circle
Dear Mr. Culver,

As a KU employee and a resident of Lawrence for 10 years (Fox Chase neighborhood in west Lawrence), I am writing to express my strong opposition to the proposed location at the intersection of Clinton Parkway and Inverness.

As a parent of three children who attended Southwest Junior High and the grandparent of a first-grader at Raintree Montessori School, I am familiar with the traffic patterns at that intersection. That intersection serves traffic for two public and two private schools and an entire neighborhood which does not have other avenues onto Clinton Parkway. Traffic is very heavy in the morning and afternoon - pickup and dropoff at Raintree is very busy - and I do not believe that intersection can safely handle any more traffic.

The effect of the "family fun center" on the residents of that neighborhood and on the families attending those four schools would be devastating. The safety issues created by increased traffic are obvious, and I believe there are other safety issues of a cultural nature with a rec center being so close to schools. I think it would encourage truancy and also the influence of elements outside the schools (including drug sales).

In addition to the inconvenience and danger that additional traffic would pose for neighborhood residents and student families traveling there, home values in that fairly new neighborhood will be negatively impacted. My husband and I are looking for a starter home for our daughter and her young family, and already we have eliminated that neighborhood from our real estate search, and only because of the proposed "family fun center".

I am not opposed to a new recreational center, but in my opinion this location is a very poor one. Please stay away from schools and established, quiet family neighborhoods. A location close to the new Rock Chalk park would make more sense, and the 6th-and-Folks to downtown bus could extend its route westward to go to the new rec center.

Thank you for allowing me to express my view.

Eileen Jones
1124 Summerfield Way
Lawrence, KS 66049
(785) 979-2129
Davis Loupe  
2205 Riviera Drive  
Lawrence, KS 66047  

March 7, 2014

To the Lawrence Planning Commission:

I am writing in favor of the proposed Family Fun Center at 4300 West 24th Place but on the condition that the proposal to allow a bar at the facility be removed. This development is in the close vicinity of four schools and is not appropriate for a bar. Otherwise I support the proposal.

My wife and I own three properties (our current home on Riviera Drive, and two rental homes on West 24th Place and Prairie Elm Drive) all in the vicinity of the proposed Family Fun Center.

**Apartments are a problem:** I was strongly opposed and spoke against previous proposals for additional dense apartments on this site as I feel that these additional apartments would cause a decline in the safety and desirability of the area. I feel that in the long run development of more dense apartments in this area is a very bad idea. In the past few months a fatal stabbing occurred at the one of the current apartment complexes and the long-term deterioration of these apartments concerns me greatly. The density of apartments in this area is excessive and further apartment development will compound the problem. I see commercial development of this corner to be a much better use in the long term.

**Crime:** I do not believe that Mini Golf, Go-Karts and other similar family activities will cause any significant increase in crime. There has been concern expressed that gangs of unsupervised teenagers and young adults will run wild there and cause problems. I have more faith in the teenagers in Lawrence. When I was growing up my first cousin lived in a neighborhood within walking distance of a Putt-Putt golf course and we spent many happy Saturdays and weekday afternoons there. I don’t recall there ever being a problem. I mostly remember playing Putt-Putt and having fun. We probably did drink a few too many Coca Colas.

**Security and Supervision:** I would think that the Fun Center operator would have it in their best interest to have security guards and employees available to maintain a safe environment. Parents today don’t generally let their kids go outside to play unsupervised so I feel that many parents will be in attendance with their children and this will help to keep other patrons in order. I think that the type of kids who are interested in illegal drinking and drug use will not want to hang out there. Too many parents and little kids around. On the contrary it will give good kids and others a legal, fun, wholesome activity to fill their time.

**Traffic:** Much has been discussed about the traffic problems the new development will create. I agree that Inverness does have a lot of traffic at the opening time for the schools: 8:00-9:00 am and again when they let out 3:00 - 4:30 pm. First let me say that any development on that corner will cause additional traffic. Second, the Family Fun Center will likely not see its peak traffic coincide with school opening and closing hours and its busiest season will likely be the Summer months when school is not in session.
**Noise:** I agree that this facility will cause some additional noise. I have lived in this neighborhood since 2001. There are four schools with about 1600 students total in the immediate vicinity. The kids attending these schools all make noise almost every weekday. The cars on Clinton Parkway make noise. The Alvamar swimming pool makes noise in the Summer. The large numbers of residents in the Apartment complexes make noise too. It is a family neighborhood and this neighborhood has never been a completely silent neighborhood. I think the horse is out of the barn regarding neighborhood tranquility.

Unless we force everyone inside at all hours of the day there will be some noise in this area. It is just the sound of a normal family neighborhood. I just don't think that electric go-karts and people playing mini-golf will cause excessive amounts of additional noise especially if the facility closes at a reasonable hour. There should be decibel limitations on the P.A. System. My biggest noise concern would be the batting cages. Perhaps some requirements such as wood bats instead of aluminum, dimpled rubber balls and having mesh nets instead of chain link would quiet them. Overall reasonable closing hours might be no later than 9 pm on a school night Sunday - Thursday and perhaps 10:30 on weekends.

**Lighting:**
I think that the lighting required for this type of facility is less than say a baseball diamond or soccer field. I also think that the lighting can be designed to not shine in adjacent homeowners properties. The limited hours of the facility will ensure that neighbors will not be kept awake by the lights. Perhaps a plan could be also be developed so that the lights could be dimmed after 9 pm.

I think that crime in an area is more likely when there are few people outdoors and when lighting is poor. I think a lighted area with people outdoors and having limited operating hours could actually help deter some crimes.

**Landscaping Buffering / Architectural Standards:**
The Inverness Park Plan has a required significant landscaping buffering for the single family homes to the West. I think that if the complex is well buffered and has sprinkler systems for the maintenance of the landscaping that the facility as proposed will not be an eyesore. Buffering could also help to block noise and light. I think that having architectural standards for the buildings and having a well designed landscape plan will be a key to maintaining this property as a desirable one.

**Restaurants and other commercial establishments nearby improve walkability:**
Many city residents like to live within walking or short driving distance of restaurants and other stores. I think that having a restaurant to walk to (fast food or otherwise) might add services to the neighborhood. I really like having the Hyvree gas station and convenience store nearby. Car-centric development is not the wave of the future, it is a relic of post WW2 suburbanization. I believe that most modern development looks towards making neighborhoods more walkable for quality of life and environmental reasons. One of the big attractions of the adjacent neighborhoods in this area is that kids can walk to school. Having additional commercial facilities will only add more services available by foot or by bike.

**Yes it is Family Fun:**
I am completely puzzled by people opposed to the Family Fun Center on the basis that they feel it won't attract "Families". My family has had discussions about the proposed center. My 75 year old father-in-law who lives with us says he would go. My wife and I (I'm 51) would go, our 13 year old would go, my 19 year college age son would go and I'm pretty sure that most 7 or 8 year olds would love it. My
wife remarked that she remembers going with Church groups to play mini golf when she was young. It sounds like a place that truly the whole family could go.

I believe that a vibrant city requires outdoor places for people to gather and enjoy themselves. There aren't enough of these places in Lawrence. I like the idea that I could walk there on a nice evening with my family and we might have something to do close by that's better than watching TV or surfing the internet.

Sincerely,

[Signature]

Davis Loupe
Planning Commission Members,

I would like to voice my opposition to the proposed development at Inverness and 24th Street. There are so many reasons this isn't a good idea, but I would like to specifically site excess noise, lights, traffic congestion, and available alcohol with associated activity near several schools.

I live on W. 25th Place and the traffic before and after school is busy all hours of the day, and sometimes I can't even turn onto my own street because of the volume and drivers blocking the intersection during school hours. The increased traffic activity during the week and weekends if this proposal is accepted would be unimaginable. I am also concerned about crime, as it has already increased in our neighborhood in the last few years.

Of course I enjoy family activities, but I think this is the wrong location, and not just because it's my neighborhood. I don't think any family neighborhood with schools would be appropriate for this type of entertainment. There are so many other choices that would be better - options include the area closer to Rock Chalk park, or the acreage for sale on the Kasold/31st Street curve, or even better, a location toward the end of south Iowa, close to where the by-pass will be completed would be ideal, and attract more out of town visitors.

I plan on attending the meeting on April 23rd.

Thank you for your time,

Nancy Stump
4417 W. 25th Place
Lawrence
Dear Commissioner Culver,

My name is Tom Cotte'; I live at 4215 Wimbledon Dr., in direct sight of the proposed Family Fun Center. Several other townhouses (35 total) in two thirty-year association-developments are located even closer to the proposed site than my town-home.

I am opposed to the development of the proposed project for the following reasons Please Consider:

- The Center is flanked on four sides by residential living, not commercial businesses -- but home living. Our patios directly face the proposed site; upstairs bedrooms are also in clear view. One consequence from developing this project will be that we can no longer keep our windows open during the spring and fall, and will need thick shades to ward off the glare from lighting emanating from the Center. Moreover, increased noise and traffic activity will interfere with our comfortable use of the patios. Noise from braking go-carts, pinging sounds of aluminum bats on balls hit in the batting cages. . . and so on are of concern. Additional traffic, air pollution, illumination from the lighting, increased noise will violate our reasonable, collective right to peaceable enjoyment of this neighborhood.

- Assuming the Center will operate much of the day and night, traffic most assuredly will increase, thereby posing substantial risk to children in general, and my young grandkids in particular, who also live nearby. Case in point: About 200 feet north on Inverness from Clinton Parkway is a hill from which the traffic is not immediately noticeable from cars exiting Wimbledon Drive – a blindspot. I understand that a recent accident at this point resulted in a fatality.

- College housing is abundant to the south and east of the proposed Fun Thing. Recalling my frolicking days in college, I suspect the Center will be a magnet to purchase attractions, including beer, and all the noise and hoopla associated therewith. Recently, my wife visited the apartment complex directly south of the subject site and spoke with the receptionist and a dozen or so students, all of whom were excited about the prospects of beer and go-carts. She also mentioned
that the Developers had visited their on-site office and spoke with the
owners and manager. One wonders what proportion of college
students to “families” will be attracted to the Center.

- When you realize the drastic zoning changes and variances under
application, isn’t it reasonable to realize the city fathers apparently
intended present zoning to conform to a residential venue, not a
carnival environment. When this project becomes operable one
wonders if construction of a Ferris Wheel or thrill ride could be far
ahead. In other words under the changed zoning and variance what
other annoying attractions will be later constructed?

- Consider: The potential blight factor: If this entertainment center
goes bust, is abandoned and allowed to deteriorate, like some have in
other Kansas communities, what will replace this unique site without
substantial capital investment? How long will it remain empty to
grow unsightly? How easily could it be adapted to another purpose?

- Beer sales: The sale of beer is worrisome, not only in itself but as Dr.
Don Schawang, headmaster of Seabury Academy has stated, may
draw an un-family type of crowd. An additional thought: Will off-
site beer consumption, loitering and vandalism to surrounding
residences increase?

- Visualize the paradox between the Family Fun Center location on
Clinton Parkway and the window to north Inverness Drive through an
uncommonly beautiful neighborhood in Alvamar as one travels
toward Bob Billings Parkway.

- Finally, I won’t dwell on the effect the proposed site might have on
our property values.

Commissioner, I implore you to properly serve your constituents, not a
developer, who most likely doesn’t live in the immediate area. Please,
thoroughly tour the neighborhood and see the RESIDENTIAL character
surrounding Clinton Parkway and Inverness Dr. Then, you may understand
our concerns.

Frankly, I would not have purchased our town-home a year ago if I had
reason to suspect the prospect of a Family Fun Center in my back yard.

In conclusion, please... put yourself in our shoes. Honestly, aren’t there
better sites in Lawrence for this kind of project?

Thank You for your consideration.

Respectfully,

[Signature]
March 7, 2014

Dear Planning Commissioners,

As Head of School at Bishop Seabury Academy (4120 Clinton Parkway), I have been following with interest and concern the proposed rezoning (Z-13-00483) of the lot at 4300 W. 24th Place from a Residential area to a Neighborhood Shopping Center (CN2). I attended the meeting at Raintree Elementary School, and I appreciated Mr. Werner’s appearing to explain the project. I would not be opposed to such a development were it appearing (logically) on the outskirts of town and in an area zoned deliberately for this sort of development. However, I think this rezoning is inherently and obviously very bad news for everyone who lives or attends school in the area. Homeowners in the area have very good reason to be anxious, and they voiced their concerns at the meeting. I will focus on my own concerns.

I feel certain that this sort of an entertainment park will attract a lot of middle school, high school, and college students at all times of the day, but especially at night. (I have to think that developers conceived of this project with a captive afternoon audience in mind: the students at Bishop Seabury Academy, Southwest Middle School, and perhaps Raintree and Sunflower Elementary Schools.) The presence of alcohol in this park is unwise. It would be naive to think that underage high school and college students who find a way to drink in other Lawrence bars will not find a way to drink at the bar in this park. And when they leave the facility at 10 pm or midnight—bedtime for adults, perhaps, but not for park guests aged 14-25—they will look around and wonder what they should do next. And they will have two schools nearby with football fields, tennis courts, baseball diamonds, and a closed, unsupervised pool with a gate that is easily climbed. They will have the secluded spaces behind Raintree. As I noted at the Raintree meeting, I am an advocate for young people and believe in their better nature, but they also make bad choices at times. If this park is allowed to be developed in this residential area, it will not be the developer, architect, management, or the city planning committee who will have to deal with this situation. It will be the people who live in this area.

I was asked by Mr. Werner if I would feel more comfortable about the situation should alcohol be taken off the table. I admit that the presence of alcohol is one of the most bewilderingly inappropriate aspects of this proposal and raises the stakes, especially when neighbors have no certainty about the future usage of this area (Family Fun Center or other entertainment feature). But focusing on this one proposed entertainment park project, the absence of liquor inside the park would not eliminate inappropriate late night behavior when patrons leave. Perhaps I am excessively cynical here, but my job as Head of School is to think of worst-case scenarios, and in my experience, what I am suggesting hardly requires a dark imagination.

Also at the Raintree meeting yesterday, there was much discussion about neighborhood concerns regarding lighting, noise, security, the quality of judgment demonstrated by young seasonal park employees, and even the uncertainty of what project will inhabit this lot (again, in the center of a residential area of town) not only next year but in 5, 10, and 20 years. Despite the helpful speculations
by the architect on all of these issues—assurances which are the lubricant to get this motion passed—there is no guarantee on any of them. And if you allow this rezoning to occur, the neighbors and schools will be at the mercy of whatever development occurs in this area.

I want the planning committee members to understand that I do not envy their job, and I do not think it is for me to dictate what sort of construction occurs in the neighborhood surrounding my school. However, I think it is very reasonable to see that rezoning and special use permits are difficult hurdles for developers in a situation like this because restrictions are in place for a reason. There is logic and a reason for consistency with these decisions. There is a reason that the present zoning exists.

With respect, I strongly encourage you to oppose this rezoning. And as a final test to this decision making, I would ask you to consider if you would be willing to move into a residence alongside the Family Fun Center if it is built. If you would not, then you will understand how we feel.

Thank you for your consideration in this matter,

Dr. Don M. Schawang

Head of School
Bishop Seabury Academy
Dear Planning Commission:

On behalf of the Board of Trustees of Bishop Seabury Academy and taxpayers to the City of Lawrence, we must express deep concern and firm opposition over the proposed change to the zoning proposed for the Family Fun Center (Z-13-00483).

Bishop Seabury selected its new location a number of years ago based on the existing zoning for the area. We selected the school’s location in a residential area that would offer little risk to the school’s physical structure during non-school hours and outside of school activities. Surely, our neighbors of Raintree and the City owned schools of Southwest Junior High and Sunflower Elementary also considered this criteria in their decision process.

We are positive our decision to locate Bishop Seabury and the decision of the City for its schools would have been different if a "Family Fun Center" were originally located adjacent to a proposed school purchase or construction. Yet, the Planning Commission is entertaining the idea that we accommodate the opposite. The approval of a center that will be a congregation point for young people, after school hours, and outside of school activities, presents inherent risks to our school property, just by the very nature of creating a congregation point. The immediate adjacency of such a center invites the potential for unwanted visits and destruction of property. This is a risk we—as City taxpayers and board members who have been entrusted to ensure the safety of our school—cannot afford to undertake.

This Board of Trustees is not necessarily against such centers when located in a properly zoned (not re-zoned) location and in an area that has been more deliberately chosen to accommodate noise, lighting, security and adjacent business activity. Locating a "family fun center" in a residential area with four schools less than 1/2 mile from the proposed location, is not, in our mind, such an ideal location.

We are a volunteer Board tasked with protecting a school with a mission promising a safe environment for our students. Our Board is unified in opposing this rezoning as a threat to our mandate, and we encourage the Planning Commission to protect our property, mitigate the risk of damage to our City-owned properties, and ensure the continuation of a great neighborhood in the City of Lawrence.

Please reject this proposal.

Most Sincerely,

The Board of Trustees, Bishop Seabury Academy

Dennis Depenbusch, President
Ken Albrecht       Kara Tan Bhala     Stephen Hill     Lynn Segebrecht
Kay Almanza        Reed Dillon       Kathleen Hodge   Beth Wigen
Lori Arnold        Megan Edwards     Shane Mathis     The Right Rev. Dean Wolfe
Patti Bartley      Trip Frizell      Mark Mitchell
I am a parent of 8 children in Lawrence, KS. We are very excited about the possibility of having this in Lawrence, and will be there quite often. My children were ECSTATIC when I told them about this possibly being built.

I am asking each commissioner to please support the proposed Family Fun Center where it is proposed at corner of Clinton Parkway and Inverness Drive. This is an excellent location close to the center of town, and it is my firm belief that the objection you have been getting from the neighborhood surrounding this location are the same objections you would see from any neighbors of any project.

Please make this decision with all Lawrencians in mind, not only the ones that live near this site.

Alex Delaney / (785) 393-6224 / alex@indepsys.com
From: V Hammond [mailto:vhammond1@hotmail.com]
Sent: Monday, April 21, 2014 12:02 AM
To: bculver@bankingunusual.com; Bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struchhoff@gmail.com; Scott McCullough
Subject: Opposition to Family Fun Center

To the Planning Commission:
I have attended the 1st meeting at which this agenda item was deferred. I was then in attendance when there was a meeting held at Raintree with the architect so citizens could voice their concern. And finally I attended the meeting in which Paul Werner tried to explain the changes they were proposing to make this project acceptable to the neighborhood.

First I will tell you that I moved to Lawrence two years ago to retire. I chose the Wimbledon Townhomes because they were situated in a very nice neighborhood which was quiet and safe. I have enjoyed sitting on my back patio (faces Clinton) when the weather permits for these last two years. It is very upsetting to me that this will not be possible if this Family Fun Center is approved. As a retired person, I am not able to just pick up and move. I had planned for this to be my home for a long time and I see this as a threat to my investment.

The thought of this zoning change is very upsetting. I do not want to see commercial of any kind in a neighborhood of residential housing. It is not appropriate to have this developing in the middle of homes and schools. It worries me that when this development, if allowed, is no longer popular that we will have an eyesore right in our neighborhood.

As a grandparent I love having family things to do with my grandchildren but even that does not get me excited about the Family Fun Center being in our neighborhood. This project needs to be developed in an area appropriate for this commercial type of development. The lights on till midnight, the noise from the batting cages and go karts (electric or not there is noise) and the additional traffic is not welcome in this residential area. It is already difficult to exit from Wimbledon onto Inverness because there is a blind area for cars coming north on Inverness. Additional traffic will only make this matter worse. Although the architect said that a beer license would not be applied for the first year, we are all smart enough to know that is something that will stay on their agenda.

This brings me to another upsetting item. We have asked at every meeting for the name of the developer and have been denied that information. If this person or persons is so honest and trustworthy with their intent on this development then why not come forward and reveal who they are. My inclination is that the architect is a part of the development and is protecting the identity of others. If they are not willing to come and talk to us, then why would we trust them.

I have been told that other projects have been opposed in the past for this land but since I am new to Lawrence I do not have all those facts. But even on this project no notices were given to neighbors – was told you had to live within 200 feet. That is an unrealistic measure – all neighbors are entitled to know what is proposed in their neighborhood especially when it will affect their home values and the safety of our homes and children. I was told that at one time a park was proposed for this area but has been turned down. If you want things for families to do, a park is a great solution and acceptable to all.

Know there is a movement by a tax group and Alex Delaney supporting this project. Obviously they do not live in our neighborhood but I will submit to them and to the Planning Commission this proposal. If you are so sure that this will not affect the home value of my home, then please buy my townhome now. I am willing to sell it to you at the price I paid plus the additional money I have invested in it. I can have it vacant in one month for any buyer. I am sure I will have many offers since none of you think this project will affect all of our home values. Many others like me, retirees on set incomes who just wanted a quiet, safe neighborhood, do not want to be betrayed by your actions.

Please consider what you will be doing if you approve this zoning change. You will take a residential area which is loved by many and turn it into a commercial zone. That is not why I originally moved to Lawrence.

Sincerely,

Viv Hammond
4227 Wimbledon Drive
Lawrence, KS 66047
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

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

Dear Chairman Culver and Planning Commissioners:

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

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

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

1. We ask that you deny the rezoning of the subject tract to the CN2 District. In the future, before reconsidering any rezoning for the subject tract, the ten acres allotted to that tract for the CN2 District in the Inverness Park District Plan should be reduced to 5 acres to permit an RSO rezoning and use to take up the remaining acreage.

2. Any rezoning for that area should specifically limit the ordinance to the suggestions and approval of the Inverness Park neighborhood to allow only those uses needed by the residents.

Sincerely yours,

Cille King
President

Alan Black
Chairman
Land Use Committee
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
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Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The noise levels of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the driveways will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King, President

Alan Black, Chairman

Land Use Committee
Have heard there is a proposal on the table and would like to weigh in as IN FAVOR....have made two trips out of town in seven days to take kids to Family Fun Centers and would rather spend my money in Lawrence...thanks Mary Beth Petr
Mr. Culver,

I am writing to state my opposition to the “Family Fun Center” that is being proposed at Clinton Parkway and Inverness. This is a terrible idea that will affect my neighborhood and my home. Even with no alcohol, this is a bad location. It is too close to schools and homes. I cannot be at the meeting on Wednesday but I wanted to state my opposition to this.

Please don’t support this. Thank you.

Theresa Shively-Porter
4412 Gretchen Ct
Lawrence, KS 66047
785.842.7713
Petition

in Opposition to the Rezoning
from RSO (Single-Dwelling Residential Office) to CN2 (Neighborhood Shopping Center)
located at 4300 W 34th Place and allowing a
Special Use Permit for a Family Fun Center and Fast Food Drive-Thru Restaurant

We the undersigned oppose this development for the following reasons:
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• Is an inappropriate match in a residential area.
• Will add additional traffic in an area already plagued with traffic congestion.
• Serving alcohol with four schools nearby is inappropriate and dangerous given the traffic issues.
• Outdoor recreation, walking trails, and batting cages are already available in the area.
• The noise and lights late into the night will disturb the sleep of residents.
• Increased vandalism and late night unruliness.

Name

Marguerite Carlson
Ruth Sleeper
Melissa Manning
Joel Ivey Sheff
Terry Hansen

Name

Jadine Koch
Melba Hemm
Jason Scan
Blake Coleman
Val S. Bistake

Name

Nancy Bistake
Christine Colbert
Beth Cillich
Randy Fish
Susan Nightingale
Nancy Hansen
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Name

[Signatures]

Name
Carolee A. Clark
Kimberly Sharp
Rachel E. Marichuk
Kim Edwards
Marnia A. Harger
Wafaa Mansur
Heather Dalton
Tamela Stables
Bette Severin
Beth Weltz
Rebecca Downey
Robin R. Nechad
Helen Weis
Matthew Elliott
Petition

in Opposition to the Rezoning
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Name
Christina Alwood
Nicole Rieger
Amy Wade
Laura Albin
Carol Ann
Debra A. Elam
Vince Alber
Leah Salmon
Christina Fit
Angie Swain
Rebecca Welch

Name
Joyce
Emily Nelson
Candice
Ray E. Wood
Donna
Georgia
Erika
Linda

Petition

in Opposition to the Rezoning

from RSO (Single-Dwelling Residential Office) to CN2 (Neighborhood Shopping Center)

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Name

Kathy Klocke
Maddie Wade
Sarah Holmes
Eric Padon
Farhang Khosh
David Paul
Donna Benada
Nancy Benada
Chris Graham
Mike Willis

Name
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in Opposition to the Rezoning
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Name
Christine Hoang
Paulette Ransom
Clay Strain
Sharon Hoffman
Vivian Go
Carly McLean
Donut Will

Name
Frederick Uhfeldt
Ellen
Ann Williams
Darice
Kathy Seeger
Karen Schmier
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Name
- Jan Blake
- Karon D'Green
- Jaxon Patterson
- Riley Bredenmus
- Stella Erdinger
- Hannah Motsinger
- Amelia Thiess
- Oliver Rubenstein
- Jordan Grabast
- Tim Huffman
- Simon Ruland

Name
- Mari Risley
- Allie Williams
- Lodie Ash
- Logan Schurak
- Andrew Theisen
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Name

Danielle Dong
Ryan Malloy
Kaleigh Merrill
Jack Bellemer
Leo Weiss

Name

Tina Stevens
Sam Hertzog
Micaiah Mercado
Diego Steven Becker
Bailey M. Sandholm
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<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Amy Anderson</td>
<td>Cian O'Leary</td>
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<td>Samantha Hunter</td>
<td>3an Green</td>
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<td>William Burns</td>
<td>Ben Boyack</td>
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<td>Sydnee Miller</td>
<td>Jenna Pollard</td>
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<td>Maddy Wood</td>
<td>Luca Cloud</td>
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<td>Sam Hustles</td>
<td>Will Hedges</td>
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<td>Lauren Schub</td>
<td>Willoughby Farm</td>
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<td>Joseph Dreibeliss</td>
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<td>Ella Sendrich</td>
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<td>Marley Leary</td>
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<tr>
<td>Eva Ashley</td>
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Name

Patrick Hoffman
Ethan Tangporin
Sophia Eddinger
Matthew Biermanewicz
Jakiah Smith Evans
Audrey Nguyen-Hoang
Abbey Hossler
Jackson Grant
Alyssa Carlson
Jacob Zeig
Brady Emrick
Riddhi Duvvuri
Lauren Malik
Bella Hill

Name

Luke Hornberger
Gibson Huston
Claire Bialy
Alexander Samuel J. Hindman
Briggs MacPhie Cian-Lawrence
Sophia Brocker Sturman
Madison Kühle
Dashuj Kassir
Fort Eiger
Jack Williams
Sam Clearinger
Mina Khosh
Olivia Semler
Samantha Brennan
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Name

Audrey Basham
Joe Ridley
Jean Chun
Jenner Boyard
Will Gandreau
Maya Dee
Charlotte Lupp
Erin Higging
Caroline Schmidt
Kisa Khosh
Brayden Shumaker

Name

Andrea Deen
Erinn Rose Waldson
Julie Holder
Lyric Black
Anna Montello
K不已L-W
Deb Langman
Este Faden
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Name
Oyin Enoch
Jeremiah Lutz
Anah Lutz
Rose Bringas
Colleen Stock
Laura Hines
Brian Mulheren
Helen Cee
Sherry Mill
Kirsten Matizen
Karen Michael

Name
Tom Matizen
Gileen Jones
Effie Tull
Cliff Tull
Sherri Goule
Amy Risley
Aquila Sirc
S. Jere
Becky Victoria
Leslie Miller

Michael Casavant
Justin Quiroz
Mark Cline

Eileen E. Jones
Therese A. Matizen
Sofie Matizen
Eve E. Matizen
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Name

Janie Branch

Debra

Daniel

Kendra

Cindy Sivac

Dr. Earl

Karen McKamey

Nedra runner

Lynne Johnson

Name

Kim Beller

Rakshani Duvvuri

James H. Branch

Janie Baker

Mediody Miller

Richard Black

Mrs. Marie Halber

Spike Carter

Linda Gidley

Laura"
Hi Scott,

Please add my voice to support for the Family Fun Center.

When my family and I moved here in 1990 there was a putt putt and batting cages if I remember correctly out on South Iowa. As our children grew, we lamented the loss of a family suitable facility to take our kids for fun. As I understand the proposal there would also be facilities to host birthday parties, batting cages and an electric powered go kart track.

Although my kids are grown and no longer live in Lawrence, my wife and I fully support this project encourage our city commission to give the proposal every consideration possible to bring this facility to Lawrence.

Thank you.

John Ross
Lawrence-Douglas County Planning Commission
City Hall
6 East 6th Street
Lawrence, KS 66044

Dear Planning Commission Members:

I write to voice my strong opposition to

- ITEM NO. 9A RSO TO CN2; 10.97 ACRES; 4300 W 24th PLACE (SLD/LTH)
- ITEM NO. 9B SPECIAL USE PERMIT; FAMILY FUN CENTER; 4300 W 24TH PLACE (SLD/LTH)
- ITEM NO. 9C SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE (SLD)

A family fun center has a place in Lawrence, but it should not be in the middle of a residential area on Clinton Parkway. There are a number of reasons I oppose this rezoning.

First and foremost is that the city’s long-term plan for this area calls for only limited commercial development. Rezoning for CN2 runs contrary to Horizon 2020 and makes Clinton Parkway more like the heavily-developed region of 23rd Street east of Iowa.

Second is the impact on the quality of life for the neighbors. The whine of go-cart engines, the constant pinging of aluminum bats in batting cages, extensive lighting until late at night, and music broadcast outdoors would be very intrusive for residents in the area and diminish property values.

Finally, this development would dramatically increase motor traffic on Inverness, Crossgate, and W. 24th Street. Inverness, in particular with its divides will be negatively impacted.

There are better places for this development in Lawrence, for example, at the site for sale across from Hallmark on McDonald Drive or W. 6th Street beyond George Williams.

I urge you to deny this request for rezoning.

Sincerely,

[Signature]

David Weis
Dear City Commissioners,

My two sons are 18 and 19 now but I certainly wish that they had a Family Fun Center when they were growing up. Lawrence is in need of recreational activities for children. We do not have a skating rink. We do not have amusement or water parks. We do not have mini-golf. We do not have laser tag. Even the batting cages do not work half the time.

I am in FULL support of the proposed Family Fun Center. I hope you are too. Please make this happen for the children of Lawrence.

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

Dear Planning Commissioners:

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

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

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

I raise four points for your consideration:

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

Neighborhood Planning and the Inverness Park District Plan

The timeline of development activity presented in the staff report for Item No. 9A begins in 1999 with the annexation of the quarter section of ground, which was an isolated unincorporated 160 acres surrounded by a neighborhood that had been developing for over 20 years. The annexation of this property was preceded by planning of the entire 160 acres to guide its development and promote integration of the uses in these areas with the already developed neighborhoods and neighborhood schools. The progression of denser/more intense uses from Clinton Parkway, on the north, to single-family residential subdivision south of the natural drainage divide followed sound planning principles in 1999. These same planning principles are espoused today for newly annexed areas in Chapter 15
Place Making and in the Lawrence Smart Code (although this specific area has not been identified on Map 15-1).

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

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

“4. Determine if development proposals are land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.” [re: Horizon 2020, pg 14-2]

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

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

Horizon 2020’s policies regarding neighborhood commercial developments:

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

- CN1 was designed to serve existing neighborhood needs and the policies for this type of neighborhood commercial development were revised in 2008, recognizing the usefulness of this type of zoning for new CN1 areas within established neighborhoods [RE: ]
- This site shares similar siting and neighborhood compatibility issues with sites identified in Horizon 2020 as existing inner-neighborhood commercial center sites [re: page 6-6 in Horizon 2020].
• New inner-neighborhood commercial centers are designed as “an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.” [re: page 6-20 in Horizon 2020]

• New Neighborhood Commercial Centers (CN2 sites) are identified in Horizon 2020 [page 6-21] and planning policies recommend new neighborhood commercial centers occur “at least” (emphasis added) 1 mile radius from existing or new Commercial Centers. [page 6-33 in Horizon 2020].

• The neighborhood commercial centers at Clinton Parkway and Kasold Drive and Clinton Parkway and Wakarusa Drive are 1.5 miles apart. The new CN2 at Clinton Parkway and Crossgates Drive is ½ mile from the Kasold Commercial Center and 1 mile from the Wakarusa Commercial Center.

• Standards for new Inner-Neighborhood Commercial Centers, in policy 3.3 of Chapter 6 Horizon 2020, fit the neighborhoods needs more precisely than the proposal before the Commission. The standards in this policy are:
  1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
  2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
  3. Centers may include residential uses;
  4. Centers shall have no more than 3,000 gross square feet of commercial space; and
  5. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.[page 6-31 in Horizon 2020]

The function of Zoning Regulations to implement the comprehensive plan:

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

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

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

Please consider the large out-pouring from our neighbors and this written communication to you that are in opposition to this development proposal for the specific commercial uses and outdoor recreational uses. They are not meeting a need, desire, or interest of our collective neighborhoods. Please deny the outdoor recreational SUP request and the text amendments to the ZR for the CN2 district and either deny the CN2 rezoning request or recommend a lesser change to CN1, which more
accurately and adequately – without need of text amendments – meets the stated priorities for neighborhood commercial in the Inverness Park District Plan.

Thank you.

Sincerely,

Linda and Richard Finger
4117 Wimbledon Drive
The video for the community meeting held at Raintree Montessori School regarding the family fun center proposal can be found on YouTube: 
https://www.youtube.com/watch?v=Yd-dAUmC-ZI
Hi Jim and Jon

Since you are the only Planning Commission Members I know, you two are the lucky recipients of my concerns about this project:-)  I am an officer in the Wimbledon Terrace Townhomes Association and I know the Commission has received our February 14th letter noting the HOA's objections to this rezoning request, so I will try not to restate those issues.  Please know that I have attended both meetings convened by Paul Werner.

In his April 4th letter to neighborhood residents Mr. Warner stated that the developer will not be seeking a cereal malt beverage license until at least the second season of operation.  He seemed to think this satisfied the neighborhood concerns; however, I did not find this statement reassuring and obviously an application for a 3.2 beer license could happen at any time.  I am confident there are a number of student age residents in the several apartment complexes that adjoin this property and it seems likely it would certainly be a destination point for consumption of CMB and alcohol, not birthday parties for elementary aged children.

At the April 14th meeting both Paul Warner and Mike Riling refused to name the developers.  Obviously, that is their prerogative; however it is clear that supervision, staffing and public safety issues of this proposal have not been addressed.

Jim, you are the one who educated me about law enforcement planning as far as the campus and I clearly remember you describing the similarities between a university campus and large resort areas; this Fun Center seems to fall into the entertainment destination category.  You talked about law enforcement planning and staffing when students arrived on campus, residence halls opening, football weekends, commencement, etc.. and as nearly as I can figure out the Fun Center developers intend to have heavy usage and seasonal large crowds.

On the one hand the spokesmen for the project frame it as an entertainment area for young families, but on the other hand it is clear the intent is rezoning for commercial use which has a huge impact on the neighborhoods on both sides of Clinton Parkway.  The unknown developers have not adequately addressed the traffic, noise, lighting issues and all the accompanying public safety concerns.

One of the planning staff's documents states that the Fun Center would create an amenity that neighborhood residents could walk to.  As you both know the definition of amenity is something that makes life easier, pleasant and attractive, I do not view noisy go-karts, batting cages, miniature golf, bright lights until 10:30 at night, an arcade and beer bar as amenities enhancing this area.

Thank you both for your attention to my concerns and thank you for your service to the City of Lawrence and Douglas County; it is a time consuming and for the most part a thankless job.

Hope you both are well...
Best...
Ann Eversole
Co-President Wimbledon Terrace Townhomes Association
Mr. Kelly--

I am writing to oppose the change in zoning and special use permit requested by the developers of the "Family Fun Center" at the corner of Clinton Parkway and Inverness.

My children attend Raintree Montessori, and I feel that a family fun center serving alcohol is inappropriate for that site. Instead, I suggest that the zoning remain the same and that the city of Lawrence work to bring an office development to that site. It is currently over-built with apartments, and the current road infrastructure will not support commercial development. I plan on attending the March 24th Planning Commission meeting to express my concerns in person.

Best regards,

Donna Ginther
4716 Muirfield Drive
Lawrence, KS 66047
Dear Planning Commissioner Members,

We recently have been reading about plans to build a Family Fun Center at 4300 W. 24th Place. We own the town homes on Adam Avenue to the west of this proposed Family Fun Center and we are adamantly opposed to the rezoning of the land to accommodate this business as well as passing of a special use permit. The area were they are proposing to build this Family Fun Center/ go-kart park is surrounded by apartments, town homes and single family homes. It is not an appropriate area to place a Family Fun Center that includes a go-kart track and outdoor facilities. The noise, lighting and traffic would be very disruptive to the neighborhood as well as bring down the property values in the neighborhood. Adding the sale of alcohol and the late hours the park would be open also increases the chance of crime (drunk driving, disorderly conduct, noise, etc.) to the area. A more appropriate area for this kind of business would be south of this neighborhood, across the by-pass next to the soccer and baseball fields where this kind of traffic and noise will not disrupt families.

Thank you for your time,

Candy Gunderson
Garber Enterprises, Inc.
From: Karen Hartnett [mailto:hartnettkuhle@yahoo.com]
Sent: Tuesday, March 18, 2014 8:30 PM
To: Kshartnett.kuhle@yahoo.com
Subject: zoning at 24th and Inverness

Dear Members of the Planning Commission,

First, I would like to thank you for serving our community. I appreciate that you have many hours of your time in this capacity. I am writing to you regarding the upcoming vote on the rezoning/special use requests put forth to the planning commission by a project known as the Family Fun Center. I live near the intersection of 18th and Wakarusa and not far from Inverness and Bob Billings. I have seen much development along these two corridors over the years. After 13 years, the office building at 18th and Wakarusa is still only partially leased. I am wondering when this office building will be a good idea. The shopping center on the SE corner of Wakarusa and Bob Billings has had four restaurants go in and out at its anchor location and is constantly replacing tenants - there must be a lot of money to be made in strip malls even if there are empty spaces. However, the philosophy of "if you build it, they will come", doesn't really hold true in either of these locations, but the landscape has been permanently changed. The Bella Serra "complex" (oh joy, more buildings are coming!) is a "ginormous" change to the environment - good idea? - if you live on the top two floors of that building (what views!) - not so much for anyone else. These are deeds that are already done, and cannot be undone. The landscape has been permanently changed.

I ask you to PLEASE consider this before approving a zoning change. Is this the best case scenario for this property or the worse case scenario? I doubt the homeowners, who purchased single family homes, many of whom have children that attend nearby schools, but who now live with multiple apartment complexes had in mind when they purchased their property - but maybe I am making a huge assumption. I don't believe I am.

Regarding the Family Fun Center project: A potential nightmare in property values for the nearby neighborhoods, 140 parking spaces, alcohol, noise, lights - the list goes on. Here is another disturbing issue that I hate to even think about; with FOUR schools nearby and neighborhoods full of kids within walking distance of this proposed facility, many with two working parents, what type of person would most like to frequent this area - or worse - get a job there? Let's not make it so easy for them, please. What if it gets built and then vacated in a few years due to a lack of business? What will the landscape of the neighborhood look like then? Lawrence does need more kid and family entertainment - no question about that - but this belongs out on Iowa Street. Perhaps, this belongs east on 23rd street, both where commercial businesses are already part of the landscape. I am all for progress, but I think a real visionary asks themselves hard questions about what the environment will look like in the future and the long term effects of designs and uses of land. Please be a visionary before voting on this issue. Think about the name PARKWAY. Think about what this landscape will look like in 20-30 years? Thank you so much for your consideration in this matter. I look forward to Monday night's meeting.

Sincerely,

Karen S Hartnett
4725 Carmel Place
Lawrence, KS 66047
Dear Planning Commission Members:

The area residents of the property surrounding Inverness Drive and 23rd Street Parkway have been misled and were not publically informed of meetings concerning the proposals to re-zone the property until just prior to the meeting held in February when your committee was panning to vote on the re-zoning proposal. When the area citizens became aware of this, we appeared before your board, and were grateful that you listened to our concerns and voted to defer the vote until a later meeting. Mr. Paul Werner, the architect for this Family Fun Center, had not held any public meeting as required to inform the public of this issue. Since that deferral, two public meetings have been held, and as a resident of the Wimbledon Terrace Townhomes Association located directly across the street off 23rd Parkway to the north from the proposed fun center, I wish to express the frustration and aggravation in the lack of direct answers to our questions and concerns about this center from Mr. Werner; he and, now his lawyer Michael Riling, continue to insist that alcohol be a part of their plans for this center even though the public (even the young school children) have adamantly been opposed to this at every meeting. If you accept the re-zoning proposal to change the property to a CN-2, that will be the direction of this property development, and we do NOT want that to happen. This is a lovely neighborhood surrounded by many schools with young innocent but easily influenced children, family residential neighborhoods with strong property values. Keep our neighborhood safe and beautiful. Don't let a blight befall this area with noisy go-karts, loud aluminum batting cages, bright lights, loud amplified music, and bright lights with many issues of traffic, security, and management...nor the evils of alcohol! Preserve the Parkway!!!!! Thank you for your consideration of families and youth on this issue. See you Wednesday evening.

Truly, Ruth Hiss
Wimbledon Terrace Townhomes Association, Secretary
Dear Commissioner,

Please find my attached letter regarding the Family Fun Center proposal.

Thank you for taking the time to read it and for giving this matter your attention.

We appreciate your commitment to making sure Lawrence continues to be the unique and vibrant community it is.

We shall see you Wednesday.

Regards,
Lleanna McReynolds, M.Ed.
Head of School
We are adamantly opposed to the SUP and re-zone of this property for that use.

My wife and I attended several of the recent neighborhood meetings with the architect on this matter and reviewed the plans. Although a family fun Center’ does sound favorable in title, bringing the proposed indoor and outdoor facility to our tranquil residential neighborhood would impact our near community in the following manner:

**Noise:** Emanating from the batting cages, clanking of aluminum bats on hard hit balls
Race track with screeching tires, slamming of bumpers and race-car simulated music piped in
Unruly cheering and encouragement of patrons

**Workers:** Having casual seasonal workers operate the facility can attract those with unstable work history

**Children safety:** Having this center in close proximity to a number of schools can serve as a convenient magnet for child molesters. Having open parking lots available for congregation by strangers is not conducive for family values

**Traffic:** Although the reports indicate that the traffic circle is only 50~60% of capacity, at school start and end times, and afterschool events (track meets, games) the area is overwhelmed.

**Long-Term Viability:** We will not support, visit or partake in any of these activities including electronic gaming. We feel that in the longer term, this seasonal enterprise will fail leaving behind an abandoned facility in disrepair

In summary, we feel a Family Fun Center can do better on the outskirts of town, not in this close family neighborhood. We request that you support us to oppose this rezone and permit request.

Stephen & Helen Slade
4219 Teal Drive
Sunflower Park
Lawrence KS 66047
Greetings Planning Commission Members,

I would like to voice my opposition to the proposed development at Inverness and 24th Street. There are so many reasons this isn't a good idea, but I would like to specifically site excess noise, lights, traffic congestion, and available alcohol near several schools.

I live on W. 25th Place and the traffic before and after school is very busy it is, sometimes I can't even turn onto my own street because of the volume and drivers blocking the intersection. The increased traffic activity during the week and weekends if this proposal is accepted would be unimaginable. I am also concerned about crime, as it has already increased in our neighborhood in the last few years.

I enjoy family activities as much as the next person, but I think this is the wrong location, and not just because it's my neighborhood. I don't think any family neighborhood with schools would be appropriate for this type of entertainment. There are so many other choices that would be better - one option would be the area closer to Rock Chalk park, or even better, the area toward the end of south Iowa, close to where the by-pass will be completed would be ideal, and attract more out of town visitors.

I plan on attending the meeting on March 24.

Thank you for your time,

Nancy Stump
4417 W. 25th Place
Lawrence
Hi, Patrick,

1) You’re on the Planning Commission? I didn’t know that. Your name and e-mail address were listed on the note from Raintree Montessori School. According to my wife, the Family Fun Center under consideration for the Southeast corner of Clinton Parkway and Inverness is an awful idea. (I’m not as passionate about it, because I think go-karts are pretty fun). In the interest of preserving my marital bliss, you can, however, count this e-mail as being against the Family Fun Center.

2) I’ve recently submitted my application to Lawrence Public Schools. I’m interested in Special Education openings at the High Schools, especially Free State. If you have any advice or inside information for me; or if you can share with the hiring team how amazing I would likely be for the position, I would appreciate it. If you don’t have nice things to say about me, never-mind.

Thanks!

Brian Williams
Dear Planning Commissioners,

I am writing to voice my oppositions to the proposed Family Fun Center for the property 4300 West 24th Place on Clinton Parkway. I live in the neighborhood behind Bishop Seabury Academy and have a son who attends this school.

About two weeks ago I attended a community meeting at Raintree School where the architect of the proposed development presented his design for the Family Fun Center. This Center will have Go Carts, Putt Putt Golf and a Video Arcade. Plans are to serve alcohol at the Fun Center.

In my opinion, a residential neighborhood near four schools is not an appropriate location for this kind of center. This will be a place where junior high, high school and college students gather and loiter. It will increase the traffic in our neighborhood, increase noise in the neighborhood, and will likely increase vandalism and other related crimes in our neighborhood.

I have another reason for believing that this development is not appropriate for a family neighborhood. Industries that make things for children, market heavily to them, a kind of entertainment that is fast paced and stimulating. Children have very few havens of quiet and calm. The family home as well as the school are two settings that, with thought, can provide a measure of peace and calm in the lives of our children.

The proposed Family Fun Center is a form of entertainment that is stimulating. While I believe there is a place for this kind of entertainment, having it in the middle of a residential neighborhood with family homes and schools is not, in my opinion, an appropriate setting for it. Our children need some protected time in their lives that is calm and not so stimulating, and again, the home and the school are among the few places left that can provide this to them.

For all of these reasons, I am asking you to oppose placing the proposed Family Fun Center in our neighborhood near our homes and our schools.

I write this letter from several perspectives. My home is located near the proposed development. I have a son who attend Bishop Seabury Academy which is directly across Clinton Parkway from the proposed development. I also have some understanding of how the environments that surround our children can affect their development, as I have a medical background in psychiatry and mental health.

Thank you for taking the time to read my letter.

Sincerely,
Susan Yoshida, MD
4124 Wimbledon Drive
Lawrence, Kansas 66047
PLANNING COMMISSION REPORT
Regular Agenda — Public Hearing Item

PC Staff Report
4/23/14

ITEM NO 9B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W 24th Place and Inverness Drive (SLD/TLH)

SUP-13-00486: Consider a Special Use Permit for Participant Sports & Recreation, Outdoor uses as part of a Family Fun Center, located at 4300 W 24th Place. The development includes a 20,000 square foot clubhouse and outdoor tot lot, batting cages, electric go-kart tracks and an 18-hole miniature golf course. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record. Deferred by the Planning commission on 2/24/14.

Updates to the zoning report from the February version are shown in bold green.

STAFF RECOMMENDATION:
Staff recommends approval of the Special Use Permit (SUP-13-00486) Family Fun Center, located on 10.49 acres and forwarding the recommendation to the City Commission with a recommendation for approval subject to the following conditions:

1. Applicant shall provide a revised Photometric Plan to include the following notes:
   a. “No flickering or flashing lights are permitted”; Note Added to Plan.
   b. “Outdoor activity area lights may not be illuminated after 10:30 pm, Sunday – Thursday and 11:30 pm, Friday- Saturday; and [Revised plan shows proposed hours of operation]
   c. “As-built lighting and photometric plans are required prior to occupancy.”

2. Provision of a revised Special Use Permit to include the following changes:
   a. Revise parking lot layout to include an additional 5’ setback from W 24th Place to accommodate the installation of street trees along the perimeter;
   b. List hours of operation; [Revised plan shows proposed hours of operation]
   c. List shut-off times for outdoor activity area lights; [Revised plan shows proposed hours of operation]
   d. Indicate known pipe material and pipe diameters on all storm sewer pipe runs; [Specifically, label the existing storm sewer pipes include the length of pipe run, pipe diameter, material, and slope (i.e. 90 L.F. 15” HDPE @ 0.5%. Label the existing storm sewer structures, include structure dimensions, structure type and elevations (i.e. 4’x4’ Curb Inlet, FL Out (S): 900.49 T/Inlet: 902.75) and Show and label 5. Junction boxes will need to be installed at all pipe bends and junctions per the approval of the City Stormwater Engineer.]
   e. Show placement of rip rap on the downstream side of the curb cut leading into the drainage swale on the east side of the property per the approval of the City Stormwater Engineer;
   f. A note on the face of the plan that states
      i. “Land designated in Phase II of construction must be maintained as a natural turf area until completed”; Note Added to Plan.
      ii. “A Right of Way Permit will be required for the connection to the public
Note Added to Plan.

iii. “Amplified sound system may only be used in outdoor activity areas between 9am – 9pm;” [Revised plan shows proposed hours of operation]

iv. “The electric go-kart operations shall be restricted to 9pm, Sunday – Thursday and 10:30 pm, Thursday – Saturday;” and [Revised plan shows proposed hours of operation]

v. “Alcohol cannot be consumed in the outdoor activity areas.” Added to Plan.

vi. Provide a note that states the trash enclosure shall meet or exceed City Standards. [Revised plan shows proposed hours of operation]

vii. Provide note regarding the extent of the western drive to be constructed with the initial phase of the development to indicated the width and length of the drive to be constructed with the initial phase of the development.

viii. Revise trash enclosure location, per City Staff approval, such as relocating trash enclosure to the north along the west side of the newly placed clubhouse.

ix. Provide design of miniature golf and batting cages for review and approval, prior to issuance of a building permit.

3. Submission and approval of Public Improvement Plan prior to release of the site plan for issuance of building permits.

4. Provision of a revised Special Use Permit Per the approval of the City Stormwater Engineer to include the following changes:
   a. Per City Code Chapter IX Article 9-903(B), a stormwater pollution prevention plan (SWP3) must be provided for this project. This project will not be released for building permits until an approved SWP3 has been obtained. Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained. All SWP3’s should include property owner’s name, address (state & zip code), phone number and email address. A copy of the Notice of Intent (NOI) needs to be supplied with SWP3.
   b. Show and label the curb cut on the east side of the parking lot. Show riprap on the downstream end of the curb cut.

5. Provision of a revised Special Use Permit Per the approval of the City Fire Prevention staff to include the following changes:
   a. The required fire flow for the development at this time requires 6 hydrants. The existing three on 24th place will be allowed to be included in total. Provide water supply loop and 3 additional hydrants throughout development.
   b. Provision of an auto-turn analysis based upon a 49’ fire apparatus.
   c. Additional access within the interior of the development may be required to comply with Section 503 for access within 150’ of all portions of the facility and all portions of the exterior walls on the first floor of the buildings.

6. Provision of a revised Special Use Permit Per the approval of the City Utility Engineer to include the following changes:
   a. Conditions related to water service:
i. Label the sizes of the proposed waterlines, water services, and fire lines.
ii. Show where the proposed waterline crosses West 24th Place west of the access road. Show the tee with a plug at the existing crossing of West 24th Place at the southeast corner of the property. [Extending the public waterline south of the clubhouse, playground, and Go-Kart storage and connecting to the tee south of the batting cages would loop the waterline to provide two feed sources per Design Criteria Section 5902.3 and may be required for placement of fire hydrants. Coordinate the number of fire hydrants and location with Fire Prevention.]
iii. Show and label required 10’ easements for final waterline location [Per Design Criteria Section 5902.6, a minimum of 10 feet in width when adjacent to right-of-way or access easements. Easements shall be a minimum of 15 feet in width if not adjacent to right-of-way or access easements.
iv. Show waterlines located a minimum of 15’ from building structure and 8’ form all other structures Per Design Criteria Section 5905.1.3.

b. Conditions related to Sanitary Sewer Service:
   i. Show and label the sanitary sewer service line to the clubhouse.
   ii. Confirm that the storage building will now have a connection to the sanitary sewer

Applicant’s Reason for Request:  
“An indoor/outdoor participant sports and recreation center.”

FACTORS TO CONSIDER
- Procedural requirements of Section 20-1306; Special Use Permits

ATTACHMENTS
Attachment A: Special Use Permit Plan from February 2014
Attachment B: Applicant’s Project Summary
Attachment C: Applicant’s letter dated 4.2.14 summarizing changes
Attachment D: Revised Site Plan dated 4.2.14
Attachment E: Neighborhood Meeting Letter

ASSOCIATED CASES/OTHER ACTION REQUIRED
Associated Cases:
- TA-13-00488; Special Use in CN2 District
- Z-13-00483; RSO to CN2
- **SUP-13-00486; Family Fun Center**
- SUP-14-00026; Inverness Corner Retail Development

Other Action Required Prior to Development:
- City Commission approval and publication of an ordinance.
- Submittal and approval of building plans prior to release of building permits for development.
- A stormwater pollution prevention plan (SWP3) must be provided and approved prior to any construction activity occurring on site.
PLANS AND STUDIES REQUIRED

- **Downstream Sanitary Sewer Analysis** – The 2012 Wastewater Utilities Plan did not indicate any potential issues with the sanitary sewers immediately downstream of this site. Since the site is proposed to be rezoned from RSO to CN2, design flows may be even less than those used in the 2012 Plan. The downstream sanitary sewer analysis and cover letter provided by BG Consultants has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.

- **Drainage Study** – Accepted by City Staff.

- **Traffic Impact Study** – Traffic Impact Study concluded that no improvements were required for the surrounding street network. This study was accepted by staff.

PUBLIC COMMENT

- **Attached to this staff report**

GENERAL INFORMATION

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

Surrounding Zoning and Land Use:

To the southwest:
- RS7 (Single-Dwelling Residential District) a subdivision of single family residences located west of Inverness Drive.

To the south:
- PRD-[The Grove] and PRD-[Legends at KU]; multi-dwelling residences.
- GPI (General and Public Institutional Use District); Southwest Middle School and Sunflower Elementary School.

To the north:
- RM12 (Multi-Dwelling Residential District); Bishop Seabury Academy.
- PRD-[Wimbledon Terraces] multi-dwelling residences
- RSO (Single-Dwelling Residential-Office District): Clinton Parkway Animal Hospital

To the northwest/west
- RM12 (Multi-Dwelling Residential District); a church and duplexes

To the east
- RM12 (Multi-Dwelling Residential District); multi-dwelling residence

**Figure 1a.** Map of zoning of area.  **Figure 1b.** Aerial of land use in area.
Site Summary completion with all phases

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<th>February 2014</th>
<th>April 2014</th>
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<td>Total Land Area:</td>
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<td>342,698 sq. ft./7.867 acres</td>
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SUMMARY OF SPECIAL USE

The property will be developed in phases, thus certain uses are shown conceptually and as future on the site plan. The project has been divided into two individual Special Use Permits to allow separate discussion regarding the proposed uses on the property. This Special Use Permit (SUP-13-00486) focuses solely on the uses in the Family Fun Center, which is located in the eastern 2/3 of the property. Another Special Use Permit (SUP-14-00026: Inverness Corner) has been submitted to address proposed pad sites with drive-thru businesses on the western 1/3 of the property. Review through the Special Use Permit process will need be completed, which includes a public hearing before the Planning Commission, action by the City Commission and recording of SUP plans, if approved.

The proposed Family Fun Center features activities located both indoors and outdoors. The project is separated into two phases. The exact timeline of implementation of the second phase is unknown.

Phase 1:

The first phase contains a large majority of structures and spaces built on the property. The site will be anchored by a two-story clubhouse, located in the center of the property, directly north of the 139-space parking lot, which lies parallel to W 24th Place. The clubhouse location has been revised and moved to the west side of the property.

The clubhouse will feature a total of 28,000 square feet: 20,000 on the first floor; 8,000 on the second floor. First floor clubhouse activities will include club rental for miniature golf, private party rooms, arcade games, and a snack area. On the second floor, the clubhouse will feature a bar with a 3.2 liquor license, a NASCAR driving experience arcade, along with miniature bowling. The applicant is proposing to exclude seeking a liquor license in the initial phase of this development. A liquor license must be approved by the City Commission as a separate action. There is no specific notice requirement to property owners regarding acquisition of a liquor license.

Six batting cages containing 9,700 square feet (3,000 customer area) will be located on the east side of the property, directly west of the clubhouse, adjacent to the parking lot. An 18-hole miniature golf course containing 70,933 square feet (20,000 customer area) will be located in the northwest portion of the site. A patio space and 6,400 SF play ground area will be located east of the clubhouse with picnic tables for customers and patrons. A tot lot, containing 6,800 square feet will be located directly east of the patio, for children of younger ages.

Phase 2:
The second phase of the project will add an electric go-kart track on the eastern side of the site, along with an accessory structure used to store the electric go-karts. The electric go-kart track will take up 33,595 square feet (18,100 customer area) of space directly east of the clubhouse. Per the manufacturer, the electric go-karts will make noise comparable to an automobile travelling 20-30mph down a street. Thirty-eight parking spaces will be added to the site in Phase 2, increasing the number of parking spaces on the property from 111 spaces to 149 spaces.

The proposed hours are anticipated for the proposed Family Fun Center:
- Monday through Wednesday: 11am to 10pm
- Thursday and Friday: 11am to 12am
- Saturday: 10am to 12am
- Sunday: 12pm to 9pm

The development proposes a Family Fun Center, which under the Lawrence Development Code, is categorized under the “Participant Sports & Recreation, Outdoor” use, which is currently not permitted. A text amendment: (TA-13-00488: Special Use in CN2 District) is proposed concurrently with this Special Use Permit, to accommodate the proposed development.

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<tr>
<th>LOT</th>
<th>USE PROPOSED</th>
<th>USE CLASSIFICATION</th>
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<tr>
<td>Family Fun Center Lot</td>
<td>Two-story Clubhouse Accessory snack bar (including alcohol sales)</td>
<td>Participant Sports &amp; Recreation, Indoor Accessory use - Eating and drinking establishment/accessory bar</td>
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<td></td>
<td>Batting Cages</td>
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<tr>
<td></td>
<td>Miniature Golf</td>
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<td></td>
<td>Electric Go Karts</td>
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<td></td>
<td>Tot Lot</td>
<td>Accessory Uses</td>
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<tr>
<td></td>
<td>Patio</td>
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</tbody>
</table>

These use classifications are defined in Article 17 of the Development Code as:

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

- **Indoor:** Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools, and physical fitness centers.

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

**SITE PLAN REVIEW**
While the site plan being considered by the Planning Commission reflects the locations of the primary structure and parking lots, many elements are conceptual and should be considered to be in design phase – details of parking lot landscaping, fencing, stormwater system, lighting, etc. Much of this report identifies/discusses technical code standards that need further clarification on the site plan to verify that the items meet the Development Code, but, in any event, will be
completed prior to the issuance of building permits and based on the direction of the Planning and City Commissions.

**The physical arrangement of the proposed uses are revised per the attached site plan. The golf course use occupies the north portion of the site. The Clubhouse is located on the west end and the go-kart and batting cages are located on the east side of the property. This project is still proposed as a phased development.**

The site plan shows the proposed location of the Clubhouse to be located in the central portion of the site, directly north of the parking lot, which parallels W 24th Place. All outdoor recreation use facilities are located to the north of the parking lot, on the west, north, and east sides of the clubhouse. Facilities intended to be completed in the initial construction phase include:

- Miniature golf (18 holes)
- Batting cages (6 total)
- Tot Lot Playground
- Patio
- Open space in northeast corner of parcel
- Detention pond

Future facilities to be completed after the initial construction phase include:

- Electric Go-Kart Track
  - Go-Kart storage building (accessory use)

Pedestrian pathways are shown throughout the area on the site plan. These will connect the clubhouse and parking lot with the various recreational facilities located on the site. **Additionally the sidewalk is designed to be extended to the west to the retail commercial in SUP-14-00026.**

Restroom locations are not identified on the SUP plan. Building Codes have specific requirements pertaining to the proximity of restrooms to spectator or activity areas. If additional restrooms are required, an administrative amendment to the site plan would be necessary.

**Review and Decision-Making Criteria (20-1306(i))**

1. **WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE**

Property Owner’s Response: "A text amendment has been submitted to allow CN2 to have Outdoor Participant Sports and Recreation. Should the amendment be approved, the proposed used will comply with the Development Code."

Some of the proposed uses are currently not permitted in the CN2 zoning. TA-13-00488 has been submitted concurrently with this Special Use Permit to allow the Participant Sports & Recreation, Outdoor use under this zoning classification.

**Parking**

Parking for the proposed uses associated with the immediate development is summarized in the following table:
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<th>Requirement</th>
<th>Phase</th>
<th>Required Parking</th>
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<td></td>
<td>Total</td>
<td>145 Spaces Provided (139 Spaces Required)</td>
</tr>
</tbody>
</table>

Bike parking required is 1 per 10 spaces for participant sports uses, whether indoor or outdoor. Given that **145 parking spaces** are required, **16 bike spaces** are required on the site.

**LANDSCAPING:**

**Street Trees**
This project requires the provision of street trees along Clinton Parkway and W 24th Place. The plan shows the required street trees along Clinton Parkway within the right of way. Street trees for W 24th Place are shown within a series of islands projected into the parking lot along W 24th Place. These street trees would normally be dispersed uniformly along the property line, however, conflicting utility locations require trees to be located further inside the property, which led the applicant to place these trees within parking lot islands.

The applicant has asked for alternative compliance regarding street trees and parking lot perimeter landscaping due to the proximity of utilities located parallel to the parking lot and W 24th Place.

Staff recommended the site be redesigned to provide an additional 5' along W. 24th Place to establish an area for the placement of the required street trees. The property is sufficiently large enough to accommodate this requirement and meet the subdivision and site plan requirements. This project represents greenfield development in that it is vacant unimproved land. There are no encumbrances to moving land uses to the north and providing a green space area along W 24th Street. The hardship to the applicant is the design time and effort that has implemented thus a with no regard to this comment provided during the review of the project.

A Type 1 Bufferyard is required along Clinton Parkway, W 24th Place, and between the proposed development and the existing multi-family development to the east. The applicant has requested a waiver from this standard as it applies to both W 24th Place and Clinton Parkway.

**Bufferyard on the South (adjacent to W 24th Place)**
A waiver has been requested due to the 15’ utility easement at the front of the site. Shrubs have been provided in the parking lot islands to meet shrub requirements; however there is no room for the additional five trees not provided via street trees, per the applicant.

**A type one bufferyard is required along the south and east property lines for this development.** The bufferyard as shown is 15’ wide (accounting for the existing utility easement). The Family Fun Center includes approximately 651.34’ along W 24th Place. Based on a Type 1, 15’ wide buffer yard a total of 20 trees and 52 shrubs would be required along this the south side of the property adjacent to W 24th Place.

This bufferyard is adjacent to a multi-dwelling residential planned development to the south, across W 24th Place. As an alternative to this request, staff has recommended a condition to move the parking lot at least five feet north to accommodate the necessary street trees.

**Bufferyard on the North (adjacent to Clinton Parkway)**
A waiver has been requested due to the site frontage being buffered by a 10’ +/- hill south of Clinton Parkway, which the applicant considers to serve as an adequate buffer from the arterial.

After a visit to the site, along Clinton Parkway, staff noted topographical buffering, in addition to existing trees along Clinton Parkway that serve as adequate buffering, despite not being located within the property.

**Bufferyard on the East (adjacent to neighboring apartments)**
The proposed plan complies with bufferyard requirements needed as they apply to the adjacent development. A mixture of shrubs and trees has been proposed in order to serve as an adequate buffer between these two spaces.

**Interior Parking Lot landscaping**
This plan exceeds the code requirements for trees and shrubs, as well as the area requirements for interior parking lot landscaping.

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**Figure 2a.** Family Fun Center parking lot- February Version
Perimeter Parking Lot Landscaping

Landscaping is required around the perimeter of parking lots to screen view of parking lots from streets and roads. This landscaping is required in addition to 1 tree per 25 linear feet of parking frontage. The current design and layout of the parking lot does not allow for adequate street trees due to existing utility lines located beneath the provided green space. As a condition of approval, a revised site plan should include a revised parking lot layout to include an additional 5’ setback from W 24th Place to accommodate the installation of street trees along the perimeter.

Mechanical Screening

Trash receptacle locations should be shown on the plan for review by the City Solid Waste Division. Trash receptacles and mechanical equipment must be screened per the requirements in Section 20-1006. The plan shows the location of the trash receptacles/dumpsters. An additional note regarding screening of the trash enclosure should be added to state that the enclosure shall comply with minimum City design specifications. In addition the following note should be added to the plan: "Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities boxes and meters, shall be fully screened from view of adjacent properties and from street rights of way (as measured 6 ft above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building."

This revised plan shows the proposed trash receptacle located along W 24th Place east of the shared entrance to the Family Fun Center and the future retail development. Staff recommend the trash receptacle be relocated to the north adjacent to the clubhouse. This will place the use closer to the clubhouse and provide a larger area to screen the trash receptacle within the site rather than along the public right-of-way.
The location of the access drives meets the separation requirements from the intersection with Inverness Drive and W 24th Place.

**Lighting**

Section 20-1103(d) contains lighting standards for outdoor lighting. These standards would apply to parking lot lights and exterior lights except for those associated with outdoor recreational uses. Standards for outdoor recreational uses provided in Section 20-1103(e) include the following:

<table>
<thead>
<tr>
<th>Code</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lights at outdoor recreation uses may not exceed a maximum permitted post height of 60 feet.</td>
<td>Maximum pole height proposed: 25 feet</td>
</tr>
<tr>
<td>No flickering or flashing lights are permitted</td>
<td>Recommended as a note on the face of the site plan</td>
</tr>
<tr>
<td>Lights may not be illuminated after 11:30pm</td>
<td>Shut-off times recommended as a note on the face of the site plan</td>
</tr>
<tr>
<td>As-built lighting and photometric plans are required</td>
<td>Recommended as a note on the face of the site plan</td>
</tr>
<tr>
<td>Lighting shall be designed, to the maximum extent feasible, to minimize adverse impacts on traffic safety and nuisance impacts on R-zoned property. Mitigation can be required via extra landscaping, earlier shut-off times for the lights, cutoff fixtures (where feasible) and other techniques.</td>
<td>Project appears to apply with this standard. The Planning Commission may, as part of their actions, recommend an earlier shutoff time, or other technique aimed at eliminating adverse impacts on neighboring properties, or motorists on Clinton Parkway.</td>
</tr>
</tbody>
</table>

**Staff Finding** – With the approved administrative waivers, and as conditioned, the site plan complies with the requirements set out in the Development Code.
2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Property Owner’s Response: “The proposed use has been designed to limit noise near residential areas, and provide sufficient screening for lights and site activity.”

To the West
The proposed development will be bordered on the west by the proposed Inverness Corner pad sites. These proposed sites, as laid out in SUP-14-00026, are intended to further provide neighborhood-oriented commercial uses, along with the Family Fun Center, to further enhance the goals set out in the Inverness Park District Plan.

To the North
This property is bordered on the north by a steep embankment before reaching Clinton Parkway.

To the East
This property is bordered on the east by an apartment complex; on the south (across W 24th Place) by another apartment complex. (Figure 3) Property to the west is currently developed with residential homes and duplexes. Property to the north of the property (beyond Clinton Parkway) currently includes duplexes, private recreation facilities, a private school, and commercial offices.

Use
The participant sport uses on the property include batting practice, miniature golfing, and electric go-kart racing, along with uses inside the clubhouse. The clubhouse will feature concessions, in addition to group assembly space for gatherings, such as birthday parties.

Potential Impacts
Artificial noise and light will be created from the proposed use. Prior to approval, staff recommends that a determination be made by the commission regarding amplified noise and lighting on the site.

Public address systems or speakers may create a nuisance for neighboring properties. The planning staff recommends that the commission determine whether speakers or other public-address systems are allowed, and to the degree in which they are used. If these types of systems are allowed by the commission, the extent of use (whether announcements or music), the hours of
usage, and the placement of these devices should be addressed and clarified. Staff has provided a recommendation, but the commission may wish to modify these or add additional conditions. As noted, the items to be considered include:

a. Whether loudspeaker or intercom system permitted;
b. Whether music be allowed or only announcements be allowed;
c. Whether loudspeakers can only be used between certain hours on weeknights; weekends;
d. How potential loudspeakers or intercoms may be positioned in terms of noise projection;
e. Whether go-kart usage should be limited to similar conditions as public address systems or loudspeakers in regards to noise.

The *Land Development Code* does not allow outdoor activity lights to be used after 11:30pm. Given the hours submitted by the applicant, it should be noted that although lights must be off by 11:30pm, activities may still occur inside the clubhouse. The commission may also consider additional lighting standards, regarding weeknight usage specifically.

In addition to lighting and noise concerns and impacts, precautionary safety measures should be considered in regards to alcohol consumption and usage of electric go-karts.

**Staff Finding** – The property is surrounded by existing developments and is in close proximity to Clinton Parkway, a principal arterial. Residential developments are located on all sides of the development, but have been screened adequately to diminish negative effects that could result from lighting or noise. As conditioned, this plan is compatible with adjacent uses.

3. **WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED**

Property Owner’s Response: “The proposed use will not cause neighboring property to decline in value, but instead will provide great amenities to the neighborhood that would increase property value.”

The proposed use will be an amenity to the neighborhood and community. *The Inverness Park District Plan* intends this property to be used as a neighborhood commercial center, which can be accessed by neighbors via car, bus, bike or walking.

**Staff has received numerous communications from residential and non-residential property owners and residents in the area indicating a perceived concern that the proposed use will diminish property value resulting from traffic, noise, lights, general activity, vandalism, and on site alcohol consumption. The applicant has revised the plan to remove the alcohol consumption use in the initial phase of the project. Staff has recommended limitations on hours of operation and lighting to mitigate these concerns. Additionally, staff recommends the Planning Commission consider adding a restriction regarding amplified sound.**

**Staff Finding** – There is no evidence to support a finding that the proposed use would cause a diminution in value of other property in the area. **Proposed conditions are intended to mitigate expressed concerns by the public for this use.**
4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

The traffic study was reviewed and accepted by staff. No changes to the surrounding street network are necessary.

Public transit (KU Route 29) currently provides access to this property along W 24th Street, with access to the University of Kansas.

This property can generally be served by water and sewer service. Some additional revisions to the site plan for specific service lines and utility elements should be revised and are reflected as a condition of approval.

**Staff Finding** – Safety, transportation and utility facilities will be available to serve the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

**Staff Finding** – The associated documents (special use permit; photometric plan; building elevation) are the tools used to enforce property maintenance and uses.

All spaces noted in phase two must be maintained as natural turf until constructed.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Property Owner’s Response: "The natural environment will be improved with substantial landscaping and eco-friendly development standards to make this site an asset to the natural environment.

Drainage from the site will be controlled through stormwater management measures approved by the City Stormwater Engineer as part of the drainage study. A detention pond is located in the southeast corner of the property to minimize drainage from the large parking area. The Stormwater Engineer noted several revisions needed to the plan which are reflected as conditions of approval.

**Staff Finding** – The proposed use will not cause significant adverse impacts on the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO WHAT THAT TIME PERIOD SHOULD BE.

Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area or if a rezoning would be appropriate. The proposed use is intended to provide an ongoing Participant Sports & Recreation, Outdoor use for the community. It would not be appropriate to place a time limit on this Special Use Permit.
**Staff Finding** – The project provides necessary infrastructure for development; therefore, it would not be appropriate to place a time limit on this use.

**SUMMARY**

Other than the changes to the physical location of the uses within the subject property the only significant change to the application is a statement from the applicant regarding the voluntary limitation on alcohol sales. As discussed above this use is considered to be accessory in the context of an accessory snack bar to the facility. Consumption of alcohol on premises requires the approval of both a state and local liquor license. Staff recommends that the addition of the “accessory bar” use to the “accessory eating and drinking establishment” within the clubhouse be subject to approval by the City Commission as a future use. Staff further recommends that such use be subject to the public notice provisions of Section 20-1305(q) of the Land Development Code. This will allow for public notice regarding the proposed addition of the specific use rather than the more simplified processing of a liquor license through standard procedures.

The proposed re-arrangement of uses on this site moves the batting cages further from the low-density residential uses located on the west side of Inverness Park.

Staff recommends that details of the batting cages, golf course and go-karts be subject to review and approval of final designs to assure compliance with the commercial design standards, lighting, and landscaping provisions of the City Code.

Additional conditions of approval address details of the plan as well as specific infrastructure and utility requirements applicable to development. Public Improvement Plans will be required for this project.

**Conclusion**

The proposed Family Fun Center will serve as an amenity and asset to the community. The use is compatible with and appropriate, as conditioned, for this location and staff recommends approval of the Special Use Permit with the conditions noted, if approval of TA-13-00488 and Z-13-00483 has been completed.
November 26, 2013

Sheila Stogsdill  
Planning and Development Services  
6 East 6th St.  
Lawrence, KS 66044

Dear Sheila,

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

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

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

Operating hours are anticipated to be:
Monday - Wednesday, 11AM - 10PM  
Thursday and Friday, 11AM - 12AM  
Saturday, 10AM - 12AM  
Sunday, 12PM - 9PM

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

Sincerely,

Joy Rhea, RLA
April 2, 2014

Sandra Day
Planning and Development Services
6 East 6th St.
Lawrence, KS 66044

RE: Inverness Corner SP

Sandra:

Attached is the Family Fun Center Site Plan. We believe positive changes have been made to the site plan based on concerns the neighbors voiced. Those changes include:

- The 3.2 Cereal Malt Beverage license will be removed from the proposal for the time being.
- The Clubhouse was moved to the west side of the site.
- The batting cages were moved to the east side of the site to reduce impact to single family residences. In addition, a berm will be placed around the batting cages to further lighten this potential impact.
- The Go-Kart Storage building was relocated slightly.

With the above mentioned changes the notes on Sheet 1 have been revised to reflect accurate information regarding the site summary, parking and landscaping.

Sincerely,

Joy Rhea, RLA

CC: Sheila Stogsdlill
Travis Halm
Paul Werner
April 4, 2014

Re: Proposed Family Fun Center

To Interested Parties,

We will be hosting a meeting on April 14, 2014 at 7:00pm, to discuss the proposed Family Fun Center Project located at Inverness and Clinton Parkway. The meeting will be held at Eldridge Extended, 201 W. 8th Street, Lawrence, Kansas.

On behalf of our client, Kansas Fun Center, LLC, we are pleased to present the following revisions to the proposed project mentioned above.

First, and probably most importantly, the developer will not be seeking a cereal malt beverage license until at least the second season of operation, if at all. To begin with, the sales of 3.2 beer was a minimal component of the project.

Also, we have moved the batting cages as far to the east side of the property as possible to distance them from the single family residences. In addition, a berm will be placed around the batting cages to further lighten the potential impact to the neighboring properties.

We are still analyzing all of the information from various traffic studies for the surrounding schools, apartment buildings, and this project. We hope to be able to present more information at the meeting, as well as at the Planning Commission Meeting.

All of the parking lot lights will be operated by motion detectors. We are hoping that this will discourage anyone from lingering/loitering in the parking lot.

We have had many requests to give more detail about what will be taking place in the clubhouse. The clubhouse will have birthday party rooms, with a KU theme, which will include a hostess to help out parents and will have the option to purchase cake and ice cream. There will also be redemption games such as, basketball shoot-out, whack-a-mole, and skee-ball.. There will also be non-re redemption games such as air hockey and race car driving arcade style games. The clubhouse will have a snack area with food and drink options available for purchase.

The upstairs portion of the clubhouse will be an area for parents, that will include games such as miniature bowling arcade games such as Nascar Racing and Golden Tee. The upstairs will also have tables, chairs and a lounge area that will overlook the first floor so that parents can keep an eye on their children who are playing below.

Developers are still exploring other activities, such as laser tag, and would love to hear feedback about other ideas/interests for the facility.
The outdoor area will include a 36 hole miniature golf course. The developer is pursuing miniature golf course layouts, which could include an 18 hold putt-putt style course and an 18 hole theme style course.

The main change that we have made to the west side of the property includes widening the bufferyard along the south end of Inverness drive from 50' to 68'. We have also added a berm to the bufferyard.

We have been contacted by the owner of a local coffee shop that has expressed interest in opening another location on this site. Hopefully this helps to express our desire to have a quality, local business on the site, and not a McDonalds.

We look forward to seeing everyone at the meeting on the 14\textsuperscript{th}.

Sincerely,

Paul Werner
Z-13-00483: Rezone 10.97 acres from RSO District to CN2 District

SUP-13-00486: Special Use Permit for a Family Fun Center &
SUP-14-00026: Special Use Permit for Fast Order Food with Drive-thru

Located at 4300 West 24th Place

Lawrence-Douglas County Planning Office
February 2014
Dear Mr. Halm,

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

Molly Mulloy

February 14, 2014

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

Dear Commissioners,

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

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

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

Thank you for considering our objections to this rezoning request.

Respectfully,

Wimbledon Terrace Townhomes Assn.
Molly Mulloy, Executive Committee (mmulloy@ku.edu)
Ruth Hiss, Executive Committee (mrsdeltachi@yahoo.com)
Jane Tedder, Executive Committee (jtedder@sunflower.com)
Debbie Saiz
Alice Holtz
Ann Eversole
Kathy Rauckman
Letty Seidl
Sarah Williamson
Lenora Barker
I am the property owner of Clinton Parkway Animal Hospital, 4340 Clinton Parkway and a rental house at 4334 Clinton Parkway. We have strived to maintain and improve the outside appearance of those two properties, including a major investment in new landscaping in 2013.

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

Respectfully

Gary Olson, DVM
Clinton Parkway Animal Hospital
4340 Clinton Parkway
Lawrence, KS 66047
785-841-3131
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the drive-ins will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King, President

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

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

Debbie Galbraith
4205 Nicklaus Drive
Dear Planning Commissioners,

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

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

Please understand our concerns.

Thank you.
Dustin & Katie Huff
4424 Gretchen Ct
Dear City Planning Commissioners,

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

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

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

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

Sincerely,
Michele Vignola-Rogers
From: Mark Simpson [mailto:markandrewsimpson@yahoo.com]
Sent: Monday, February 24, 2014 8:58 AM
To: Caitlyn Cargill
Subject: Comments regarding 4300 W. 24th Place

Planning Commissioners,
I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive. My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants. Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences. Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.
Respectfully,
Mark Simpson
From: Luke Sinclair [mailto:sincluke@gmail.com]
Sent: Friday, February 21, 2014 11:20 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com
Cc: Lori Sinclair
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

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

We purchased our home in 2008 because we loved the property and we were attracted to the quiet, appealing nature of the neighborhood, the proximity to neighborhood schools, and the ease of access to outdoor recreation. We take pride in our home and have invested capital to maintain and improve both the inside and outside appearance of our house and property, and we take advantage as much as we can of the benefits of living where we do. We believe the proposed development will interfere with, disrupt, and degrade our quality of life and the value of our property, as well as our neighbors’. To be clear, we have strong doubts as to the long-term viability of a go-kart, mini-golf entertainment center in Lawrence, but we are not generally opposed to it. But we all have to be smart about it and take into consideration the adjoining properties and owners. We think this proposed development at this particular location is ill-advised for several reasons. First, it will not provide any additional meaningful benefit to our area. This development is being proposed – and the text amendment, rezoning request, and special use permits are being sought – primarily on the basis that the development will provide services to us and our neighbors that are otherwise lacking in our area. This is simply untrue. Our neighborhood enjoys some of the best access in Lawrence to outdoor recreation. Walking trails, bike trails, tennis courts, playgrounds, a running track, soccer fields, softball and baseball fields, batting cages, Clinton Lake, the Pat Dawson Billings Nature Area, the Rotary Arboretum, and more, are all within a short walk/run/bike ride and even shorter drive of our neighborhood. Access to and use of most of these is free. Paid access to go-karts and mini-golf provides absolutely no additional outdoor recreational benefit to us.

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

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

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

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

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

Thank you,
Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS  66047
The designated zoning for the area in question is the correct one—Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.

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

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

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

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

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

Respectfully,

Kenna Heim
4741 Larkspur Circle
Regarding 4300 W. 24th Place:

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

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

Since there isn't currently a buyer for the west lot: regarding a potential future lot split as shown on the proposed plan - either require that the lot split happens now and keep zoning on west lot as RSO until there is a buyer, or if lot split doesn't happen now, keep public comment as part of the process for further development.

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

I am **NOT** in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.

I am in support of open hours until **10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday**, which is a reduction from the plan.

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

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047
From: Bob Grabill [mailto:bgrabill@chiefexec.com]
Sent: Monday, February 24, 2014 10:19 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; joniosserand@gmail.com; pkelley@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Proposed development

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

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

We ask that you please not approve this.

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

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

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

Thank you for your time!

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

Leann Cooper | Senior Manager, Chapter Services
Golf Course Superintendents Association of America
1421 Research Park Drive | Lawrence, KS 66049
800.472.7878, ext. 3648 | 785.832.3648 Direct |
www.gcsaa.org | www.eifg.org | FACEBOOK | TWITTER
Planning Commission Members,

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

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

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

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

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

Thank you for your consideration on this matter.

Steve and Tami Clark
4425 W 24th Pl
From: Angela Jacobson [mailto:angelamk@swbell.net]
Sent: Monday, February 24, 2014 10:54 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; 
pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; 
denney1@sunflower.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Feedback regarding proposed family fun center (Clinton Parkway and Inverness)

Commissioners:

My husband and I live at 4416 Gretchen Ct. and have concerns about the proposed family fun center. In a perfect world, I think it is fair to say that the neighborhood would love for the space to be used as a green space or park. However, as it appears that that is not an option, the family fun center is more attractive than apartments.

In regard to the proposed plan, we have two main concerns:

First, we **strongly oppose the sale of alcohol** at the proposed family fun center because of its location being so near to several schools and the certain issues that will arise from having alcohol available at a facility like this with motorized vehicles surrounded by apartments filled with college students.

Second, because of the proximity to so many neighborhoods with families, **we are opposed to the hours of operation** running so late into the evening, particularly on Thursday night. Why not 8 or 9 p.m. during the week and 10 p.m. on weekends? The proposed go carts may be quieter than others but when you have 5 or 10 of them running at the same time, that is sure to cause trouble with noise pollution, particularly when the weather permits families to have windows open.

We also believe that whatever zoning needs to happen to ensure that neighbors have a voice as this process continues, including the development of the land nearest Inverness is critical. This area began as a residential area filled with families and schools. It is important that the area (homes, property values, kids, schools, safety) be protected.

Thank you

Angela & Thomas Jacobson
4416 Gretchen Ct.

---

Angela Jacobson
angelamk@swbell.net
(785)841-0376
From: Sheila Stogsdill
To: Sandra Day; Travis Halm; Denny Ewert
Subject: FW: Feedback regarding proposed family fun center (Clinton Parkway and Inverness)
Date: Monday, February 24, 2014 11:33:59 AM

Sheila

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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 10:57 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Feedback regarding proposed family fun center (Clinton Parkway and Inverness)

Commissioners:

My husband and I live at 4416 Gretchen Ct. and have concerns about the proposed family fun center. In a perfect world, I think it is fair to say that the neighborhood would love for the space to be used as a green space or park. However, as it appears that that is not an option, the family fun center is more attractive than apartments.

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location being so near to several schools and the certain issues that will arise from having alcohol available at a facility like this with motorized vehicles surrounded by apartments filled with college students.

Second, because of the proximity to so many neighborhoods with families, we are opposed to the hours of operation running so late into the evening, particularly on Thursday night. Why not 8 or 9 p.m. during the week and 10 p.m. on weekends? The proposed go carts may be quieter than others but when you have 5 or 10 of them running at the same time, that is sure to cause trouble with noise pollution, particularly when the weather permits families to have windows open.

We also believe that whatever zoning needs to happen to ensure that neighbors have a voice as this process continues, including the development of the land nearest Inverness is critical. This area began as a residential area filled with families and schools. It is important that the area (homes, property values, kids, schools, safety) be protected.

Thank you

Angela & Thomas Jacobson
4416 Gretchen Ct.

Angela Jacobson
angelamk@swbell.net
(785)841-0376
March 7, 2014

Dear Planning Commissioners,

As Head of School at Bishop Seabury Academy (4120 Clinton Parkway), I have been following with interest and concern the proposed rezoning (Z-13-00483) of the lot at 4300 W. 24th Place from a Residential area to a Neighborhood Shopping Center (CN2). I attended the meeting at Raintree Elementary School, and I appreciated Mr. Werner’s appearing to explain the project. I would not be opposed to such a development were it appearing (logically) on the outskirts of town and in an area zoned deliberately for this sort of development. However, I think this rezoning is inherently and obviously very bad news for everyone who lives or attends school in the area. Homeowners in the area have very good reason to be anxious, and they voiced their concerns at the meeting. I will focus on my own concerns.

I feel certain that this sort of an entertainment park will attract a lot of middle school, high school, and college students at all times of the day, but especially at night. (I have to think that developers conceived of this project with a captive afternoon audience in mind: the students at Bishop Seabury Academy, Southwest Middle School, and perhaps Raintree and Sunflower Elementary Schools.) The presence of alcohol in this park is unwise. It would be naïve to think that underage high school and college students who find a way to drink in other Lawrence bars will not find a way to drink at the bar in this park. And when they leave the facility at 10 pm or midnight—bedtime for adults, perhaps, but not for park guests aged 14-25—they will look around and wonder what they should do next. And they will have two schools nearby with football fields, tennis courts, baseball diamonds, and a closed, unsupervised pool with a gate that is easily climbed. They will have the secluded spaces behind Raintree. As I noted at the Raintree meeting, I am an advocate for young people and believe in their better nature, but they also make bad choices at times. If this park is allowed to be developed in this residential area, it will not be the developer, architect, management, or the city planning committee who will have to deal with this situation. It will be the people who live in this area.

I was asked by Mr. Werner if I would feel more comfortable about the situation should alcohol be taken off the table. I admit that the presence of alcohol is one of the most bewilderingly inappropriate aspects of this proposal and raises the stakes, especially when neighbors have no certainty about the future usage of this area (Family Fun Center or other entertainment feature). But focusing on this one proposed entertainment park project, the absence of liquor would not stop drinking or the potential late night behavior. The sort of features offered by the park will lend themselves to students showing up intoxicated and/or keeping liquor in their cars or on their persons. Perhaps I am excessively cynical here, but my job as Head of School is to think of worst-case scenarios, and in my experience, what I am suggesting hardly requires a dark imagination.

Also at the Raintree meeting yesterday, there was much discussion about neighborhood concerns regarding lighting, noise, security, the quality of judgment demonstrated by young seasonal park employees, and even the uncertainty of what project will inhabit this lot (again, in the center of a residential area of town) not only next year but in 5, 10, and 20 years. Despite the helpful speculations
by the architect on all of these issues—assurances which are the lubricant to get this motion passed—there is no guarantee on any of them. And if you allow this rezoning to occur, the neighbors and schools will be at the mercy of whatever development occurs in this area.

I want the planning committee members to understand that I do not envy their job, and I do not think it is for me to dictate what sort of construction occurs in the neighborhood surrounding my school. However, I think it is very reasonable to see that rezoning and special use permits are difficult hurdles for developers in a situation like this because restrictions are in place for a reason. There is logic and a reason for consistency with these decisions. There is a reason that the present zoning exists.

With respect, I strongly encourage you to oppose this rezoning. And as a final test to this decision making, I would ask you to consider if you would be willing to move into a residence alongside the Family Fun Center if it is built. If you would not, then you will understand how we feel.

Thank you for your consideration in this matter,

Dr. Don M. Schawang

Head of School
Bishop Seabury Academy
In my spam

Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org

City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154  |  fax (785) 832-3160

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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 10:25 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Proposed development

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

Nothing could drive down home values faster not to mention disrupt sleep of we and our neighbors than this project.
We ask that you please not approve this.

Thank you,
Bob & Jennifer Grabill
2027 Hogan Ct.
(Masters Subdivision)
I just received a phone message from a Larry G. (25\textsuperscript{th} and Inverness) about the project. He stated he was opposed to the rezoning and attended the meeting at Raintree along with approximately 80 others and lots of students. It was unanimous that residents were opposed to the request other than the presenters. He is a former junior high teachers and agrees that there is a need for after school activities but that this location is inappropriate. He will forward his concerns in a future email. He did not leave a phone number.
For PC and applicant.

Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:50 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: OPPOSITION to Proposed Development for corner of Inverness and Clinton Parkway

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

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

Debbie Galbraith
4205 Nicklaus Drive
Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:42 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Planning Commission Meeting

Dear Planning Commissioners,

We are writing you with concern and opposition to several items to be discussed at your meeting on Monday, February 24th. We are opposed to Item 4, Item 5A, Item 5B, and Item 5C.
We are a family with three small children, so we are not opposed to a "Family Fun Center"; in fact, we believe Lawrence could use a place like this. But we strongly disagree with it being built in the middle of a residential area. We own a house at 4424 Gretchen Ct and enjoy the quiet, family and school focused neighborhood that this area provides. But we believe with the addition of this proposed "Family Fun Center", it would dramatically change our neighborhood. We are opposed to the noise, traffic, alcohol near schools, lights, and late night hours that this place would promote. This is not the right location for this type of facility.

Please understand our concerns.

Thank you.
Dustin & Katie Huff
4424 Gretchen Ct
Bryan C. Culver
Vice President
Wealth Management Officer
4831 West 6th Street
Lawrence, KS 66049
785-842-4300 Office
785-830-4623 Fax
785-760-2820 Mobile
NMLS# 861527

-----Original Message-----
From: Eileen Jones [mailto:eejones@ku.edu]
Sent: Monday, March 10, 2014 9:43 AM
To: Bryan C. Culver
Subject: location of proposed “family fun center”

Dear Mr. Culver,

As a KU employee and a resident of Lawrence for 10 years (Fox Chase neighborhood in west Lawrence), I am writing to express my strong opposition to the proposed location at the intersection of Clinton Parkway and Inverness.

As a parent of three children who attended Southwest Junior High and the grandparent of a first-grader at Raintree Montessori School, I am familiar with the traffic patterns at that intersection. That intersection serves traffic for two public and two private schools and an entire neighborhood which does not have other avenues onto Clinton Parkway. Traffic is very heavy in the morning and afternoon - pickup and dropoff at Raintree is very busy - and I do not believe that intersection can safely handle any more traffic.

The effect of the “family fun center” on the residents of that neighborhood and on the families attending those four schools would be devastating. The safety issues created by increased traffic are obvious, and I believe there are other safety issues of a cultural nature with a rec center being so close to schools. I think it would encourage truancy and also the influence of elements outside the schools (including drug sales).

In addition to the inconvenience and danger that additional traffic would pose for neighborhood residents and student families traveling there, home values in that fairly new neighborhood will be negatively impacted. My husband and I are looking for a starter home for our daughter and her young family, and already we have eliminated that neighborhood from our real estate search, and only because of the proposed “family fun center”.

I am not opposed to a new recreational center, but in my opinion this location is a very poor one. Please stay away from schools and established, quiet family neighborhoods. A location close to the new Rock Chalk park would make more sense, and the 6th-and-Folks to downtown bus could extend its route westward to go to the new rec center.

Thank you for allowing me to express my view.
Dear Planning Commissioners,

I'm Kelli Flanner, a 30-year Douglas County resident, Lawrence worker, Raintree parent, and number one fan of Lawrence. I'm reaching out to you to voice concerns about the proposed re-zoning of the Inverness & Clinton Parkway area marketed as a Family Fun Center.

There are several factors about this proposed rezoning which give me pause.

1) The location of a large commercial property serving alcohol, and fast food restaurants in close proximity to a quiet residential and four-school neighborhood. Traffic, noise, vandalism, drunk driving will surely increase in what is currently a beautiful, peaceful, quiet neighborhood that despite being developed still retains the character of the rural land it was not long ago - a peaceful ambiance that the original Horizon 2020 plan intended to preserve on Clinton Parkway.

2) A "Family Fun Center" which serves alcohol, presumably to parents and young adults, where children are playing. To me, this does not compute. I am not a prude, but let me give you an example - have you been to a Chiefs game? Adults + alcohol + rowdy 'fun' atmosphere = cursing galore and an environment that isn't conducive to family fun. Are the parents drinking while the kids engage in the fun activities? Is the alcohol a draw for young adults in our community...and if so how does that jive with the stated target audience of having a space for young kids to play and have fun? If Kansas liquor laws continue to relax as the trend has gone, will we see the 3.2 beer standard disappear and full bar possible at this site?

3) The developers. Why don't we know who they are? Is this a group of folks who respect the effects of underage drinking in our community, or are they current liquor license-holders who consider a citation from the ABC simply the cost of doing business in a college town? There is a level of trust
involved when the city decides to deviate from a long-term strategic plan (Horizon 2020) to allow commercial development ("trust us - it won't be loud, trust us - it won't affect traffic, trust us - the alcohol will not increase crime in the neighborhood") - do these developers have a history of violating our city's trust?

4) The framing of this project by the spokesperson at the community meeting. The architect indicated that there just isn't enough for kids to do in Lawrence, as though this proposal is a community service. First, that is patently false. Find me a parent in Lawrence who can't find things for their children to do and I will show you someone who isn't looking. Second, where is the evidence that this is true? Are the current facilities at capacity?

These were my initial concerns after attending the community meeting last night at Raintree and listening to the proposal from the developers. The room was packed with local residents of all ages and parents of children at the four schools adjacent to the site and I didn't hear one word of enthusiasm or support for this idea at this location.

Thank you for your time in reviewing these concerns. I fervently hope you and the other commissioners will listen to the community and hear that this rezoning is not what is best for the people who live and educate their children at Inverness & Clinton. It is a beautiful part of our city and we would like to keep it that way.

I look forward to the Planning Commission meeting on March 24th.

Sincerely,

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

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

Respectfully

[Signature]

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

RECEIVED
JAN 10 2014
City County Planning Office
Lawrence, Kansas
Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
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P.O. Box 708, Lawrence, KS 66044-0708
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From: Bryan C. Culver  [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:42 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

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

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

Legends were built immediately. The senior housing developer pulled out, and dense apartments catering to partying college students were built instead - The Grove.

Neighbors are still interested in finding a way to purchase that corner and make it a public park, and possibly a membership swimming pool, through a special tax or Homeowner's Association. If anyone has suggestions and guidance on how to accomplish that, please let me know.

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

Neighbors are still interested in finding a way to purchase that corner and make it a public park, and possibly a membership swimming pool, through a special tax or Homeowner's Association. If anyone has suggestions and guidance on how to accomplish that, please let me know.

- I am in support of the text amendment allowing outdoor use for this specific project, but not for all CN2 zoned properties.

- I am NOT in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.

- I am in support of open hours until 10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday, which is a reduction from the plan.

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

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047
Not much to this one but still a communication received none the less.

From: Janet Graybill [mailto:janetgraybill@live.com]
Sent: Monday, March 10, 2014 4:57 PM
To: bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; eric.cstruckhoff@gmail.com; Bryan C. Culver
Subject: Opposition to proposed development for corner of Inverness and Clinton Parkway

Dear City Planning Commissioners,

Please add our voices to all those opposing the Family Fun Center.

Janet and Bill Graybill
4119 Wimbledon Circle
Dear Planning Commissioners,

I'm Kelli Flanner, a 30-year Douglas County resident, Lawrence worker, Raintree parent, and number one fan of Lawrence. I'm reaching out to you to voice concerns about the proposed re-zoning of the Inverness & Clinton Parkway area marketed as a Family Fun Center.

There are several factors about this proposed rezoning which give me pause.

1) The location of a large commercial property serving alcohol, and fast food restaurants in close proximity to a quiet residential and four-school neighborhood. Traffic, noise, vandalism, drunk driving will surely increase in what is currently a beautiful, peaceful, quiet neighborhood that despite being developed still retains the character of the rural land it was not long ago - a peaceful ambiance that the original Horizon 2020 plan intended to preserve on Clinton Parkway.

2) A “Family Fun Center” which serves alcohol, presumably to parents and young adults, where children are playing. To me, this does not compute. I am not a prude, but let me give you an example - have you been to a Chiefs game? Adults + alcohol + rowdy ‘fun’ atmosphere = cursing galore and an environment that isn't conducive to family fun. Are the parents drinking while the kids engage in the fun activities? Is the alcohol a draw for young adults in our community...and if so how does that jive with the stated target audience of having a space for young kids to play and have fun? If Kansas liquor laws continue to relax as the trend has gone, will we see the 3.2 beer standard disappear and full bar possible at this site?

3) The developers. Why don't we know who they are? Is this a group of folks who respect the effects of underage drinking in our community, or are they current liquor license-holders who consider a citation from the ABC simply the cost of doing business in a college town? There is a level of trust...
involved when the city decides to deviate from a long-term strategic plan (Horizon 2020) to allow commercial development ("trust us - it won't be loud, trust us - it won't affect traffic, trust us - the alcohol will not increase crime in the neighborhood") - do these developers have a history of violating our city's trust?

4) The framing of this project by the spokesperson at the community meeting. The architect indicated that there just isn't enough for kids to do in Lawrence, as though this proposal is a community service. First, that is patently false. Find me a parent in Lawrence who can't find things for their children to do and I will show you someone who isn't looking. Second, where is the evidence that this is true? Are the current facilities at capacity?

These were my initial concerns after attending the community meeting last night at Raintree and listening to the proposal from the developers. The room was packed with local residents of all ages and parents of children at the four schools adjacent to the site and I didn't hear one word of enthusiasm or support for this idea at this location.

Thank you for your time in reviewing these concerns. I fervently hope you and the other commissioners will listen to the community and hear that this rezoning is not what is best for the people who live and educate their children at Inverness & Clinton. It is a beautiful part of our city and we would like to keep it that way.

I look forward to the Planning Commission meeting on March 24th.

Sincerely,

Kelli Flanner
Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:42 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Proposed Family Fun Center and Fast Food restaurants

The designated zoning for the area in question is the correct one--Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.
On children's football nights, I can already barely get through on 27th due to the parking along the street. Inverness was designed to be a quiet residential and school street. Children may be much more in danger of being run over. Traffic on Wakarusa and all these local streets can become very tight and slow as citizens come and go to the ball park on the south side of the SLT. Please drive down into this area during ball games and see what congestion is present.

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

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

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

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

Respectfully,

Kenna Heim
4741 Larkspur Circle
This one was in my spam.

Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org

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office (785) 832-3154  |  fax (785) 832-3160

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Dear Planning Commissioners,

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

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

Thank you for your time!

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

Leann Cooper | Senior Manager, Chapter Services
Golf Course Superintendents Association of America
1421 Research Park Drive | Lawrence, KS  66049
800.472.7878, ext. 3648 | 785.832.3648 Direct |
www.gcsaa.org | www.eifg.org | FACEBOOK | TWITTER
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION, OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The noise levels of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the drive-ins will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
For PC packet

Sent from my Verizon Wireless 4GLTE smartphone

FYI....

Bryan C. Culver
Vice President
Wealth Management Officer
4831 West 6th Street
Lawrence, KS 66049
785-842-4300 Office
785-830-4623 Fax
785-760-2820 Mobile
NMLS# 861527

From: Luke Sinclair [mailto:sincluke@gmail.com]
Sent: Friday, February 21, 2014 11:20 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com;
montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com;
squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com
Cc: Lori Sinclair
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

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

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

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

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

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

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

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

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

Thank you,

Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS  66047
Another one from Mr. Simpson.

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/

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Planning Commissioners,

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

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

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

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

Respectfully,

Mark Simpson
Sorry if I am duplicating these with Sheila.

Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
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http://lawrenceks.org/pds/survey/satisfaction."

From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:42 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Family Fun Center

Dear City Planning Commissioners,

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

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

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

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

Sincerely,

Michele Vignola-Rogers
From: Michelle Bruce [mailto:michellebland2@hotmail.com]
Sent: Thursday, March 13, 2014 10:25 AM
To: Scott McCullough
Subject: Family Fun Park

Hello.

My name is Michelle Bruce and I am a Raintree parent. I do NOT agree with the Family Fun Park being in the proposed location. My biggest concern is the traffic, both foot and car. Putting in a large commercial development in this area would ruin the current safety we feel and value in this area. This development would greatly change the atmosphere in this residential area. While I see the need for such entertainment, I do not feel this location is ideal.

Please, please reconsider the location and find a more suitable location somewhere else.

Let's keep our neighborhood schools in a neighborhood.

Sincerely,

Michelle Bruce
Greetings Planning Commission Members,

I would like to voice my opposition to the proposed development at Inverness and 24th Street. There are so many reasons this isn't a good idea, but I would like to specifically site excess noise, lights, traffic congestion, and available alcohol near several schools.

I live on W. 25th Place and the traffic before and after school is very busy it is, sometimes I can't even turn onto my own street because of the volume and drivers blocking the intersection. The increased traffic activity during the week and weekends if this proposal is accepted would be unimaginable. I am also concerned about crime, as it has already increased in our neighborhood in the last few years.

I enjoy family activities as much as the next person, but I think this is the wrong location, and not just because it's my neighborhood. I don't think any family neighborhood with schools would be appropriate for this type of entertainment. There are so many other choices that
would be better - one option would be the area closer to Rock Chalk park, or even better, the area toward the end of south Iowa, close to where the by-pass will be completed would be ideal, and attract more out of town visitors.

I plan on attending the meeting on March 24.

Thank you for your time,

Nancy Stump
4417 W. 25th Place
Lawrence
Dear Planning Commissioners,

I, Bryce Erickson, felt like what you are doing is good but if you people do it by my school it will be very very very very very hard to concentrate. I do think it's a good idea just I think it would be better if you do it some where else! And I mean it. I think it would be best if you turn it into a garden or a park.

Yours truly,

Bryce Erickson age 9
Dear Planning Commissioners,

I greatly appreciate that you are to build a family fun center in our community. However, I think the Outskirts of Lawrence would be a better place for one. If we were to build anything in that area, a community garden would be absolutely wonderful. A park area would be nice to, but only if it was the outside kind with slides. The other reason I don't approve of your idea is the noise. A park full of screaming children could distract me from my school work.

Sincerely,
Madison Kühle (5th Grade)
Dear Planning Commissioners,

My name is Sophia and I'm from Raintree Montessori School. I feel very strong about having a Family Fun Center on this side of Lawrence. We don't have a lot of fun things to do on this side, but when you get farther into town there is all sorts of stuff to do. I think the place you're wanting to put it might not be the best place. I'm afraid if you decide you don't want it there you'll move it.
way into town (and she explained why I don't want that). I found lots of farm lands East of Iowa Street and South of thirty first Street. The land is already being interrupted for the new K-10 bypass. I hope you can take my idea under consideration. Thank you.

Sincerely,

Sophia

P.S. I hope this doesn't sound like a complaint letter, I love your idea.
Dear Planning Commissioners,

I love your idea of having a Family Fun Center in Lawrence. I am sure many others people love the idea too. But recently my school, Prairieview Montessori School has been vandalized many times and I am afraid this will increase those numbers.

I also think it would be much more reasonable to have a community garden and park in that space. So I kindly ask and pray you do not chose this area. Thank you.

Love, Alyssa (5th grade)
Dear Planning Commission:

On behalf of the Board of Trustees of Bishop Seabury Academy and taxpayers to the City of Lawrence, we must express deep concern and firm opposition over the proposed change to the zoning proposed for the Family Fun Center (Z-13-00483).

Bishop Seabury selected its new location a number of years ago based on the existing zoning for the area. We selected the school’s location in a residential area that would offer little risk to the school’s physical structure during non-school hours and outside of school activities. Surely, our neighbors of Raintree and the City owned schools of Southwest Junior High and Sunflower Elementary also considered this criteria in their decision process.

We are positive our decision to locate Bishop Seabury and the decision of the City for its schools would have been different if a “Family Fun Center” were originally located adjacent to a proposed school purchase or construction. Yet, the Planning Commission is entertaining the idea that we accommodate the opposite. The approval of a center that will be a congregation point for young people, after school hours, and outside of school activities, presents inherent risks to our school property, just by the very nature of creating a congregation point. The immediate adjacency of such a center invites the potential for unwanted visits and destruction of property. This is a risk we—as City taxpayers and board members who have been entrusted to ensure the safety of our school—cannot afford to undertake.

This Board of Trustees is not necessarily against such centers when located in a properly zoned (not re-zoned) location and in an area that has been more deliberately chosen to accommodate noise, lighting, security and adjacent business activity. Locating a “family fun center” in a residential area with four schools less than 1/2 mile from the proposed location, is not, in our mind, such an ideal location.

We are a volunteer Board tasked with protecting a school with a mission promising a safe environment for our students. Our Board is unified in opposing this rezoning as a threat to our mandate, and we encourage the Planning Commission to protect our property, mitigate the risk of damage to our City-owned properties, and ensure the continuation of a great neighborhood in the City of Lawrence.

Please reject this proposal.

Most Sincerely,

The Board of Trustees, Bishop Seabury Academy

Dennis Depenbusch, President
Ken Albrecht   Kara Tan Bhala   Stephen Hill   Lynn Segebrecht
Kay Almanza    Reed Dillon     Kathleen Hodge  Beth Wigen
Lori Arnold    Megan Edwards   Shane Mathis   The Right Rev. Dean Wolfe
Patti Bartley  Trip Frizell   Mark Mitchell
While necessary to the file, this one missed the cutoff to even Bryan so let’s stick to our by-laws.

Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | 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: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 10:26 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Proposed Family Fun Center

Planning Commission Members,

Our neighbors Luke and Lori Sinclair have summed up our feelings on this matter almost perfectly. But to add our own thoughts...
We are certainly in support of small locally owned businesses having the opportunity to start, thrive and grow. This however is a bad idea doomed to fail almost immediately. Not only is it a bad idea, but it is a bad location for a business of this sort period. Factor in everything the Sinclairs have said about why it's bad for our neighborhood, but it's just a stupid location for a business of this sort.

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

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

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

Thank you for your consideration on this matter.

Steve and Tami Clark
4425 W 24th Pl
To the Lawrence Planning Commission:

I am writing in favor of the proposed Family Fun Center at 4300 West 24th Place but on the condition that the proposal to allow a bar at the facility be removed. This development is in the close vicinity of four schools and is not appropriate for a bar. Otherwise I support the proposal.

My wife and I own three properties (our current home on Riviera Drive, and two rental homes on West 24th Place and Prairie Elm Drive) all in the vicinity of the proposed Family Fun Center.

**Apartments are a problem:** I was strongly opposed and spoke against previous proposals for additional dense apartments on this site as I feel that these additional apartments would cause a decline in the safety and desirability of the area. I feel that in the long run development of more dense apartments in this area is a very bad idea. In the past few months a fatal stabbing occurred at the one of the current apartment complexes and the long-term deterioration of these apartments concerns me greatly. The density of apartments in this area is excessive and further apartment development will compound the problem. I see commercial development of this corner to be a much better use in the long term.

**Crime:** I do not believe that Mini Golf, Go-Karts and other similar family activities will cause any significant increase in crime. There has been concern expressed that gangs of unsupervised teenagers and young adults will run wild there and cause problems. I have more faith in the teenagers in Lawrence. When I was growing up my first cousin lived in a neighborhood within walking distance of a Putt-Putt golf course and we spent many happy Saturdays and weekday afternoons there. I don’t recall there ever being a problem. I mostly remember playing Putt-Putt and having fun. We probably did drink a few too many Coca Colas.

**Security and Supervision:** I would think that the Fun Center operator would have it in their best interest to have security guards and employees available to maintain a safe environment. Parents today don’t generally let their kids go outside to play unsupervised so I feel that many parents will be in attendance with their children and this will help to keep other patrons in order. I think that the type of kids who are interested in illegal drinking and drug use will not want to hang out there. Too many parents and little kids around. On the contrary it will give good kids and others a legal, fun, wholesome activity to fill their time.

**Traffic:** Much has been discussed about the traffic problems the new development will create. I agree that Inverness does have a lot of traffic at the opening time for the schools: 8:00-9:00 am and again when they let out 3:00 - 4:30 pm. First let me say that any development on that corner will cause additional traffic. Second, the Family Fun Center will likely not see its peak traffic coincide with school opening and closing hours and its busiest season will likely be the Summer months when school is not in session.
Noise: I agree that this facility will cause some additional noise. I have lived in this neighborhood since 2001. There are four schools with about 1600 students total in the immediate vicinity. The kids attending these schools all make noise almost every weekday. The cars on Clinton Parkway make noise. The Alvamar swimming pool makes noise in the Summer. The large numbers of residents in the Apartment complexes make noise too. It is a family neighborhood and this neighborhood has never been a completely silent neighborhood. I think the horse is out of the barn regarding neighborhood tranquility.

Unless we force everyone inside at all hours of the day there will be some noise in this area. It is just the sound of a normal family neighborhood. I just don't think that electric go-karts and people playing mini-golf will cause excessive amounts of additional noise especially if the facility closes at a reasonable hour. There should be decibel limitations on the P.A. System. My biggest noise concern would be the batting cages. Perhaps some requirements such as wood bats instead of aluminum, dimpled rubber balls and having mesh nets instead of chain link would quiet them. Overall reasonable closing hours might be no later than 9 pm on a school night Sunday - Thursday and perhaps 10:30 on weekends.

Lighting:
I think that the lighting required for this type of facility is less than say a baseball diamond or soccer field. I also think that the lighting can be designed to not shine in adjacent homeowners properties. The limited hours of the facility will ensure that neighbors will not be kept awake by the lights. Perhaps a plan could be also be developed so that the lights could be dimmed after 9 pm.

I think that crime in an area is more likely when there are few people outdoors and when lighting is poor. I think a lighted area with people outdoors and having limited operating hours could actually help deter some crimes.

Landscaping Buffering / Architectural Standards:
The Inverness Park Plan has a required significant landscaping buffering for the single family homes to the West. I think that if the complex is well buffered and has sprinkler systems for the maintenance of the landscaping that the facility as proposed will not be an eyesore. Buffering could also help to block noise and light. I think that having architectural standards for the buildings and having a well designed landscape plan will be a key to maintaining this property as a desirable one.

Restaurants and other commercial establishments nearby improve walkability:
Many city residents like to live within walking or short driving distance of restaurants and other stores. I think that having a restaurant to walk to (fast food or otherwise) might add services to the neighborhood. I really like having the Hyvee gas station and convenience store nearby. Car-centric development is not the wave of the future, it is a relic of post WW2 suburbanization. I believe that most modern development looks towards making neighborhoods more walkable for quality of life and environmental reasons. One of the big attractions of the adjacent neighborhoods in this area is that kids can walk to school. Having additional commercial facilities will only add more services available by foot or by bike.

Yes it is Family Fun:
I am completely puzzled by people opposed to the Family Fun Center on the basis that they feel it won't attract "Families". My family has had discussions about the proposed center. My 75 year old father-in-law who lives with us says he would go. My wife and I (I'm 51) would go, our 13 year old would go, my 19 year college age son would go and I'm pretty sure that most 7 or 8 year olds would love it. My
wife remarked that she remembers going with Church groups to play mini golf when she was young. It sounds like a place that truly the whole family could go.

I believe that a vibrant city requires outdoor places for people to gather and enjoy themselves. There aren’t enough of these places in Lawrence. I like the idea that I could walk there on a nice evening with my family and we might have something to do close by that’s better than watching TV or surfing the internet.

Sincerely,

Davis Loupe
Dear Mr. Halm,

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

Molly Mulloy

February 14, 2014

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

Dear Commissioners,

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

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

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

Thank you for considering our objections to this rezoning request.

Respectfully,

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

My name is Tom Cotte'; I live at 4215 Wimbledon Dr., in direct sight of the proposed Family Fun Center. Several other townhouses (35 total) in two thirty-year association-developments are located even closer to the proposed site than my town-home.

I am opposed to the development of the proposed project for the following reasons  Please Consider:

- The Center is flanked on four sides by residential living, not commercial businesses -- but home living. Our patios directly face the proposed site; upstairs bedrooms are also in clear view. One consequence from developing this project will be that we can no longer keep our windows open during the spring and fall, and will need thick shades to ward off the glare from lighting emanating from the Center. Moreover, increased noise and traffic activity will interfere with our comfortable use of the patios. Noise from braking go-carts, pinging sounds of aluminum bats on balls hit in the batting cages. . . and so on are of concern. Additional traffic, air pollution, illumination from the lighting, increased noise will violate our reasonable, collective right to peaceable enjoyment of this neighborhood.

- Assuming the Center will operate much of the day and night, traffic most assuredly will increase, thereby posing substantial risk to children in general, and my young grandkids in particular, who also live nearby. Case in point: About 200 feet north on Inverness from Clinton Parkway is a hill from which the traffic is not immediately noticeable from cars exiting Wimbledon Drive – a blindspot. I understand that a recent accident at this point resulted in a fatality.

- College housing is abundant to the south and east of the proposed Fun Thing. Recalling my frolicking days in college, I suspect the Center will be a magnet to purchase attractions, including beer, and all the noise and hoopla associated therewith. Recently, my wife visited the apartment complex directly south of the subject site and spoke with the receptionist and a dozen or so students, all of whom were excited about the prospects of beer and go-carts. She also mentioned
that the Developers had visited their on-site office and spoke with the owners and manager. One wonders what proportion of college students to “families” will be attracted to the Center.

- When you realize the drastic zoning changes and variances under application, isn’t it reasonable to realize the city fathers apparently intended present zoning to conform to a residential venue, not a carnival environment. When this project becomes operable one wonders if construction of a Ferris Wheel or thrill ride could be far ahead. In other words under the changed zoning and variance what other annoying attractions will be later constructed?

- Consider: The potential blight factor: If this entertainment center goes bust, is abandoned and allowed to deteriorate, like some have in other Kansas communities, what will replace this unique site without substantial capital investment? How long will it remain empty to grow unsightly? How easily could it be adapted to another purpose?

- Beer sales: The sale of beer is worrisome, not only in itself but as Dr. Don Schawang, headmaster of Seabury Academy has stated, may draw an un-family type of crowd. An additional thought: Will off-site beer consumption, loitering and vandalism to surrounding residences increase?

- Visualize the paradox between the Family Fun Center location on Clinton Parkway and the window to north Inverness Drive through an uncommonly beautiful neighborhood in Alvamar as one travels toward Bob Billings Parkway.

- Finally, I won’t dwell on the effect the proposed site might have on our property values.

Commissioner, I implore you to properly serve your constituents, not a developer, who most likely doesn’t live in the immediate area. Please, thoroughly tour the neighborhood and see the RESIDENTIAL character surrounding Clinton Parkway and Inverness Dr. Then, you may understand our concerns.

Frankly, I would not have purchased our town-home a year ago if I had reason to suspect the prospect of a Family Fun Center in my back yard.

In conclusion, please... put yourself in our shoes. Honestly, aren’t there better sites in Lawrence for this kind of project?

Thank You for your consideration.

Respectfully,
March 7, 2014

Dear Planning Commissioners,

As Head of School at Bishop Seabury Academy (4120 Clinton Parkway), I have been following with interest and concern the proposed rezoning ( Z-13-00483) of the lot at 4300 W. 24th Place from a Residential area to a Neighborhood Shopping Center (CN2). I attended the meeting at Raintree Elementary School, and I appreciated Mr. Werner’s appearing to explain the project. I would not be opposed to such a development were it appearing (logically) on the outskirts of town and in an area zoned deliberately for this sort of development. However, I think this rezoning is inherently and obviously very bad news for everyone who lives or attends school in the area. Homeowners in the area have very good reason to be anxious, and they voiced their concerns at the meeting. I will focus on my own concerns.

I feel certain that this sort of an entertainment park will attract a lot of middle school, high school, and college students at all times of the day, but especially at night. (I have to think that developers conceived of this project with a captive afternoon audience in mind: the students at Bishop Seabury Academy, Southwest Middle School, and perhaps Raintree and Sunflower Elementary Schools.) The presence of alcohol in this park is unwise. It would be naive to think that underage high school and college students who find a way to drink in other Lawrence bars will not find a way to drink at the bar in this park. And when they leave the facility at 10 pm or midnight—bedtime for adults, perhaps, but not for park guests aged 14-25—they will look around and wonder what they should do next. And they will have two schools nearly with football fields, tennis courts, baseball diamonds, and a closed, unsupervised pool with a gate that is easily climbed. They will have the secluded spaces behind Raintree. As I noted at the Raintree meeting, I am an advocate for young people and believe in their better nature, but they also make bad choices at times. If this park is allowed to be developed in this residential area, it will not be the developer, architect, management, or the city planning committee who will have to deal with this situation. It will be the people who live in this area.

I was asked by Mr. Werner if I would feel more comfortable about the situation should alcohol be taken off the table. I admit that the presence of alcohol is one of the most bewilderingly inappropriate aspects of this proposal and raises the stakes, especially when neighbors have no certainty about the future usage of this area (Family Fun Center or other entertainment feature). But focusing on this one proposed entertainment park project, the absence of liquor inside the park would not eliminate inappropriate late night behavior when patrons leave. Perhaps I am excessively cynical here, but my job as Head of School is to think of worst-case scenarios, and in my experience, what I am suggesting hardly requires a dark imagination.

Also at the Raintree meeting yesterday, there was much discussion about neighborhood concerns regarding lighting, noise, security, the quality of judgment demonstrated by young seasonal park employees, and even the uncertainty of what project will inhabit this lot (again, in the center of a residential area of town) not only next year but in 5, 10, and 20 years. Despite the helpful speculations
by the architect on all of these issues—assurances which are the lubricant to get this motion passed—there is no guarantee on any of them. And if you allow this rezoning to occur, the neighbors and schools will be at the mercy of whatever development occurs in this area.

I want the planning committee members to understand that I do not envy their job, and I do not think it is for me to dictate what sort of construction occurs in the neighborhood surrounding my school. However, I think it is very reasonable to see that rezoning and special use permits are difficult hurdles for developers in a situation like this because restrictions are in place for a reason. There is logic and a reason for consistency with these decisions. There is a reason that the present zoning exists.

With respect, I strongly encourage you to oppose this rezoning. And as a final test to this decision making, I would ask you to consider if you would be willing to move into a residence alongside the Family Fun Center if it is built. If you would not, then you will understand how we feel.

Thank you for your consideration in this matter,

Dr. Don M. Schawang

Head of School
Bishop Seabury Academy
Dear Planning Commission:

On behalf of the Board of Trustees of Bishop Seabury Academy and taxpayers to the City of Lawrence, we must express deep concern and firm opposition over the proposed change to the zoning proposed for the Family Fun Center (Z-13-00483).

Bishop Seabury selected its new location a number of years ago based on the existing zoning for the area. We selected the school’s location in a residential area that would offer little risk to the school’s physical structure during non-school hours and outside of school activities. Surely, our neighbors of Raintree and the City owned schools of Southwest Junior High and Sunflower Elementary also considered this criteria in their decision process.

We are positive our decision to locate Bishop Seabury and the decision of the City for its schools would have been different if a “Family Fun Center” were originally located adjacent to a proposed school purchase or construction. Yet, the Planning Commission is entertaining the idea that we accommodate the opposite. The approval of a center that will be a congregation point for young people, after school hours, and outside of school activities, presents inherent risks to our school property, just by the very nature of creating a congregation point. The immediate adjacency of such a center invites the potential for unwanted visits and destruction of property. This is a risk we—as City taxpayers and board members who have been entrusted to ensure the safety of our school—cannot afford to undertake.

This Board of Trustees is not necessarily against such centers when located in a properly zoned (not re-zoned) location and in an area that has been more deliberately chosen to accommodate noise, lighting, security and adjacent business activity. Locating a “family fun center” in a residential area with four schools less than 1/2 mile from the proposed location, is not, in our mind, such an ideal location.

We are a volunteer Board tasked with protecting a school with a mission promising a safe environment for our students. Our Board is unified in opposing this rezoning as a threat to our mandate, and we encourage the Planning Commission to protect our property, mitigate the risk of damage to our City-owned properties, and ensure the continuation of a great neighborhood in the City of Lawrence.

Please reject this proposal.

Most Sincerely,

The Board of Trustees, Bishop Seabury Academy

Dennis Depenbusch, President
Ken Albrecht            Kara Tan Bhala            Stephen Hill            Lynn Segebrecht
Kay Almanza            Reed Dillon              Kathleen Hodge          Beth Wigen
Lori Arnold            Megan Edwards            Shane Mathis            The Right Rev. Dean Wolfe
Patti Bartley          Trip Frizell             Mark Mitchell
I am a parent of 8 children in Lawrence, KS. We are very excited about the possibility of having this in Lawrence, and will be there quite often. My children were ECSTATIC when I told them about this possibly being built.

I am asking each commissioner to please support the proposed Family Fun Center where it is proposed at corner of Clinton Parkway and Inverness Drive. This is an excellent location close to the center of town, and it is my firm belief that the objection you have been getting from the neighborhood surrounding this location are the same objections you would see from any neighbors of any project.

Please make this decision with all Lawrencians in mind, not only the ones that live near this site.
To the Planning Commission:

I have attended the 1st meeting at which this agenda item was deferred. I was then in attendance when there was a meeting held at Raintree with the architect so citizens could voice their concern. And finally I attended the meeting in which Paul Werner tried to explain the changes they were proposing to make this project acceptable to the neighborhood.

First I will tell you that I moved to Lawrence two years ago to retire. I chose the Wimbledon Townhomes because they were situated in a very nice neighborhood which was quiet and safe. I have enjoyed sitting on my back patio (faces Clinton) when the weather permits for these last two years. It is very upsetting to me that this will not be possible if this Family Fun Center is approved. As a retired person, I am not able to just pick up and move. I had planned for this to be my home for a long time and I see this as a threat to my investment.

The thought of this zoning change is very upsetting. I do not want to see commercial of any kind in a neighborhood of residential housing. It is not appropriate to have this developing in the middle of homes and schools. It worries me that when this development, if allowed, is no longer popular that we will have an eyesore right in our neighborhood.

As a grandparent I love having family things to do with my grandchildren but even that does not get me excited about the Family Fun Center being in our neighborhood. This project needs to be developed in an area appropriate for this commercial type of development. The lights on till midnight, the noise from the batting cages and go karts (electric or not there is noise) and the additional traffic is not welcome in this residential area. It is already difficult to exit from Wimbledon onto Inverness because there is a blind area for cars coming north on Inverness. Additional traffic will only make this matter worse. Although the architect said that a beer license would not be applied for the first year, we are all smart enough to know that is something that will stay on their agenda.

This brings me to another upsetting item. We have asked at every meeting for the name of the developer and have been denied that information. If this person or persons is so honest and trustworthy with their intent on this development then why not come forward and reveal who they are. My inclination is that the architect is a part of the development and is protecting the identity of others. If they are not willing to come and talk to us, then why would we trust them.

I have been told that other projects have been opposed in the past for this land but since I am new to Lawrence I do not have all those facts. But even on this project no notices were given to neighbors – was told you had to live within 200 feet. That is an unrealistic measure – all neighbors are entitled to know what is proposed in their neighborhood especially when it will affect their home values and the safety of our homes and children. I was told that at one time a park was proposed for this area but has been turned down. If you want things for families to do, a park is a great solution and acceptable to all.

Know there is a movement by a tax group and Alex Delaney supporting this project. Obviously they do not live in our neighborhood but I will submit to them and to the Planning Commission this proposal. If you are so sure that this will not affect the home value of my home, then please buy my townhome now. I am willing to sell it to you at the price I paid plus the additional money I have invested in it. I can have it vacant in one month for any buyer. I am sure I will have many offers since none of you think this project will affect all of our home values. Many others like me, retirees on set incomes who just wanted a quiet, safe neighborhood, do not want to be betrayed by your actions.

Please consider what you will be doing if you approve this zoning change. You will take a residential area which is loved by many and turn it into a commercial zone. That is not why I originally moved to Lawrence.

Sincerely,

Viv Hammond
4227 Wimbledon Drive
Lawrence, KS 66047
To Mr. Bryan Culver, Chairman, and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

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

Dear Chairman Culver and Planning Commissioners:

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

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

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

1. We ask that you deny the rezoning of the subject tract to the CN2 District. In the future, before reconsidering any rezoning for the subject tract, the ten acres allotted to that tract for the CN2 District in the Inverness Park District Plan should be reduced to 5 acres to permit an RSO rezoning and use to take up the remaining acreage.

2. Any rezoning for that area should specifically limit the ordinance to the suggestions and approval of the Inverness Park neighborhood to allow only those uses needed by the residents.

Sincerely yours,

Cille King
President

Cille King
Attachment

Alon Black
Alan Black, Chairman
Land Use Committee
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The **noise levels** of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the drive-ins **will absorb all of the available commercial space** so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see **Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”**)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King
Cille King, President

Alan Black
Alan Black, Chairman
Land Use Committee
-----Original Message-----
From: MaryBeth Petr [mailto:marybethpetr@gmail.com]
Sent: Sunday, April 20, 2014 9:26 PM
To: Scott McCullough
Subject: Family Fun Center

Have heard there is a proposal on the table and would like to weigh in as IN FAVOR....have made two trips out of town in seven days to take kids to Family Fun Centers and would rather spend my money in Lawrence...thanks Mary Beth Petr
Mr. Culver,

I am writing to state my opposition to the “Family Fun Center” that is being proposed at Clinton Parkway and Inverness. This is a terrible idea that will affect my neighborhood and my home. Even with no alcohol, this is a bad location. It is too close to schools and homes. I cannot be at the meeting on Wednesday but I wanted to state my opposition to this.

Please don’t support this. Thank you.

Theresa Shively-Porter
4412 Gretchen Ct
Lawrence, KS 66047
785.842.7713
Petition
in Opposition to the Rezoning
from RSO (Single-Dwelling Residential Office) to CN2 (Neighborhood Shopping Center)
located at 4300 W 34th Place and allowing a
Special Use Permit for a Family Fun Center and Fast Food Drive-Thru Restaurant

We the undersigned oppose this development for the following reasons:
• Does not fit within the guidelines of the original Horizon 2020 development plan.
• Is an inappropriate match in a residential area.
• Will add additional traffic in an area already plagued with traffic congestion.
• Serving alcohol with four schools nearby is inappropriate and dangerous given the traffic issues.
• Outdoor recreation, walking trails, and batting cages are already available in the area.
• The noise and lights late into the night will disturb the sleep of residents.
• Increased vandalism and late night unruliness.

Name
Margueize Carlson
Patti Sleeper
Melissa Manning
Jeaní Figs Sheff
Dennis Hansen
Maile Hency
Audrey Miller
Dusty Shockey
Donna Smith
Dayleen Koch

Name
Adrie Koch
Melva Harmon
Jason Streu
Phil Holcombe
Leo V. Bistake
Nancy Bistake
Christine Colbert
Beth Cordon
Nancy Thies
Susan Nightingale
Nancy Hansen
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Name

[Signatures]

Name

[Signatures]
Caroline P. Clark
Kimberly Sharp
Rachel M. Marquardt
Vince Edwards
Tressa Stranger
Wafia Shabak
Heather Dalton
Pamela Shambaugh
Loretta Severin
Beth West

Ada

Robin R. Michael
Helen Weis
Matthew Elliott

Charles Peck
Eunice B. Young
Megan Ward
Shanyian Shanks
Kelli Kolerken
George D. Needles

Kelli Flanner
Mary Ann Oh

Emily C. Lubliner
Houri Cepeda

Gray Wright

Nikki Scafante
Megan Thomas
Kristen Williams

Mic Minges
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Name
Christina Allwood
Michele Beliger
Amy Wade
Gamy Al-Ali
Sue D. Roos
Deena H. Smith
Vicki Adam
Leila Tahz

Name
Karen Kast
Suzie
Sue Nelson
Patricia
Ray E. Ward
OM
DeWoods
DeWoods
Georgie Sanders Sosman
Bill Biddle
Col. C.
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<td>Karyl Klucke</td>
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<td>Mary Kaye Wade</td>
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<td>Sarah Austin</td>
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<td>Erin Parker</td>
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<td>Farhang Khosh</td>
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<td>Chris Graber</td>
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<td>Andrew Wis</td>
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Name

Christine Hoang
Paul Anderson
Clay Loomis
Marina Hoffman
Mark Jones
Carrie Green

Name

Fritz Heufeld
Ellis
Ann Clark
Spencer
Kim Winkler
Brent

Name

[Signature]

Name

[Signature]
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Name

Clay Blake
Kason D'Green
Jason Patterson
Riley Bredemus
Stella Olsinger
Hannah Motsinger
Amelia Thies
Oliver Rubenstein
Jordan Grabast
Tim Huffman
Simon Ruland

Name

Mari Risley
Allie Williams
Lacie Ash
Logan Schnabl
Andrew Thiesen
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<td>Micaiah Mercado</td>
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<td>Diego Steven Keane</td>
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<td>Bailey M. Nordholm</td>
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Name
Amy Anderson
Saskietha Hunter
William Burns
Sydney Miller
Maddy Ward
Sam Hutfles
Landon Schwab
Joseph Dulan
Ella Frederion
Marley Sears
Eva Android

Name
Cian O'Sear
John Green
Ben Boyack
Jenna Holland
Lucas Cloud
Will Hedges
Willoughby Farm
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Name

Patrick Hoffman
Ethan Tangpooin
Sophia Eddinger
Matthew Burmanowicz
Jakiah Smith Evans
Audrey Nguyen-Hoang
Abbey Hossler
Jackson Grant
Alyssa Carlson
Jacob Kelling
Brielle Erickson
Riddhi Duvver
Lauren Malik
Bella Hipk

Name

Luke Hornberger
Gibson Huston
L. Warren (Host) Alexander
Samuel J. Hindman
Briggs Brian Orian-Lawrence
Sophia Brecker Sturm
Madison Kühle
Dasha Varan
Facit Enike
Josh Williams
Shane Cleavinger
Mina Khosr
Olivia Semmer
Samantha Freeman
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Name

Audrey Basham
Joe Ridley
Jean Chun
Boucou Boyad
Will Gandreau
Maya Dee
Charlotte Lupp
Erin Higgin
Caroline Schmidt
Lisa Khosh
Brayden Shumaker

Name

Andrea Dea
Erinn Rose Waldson
Julia Holder
Lyric Allen
Anna Martello
KBK & W
Diet Lactam
Elias Padem
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Name

Oyin Enrich
Jeremiah Lutz
Anah Lutz
Rose Bringas
Colleen Stock
Laura Hines
Brian Mulhen
Hyacinth Cofe
Sherri Miller
Kirsten Matzen

Name

TOM MATZEN
HILLEN JONES
Michele Caraniz
Sofia Matzen
Teresa Caraniz
Eileen E. Jones
Therne A. Matzen
Sofia Matzen
Eswell F. Matzen

Name

CLIFF TUCK
ERIK TUCK
CLIFF TUCK

Name

Sherri Soule
Amy Risley
Angella Sue
hebea Miliar
Leslie Miller
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Name

[Signatures]

Name

[Signatures]
Hi Scott,

Please add my voice to support for the Family Fun Center.

When my family and I moved here in 1990 there was a putt putt and batting cages if I remember correctly out on South Iowa. As our children grew, we lamented the loss of a family suitable facility to take our kids for fun. As I understand the proposal there would also be facilities to host birthday parties, batting cages and an electric powered go kart track.

Although my kids are grown and no longer live in Lawrence, my wife and I fully support this project encourage our city commission to give the proposal every consideration possible to bring this facility to Lawrence.

Thank you.

John Ross
Lawrence-Douglas County Planning Commission
City Hall
6 East 6th Street
Lawrence, KS 66044

Dear Planning Commission Members:

I write to voice my strong opposition to

- ITEM NO. 9A RSO TO CN2; 10.97 ACRES; 4300 W 24th PLACE (SLD/TLH)
- ITEM NO. 9B SPECIAL USE PERMIT; FAMILY FUN CENTER; 4300 W 24TH PLACE (SLD/TLH)
- ITEM NO. 9C SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE (SLD)

A family fun center has a place in Lawrence, but it should not be in the middle of a residential area on Clinton Parkway. There are a number of reasons I oppose this rezoning.

First and foremost is that the city’s long-term plan for this area calls for only limited commercial development. Rezoning for CN2 runs contrary to Horizon 2020 and makes Clinton Parkway more like the heavily-developed region of 23rd Street east of Iowa.

Second is the impact on the quality of life for the neighbors. The whine of go-cart engines, the constant pinging of aluminum bats in batting cages, extensive lighting until late at night, and music broadcast outdoors would be very intrusive for residents in the area and diminish property values.

Finally, this development would dramatically increase motor traffic on Inverness, Crossgate, and W. 24th Street. Inverness, in particular with its divides will be negatively impacted.

There are better places for this development in Lawrence, for example, at the site for sale across from Hallmark on McDonald Drive or W. 6th Street beyond George Williams.

I urge you to deny this request for rezoning.

Sincerely,

David Weis
Dear City Commissioners,

My two sons are 18 and 19 now but I certainly wish that they had a Family Fun Center when they were growing up. Lawrence is in need of recreational activities for children. We do not have a skating rink. We do not have amusement or water parks. We do not have mini-golf. We do not have laser tag. Even the batting cages do not work half the time.

I am in FULL support of the proposed Family Fun Center. I hope you are too. Please make this happen for the children of Lawrence.

Thank you.
April 21, 2014

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

Dear Planning Commissioners:

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

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

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

I raise four points for your consideration:

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

Neighborhood Planning and the Inverness Park District Plan

The timeline of development activity presented in the staff report for Item No. 9A begins in 1999 with the annexation of the quarter section of ground, which was an isolated unincorporated 160 acres surrounded by a neighborhood that had been developing for over 20 years. The annexation of this property was preceded by planning of the entire 160 acres to guide its development and promote integration of the uses in these areas with the already developed neighborhoods and neighborhood schools. The progression of denser/more intense uses from Clinton Parkway, on the north, to single-family residential subdivision south of the natural drainage divide followed sound planning principles in 1999. These same planning principles are espoused today for newly annexed areas in Chapter 15
Place Making and in the Lawrence Smart Code (although this specific area has not been identified on Map 15-1).

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

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

“4. Determine if development proposals are land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.” [re: Horizon 2020, pg 14-2]

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

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

Horizon 2020’s policies regarding neighborhood commercial developments:

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

- CN1 was designed to serve existing neighborhood needs and the policies for this type of neighborhood commercial development were revised in 2008, recognizing the usefulness of this type of zoning for new CN1 areas within established neighborhoods [RE: ]
- This site shares similar siting and neighborhood compatibility issues with sites identified in Horizon 2020 as existing inner-neighborhood commercial center sites [re: page 6-6 in Horizon 2020].
• New inner-neighborhood commercial centers are designed as “an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.” [re: page 6-20 in Horizon 2020]
• New Neighborhood Commercial Centers (CN2 sites) are identified in Horizon 2020 [page 6-21] and planning policies recommend new neighborhood commercial centers occur “at least” (emphasis added) 1 mile radius from existing or new Commercial Centers. [page 6-33 in Horizon 2020].
• The neighborhood commercial centers at Clinton Parkway and Kasold Drive and Clinton Parkway and Wakarusa Drive are 1.5 miles apart. The new CN2 at Clinton Parkway and Crossgates Drive is ½ mile from the Kasold Commercial Center and 1 mile from the Wakarusa Commercial Center.
• Standards for new Inner-neighborhood Commercial Centers, in policy 3.3 of Chapter 6 Horizon 2020, fit the neighborhoods needs more precisely than the proposal before the Commission. The standards in this policy are:
  1. Inner-neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
  2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
  3. Centers may include residential uses;
  4. Centers shall have no more than 3,000 gross square feet of commercial space; and
  5. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood.[ page 6-31 in Horizon 2020]

The function of Zoning Regulations to implement the comprehensive plan:

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

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

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

Please consider the large out-pouring from our neighbors and this written communication to you that are in opposition to this development proposal for the specific commercial uses and outdoor recreational uses. They are not meeting a need, desire, or interest of our collective neighborhoods. Please deny the outdoor recreational SUP request and the text amendments to the ZR for the CN2 district and either deny the CN2 rezoning request or recommend a lesser change to CN1, which more
accurately and adequately – without need of text amendments – meets the stated priorities for neighborhood commercial in the Inverness Park District Plan.

Thank you.

Sincerely,

Linda and Richard Finger
4117 Wimbledon Drive
The video for the community meeting held at Raintree Montessori School regarding the family fun center proposal can be found on YouTube: https://www.youtube.com/watch?v=Yd-dAUmC-ZI
Hi Jim and Jon

Since you are the only Planning Commission Members I know, you two are the lucky recipients of my concerns about this project:-) I am an officer in the Wimbledon Terrace Townhomes Association and I know the Commission has received our February 14th letter noting the HOA's objections to this rezoning request, so I will try not to restate those issues. Please know that I have attended both meetings convened by Paul Werner.

In his April 4th letter to neighborhood residents Mr. Warner stated that the developer will not be seeking a cereal malt beverage license until at least the second season of operation. He seemed to think this satisfied the neighborhood concerns; however, I did not find this statement reassuring and obviously an application for a 3.2 beer license could happen at any time. I am confident there are a number of student age residents in the several apartment complexes that adjoin this property and it seems likely it would certainly be a destination point for consumption of CMB and alcohol, not birthday parties for elementary aged children.

At the April 14th meeting both Paul Warner and Mike Riling refused to name the developers. Obviously, that is their prerogative; however it is clear that supervision, staffing and public safety issues of this proposal have not been addressed.

Jim, you are the one who educated me about law enforcement planning as far as the campus and I clearly remember you describing the similarities between a university campus and large resort areas; this Fun Center seems to fall into the entertainment destination category. You talked about law enforcement planning and staffing when students arrived on campus, residence halls opening, football weekends, commencement, etc.. and as nearly as I can figure out the Fun Center developers intend to have heavy usage and seasonal large crowds.

On the one hand the spokesmen for the project frame it as an entertainment area for young families, but on the other hand it is clear the intent is rezoning for commercial use which has a huge impact on the neighborhoods on both sides of Clinton Parkway. The unknown developers have not adequately addressed the traffic, noise, lighting issues and all the accompanying public safety concerns.

One of the planning staff's documents states that the Fun Center would create an amenity that neighborhood residents could walk to. As you both know the definition of amenity is something that makes life easier, pleasant and attractive, I do not view noisy go-karts, batting cages, miniature golf, bright lights until 10:30 at night, an arcade and beer bar as amenities enhancing this area.

Thank you both for your attention to my concerns and thank you for you service to the City of Lawrence and Douglas County; it is a time consuming and for the most part a thankless job.

Hope you both are well...
Best...
Ann Eversole
Co-President Wimbledon Terrace Townhomes Association
Mr. Kelly--

I am writing to oppose the change in zoning and special use permit requested by the developers of the "Family Fun Center" at the corner of Clinton Parkway and Inverness.

My children attend Raintree Montessori, and I feel that a family fun center serving alcohol is inappropriate for that site. Instead, I suggest that the zoning remain the same and that the city of Lawrence work to bring an office development to that site. It is currently over-built with apartments, and the current road infrastructure will not support commercial development. I plan on attending the March 24th Planning Commission meeting to express my concerns in person.

Best regards,

Donna Ginther
4716 Muirfield Drive
Lawrence, KS 66047
Dear Planning Commissioner Members,

We recently have been reading about plans to build a Family Fun Center at 4300 W. 24th Place. We own the town homes on Adam Avenue to the west of this proposed Family Fun Center and we are adamantly opposed to the rezoning of the land to accommodate this business as well as passing of a special use permit. The area were they are proposing to build this Family Fun Center/ go-kart park is surrounded by apartments, town homes and single family homes. It is not an appropriate area to place a Family Fun Center that includes a go-kart track and outdoor facilities. The noise, lighting and traffic would be very disruptive to the neighborhood as well as bring down the property values in the neighborhood. Adding the sale of alcohol and the late hours the park would be open also increases the chance of crime (drunk driving, disorderly conduct, noise, etc.) to the area. A more appropriate area for this kind of business would be south of this neighborhood, across the by-pass next to the soccer and baseball fields where this kind of traffic and noise will not disrupt families.

Thank you for your time,

Candy Gunderson
Garber Enterprises, Inc.
Dear Members of the Planning Commission,

First, I would like to thank you for serving our community. I appreciate that you have many hours of your time in this capacity. I am writing to you regarding the upcoming vote on the rezoning/special use requests put forth to the planning commission by a project known as the Family Fun Center. I live near the intersection of 18th and Wakarusa and not far from Inverness and Bob Billings. I have seen much development along these two corridors over the years. After 13 years, the office building at 18th and Wakarusa is still only partially leased. I am wondering when this office building will be a good idea. The shopping center on the SE corner of Wakarusa and Bob Billings has had four restaurants go in and out at it's anchor location and is constantly replacing tenants - there must be a lot of money to be made in strip malls even if there are empty spaces. However, the philosophy of "if you build it, they will come" doesn't really hold true in either of these locations, but the landscape has been permanently changed. The Bella Serra "complex" (oh joy, more buildings are coming!) is a "ginormous" change to the environment - good idea? - if you live on the top two floors of that building (what views!) - not so much for anyone else. These are deeds that are already done, and cannot be undone. The landscape has been permanently changed.

I ask you to PLEASE consider this before approving a zoning change. Is this the best case scenario for this property or the worse case scenario? I doubt the homeowners, who purchased single family homes, many of whom have children that attend nearby schools, but who now live with multiple apartment complexes had in mind when they purchased their property - but maybe I am making a huge assumption. I don't believe I am.

Regarding the Family Fun Center project: A potential nightmare in property values for the nearby neighborhoods, 140 parking spaces, alcohol, noise, lights - the list goes on. Here is another disturbing issue that I hate to even think about; with FOUR schools nearby and neighborhoods full of kids within walking distance of this proposed facility, many with two working parents, what type of person would most like to frequent this area - or worse - get a job there? Let's not make it so easy for them, please. What if it gets built and then vacated in a few years due to a lack of business? What will the landscape of the neighborhood look like then? Lawrence does need more kid and family entertainment - no question about that - but this belongs out on Iowa Street. Perhaps, this belongs east on 23rd street, both where commercial businesses are already part of the landscape. I am all for progress, but I think a real visionary asks themselves hard questions about what the environment will look like in the future and the long term effects of designs and uses of land. Please be a visionary before voting on this issue. Think about the name PARKWAY. Think about what this landscape will look like in 20-30 years? Thank you so much for your consideration in this matter. I look forward to Monday night's meeting.

Sincerely,

Karen S Hartnett
4725 Carmel Place
Lawrence, KS 66047
Dear Planning Commission Members:
The area residents of the property surrounding Inverness Drive and 23rd Street Parkway have been misled and were not publicly informed of meetings concerning the proposals to re-zone the property until just prior to the meeting held in February when your committee was panning to vote on the re-zoning proposal. When the area citizens became aware of this, we appeared before your board, and were grateful that you listened to our concerns and voted to defer the vote until a later meeting. Mr. Paul Werner, the architect for this Family Fun Center, had not held any public meeting as required to inform the public of this issue. Since that deferral, two public meetings have been held, and as a resident of the Wimbledon Terrace Townhomes Association located directly across the street off 23rd Parkway to the north from the proposed fun center, I wish to express the frustration and aggravation in the lack of direct answers to our questions and concerns about this center from Mr. Werner; he and, now his lawyer Michael Riling, continue to insist that alcohol be a part of their plans for this center even though the public (even the young school children) have adamantly been opposed to this at every meeting. If you accept the re-zoning proposal to change the property to a CN-2, that will be the direction of this property development, and we do NOT want that to happen. This is a lovely neighborhood surrounded by many schools with young innocent but easily influenced children, family residential neighborhoods with strong property values. Keep our neighborhood safe and beautiful. Don't let a blight befall this area with noisy go-karts, loud aluminum batting cages, bright lights, loud amplified music, and bright lights with many issues of traffic, security, and management...nor the evils of alcohol! Preserve the Parkway!!!!! Thank you for your consideration of families and youth on this issue. See you Wednesday evening.
Truly, Ruth Hiss
Wimbledon Terrace Townhomes Association, Secretary
Dear Commissioner,

Please find my attached letter regarding the Family Fun Center proposal.

Thank you for taking the time to read it and for giving this matter your attention.

We appreciate your commitment to making sure Lawrence continues to be the unique and vibrant community it is.

We shall see you Wednesday.

Regards,

Lleanna McReynolds, M.Ed.
Head of School
We are adamantly opposed to the SUP and re-zone of this property for that use.

My wife and I attended several of the recent neighborhood meetings with the architect on this matter and reviewed the plans. Although a family fun Center’ does sound favorable in title, bringing the proposed indoor and outdoor facility to our tranquil residential neighborhood would impact our near community in the following manner:

**Noise:** Emanating from the batting cages, clanking of aluminum bats on hard hit balls
Race track with screeching tires, slamming of bumpers and race-car simulated music piped in
Unruly cheering and encouragement of patrons

**Workers:** Having casual seasonal workers operate the facility can attract those with unstable work history

**Children safety:** Having this center in close proximity to a number of schools can serve as a convenient magnet for child molesters. Having open parking lots available for congregation by strangers is not conducive for family values

**Traffic:** Although the reports indicate that the traffic circle is only 50~60% of capacity, at school start and end times, and afterschool events (track meets, games) the area is overwhelmed.

**Long-Term Viability:** We will not support, visit or partake in any of these activities including electronic gaming. We feel that in the longer term, this seasonal enterprise will fail leaving behind an abandoned facility in disrepair

In summary, we feel a Family Fun Center can do better on the outskirts of town, not in this close family neighborhood. We request that you **support us to oppose this rezone** and permit request.

Stephen & Helen Slade
4219 Teal Drive
Sunflower Park
Lawrence KS 66047
Greetings Planning Commission Members,

I would like to voice my opposition to the proposed development at Inverness and 24th Street. There are so many reasons this isn't a good idea, but I would like to specifically site excess noise, lights, traffic congestion, and available alcohol near several schools.

I live on W. 25th Place and the traffic before and after school is very busy it is, sometimes I can't even turn onto my own street because of the volume and drivers blocking the intersection. The increased traffic activity during the week and weekends if this proposal is accepted would be unimaginable. I am also concerned about crime, as it has already increased in our neighborhood in the last few years.

I enjoy family activities as much as the next person, but I think this is the wrong location, and not just because it's my neighborhood. I don't think any family neighborhood with schools would be appropriate for this type of entertainment. There are so many other choices that would be better - one option would be the area closer to Rock Chalk park, or even better, the area toward the end of south Iowa, close to where the by-pass will be completed would be ideal, and attract more out of town visitors.

I plan on attending the meeting on March 24.

Thank you for your time,

Nancy Stump
4417 W. 25th Place
Lawrence
Hi, Patrick,

1) You’re on the Planning Commission? I didn’t know that. Your name and e-mail address were listed on the note from Raintree Montessori School. According to my wife, the Family Fun Center under consideration for the Southeast corner of Clinton Parkway and Inverness is an awful idea. (I’m not as passionate about it, because I think go-karts are pretty fun). In the interest of preserving my marital bliss, you can, however, count this e-mail as being against the Family Fun Center.

2) I’ve recently submitted my application to Lawrence Public Schools. I’m interested in Special Education openings at the High Schools, especially Free State. If you have any advice or inside information for me; or if you can share with the hiring team how amazing I would likely be for the position, I would appreciate it. If you don’t have nice things to say about me, never-mind.

Thanks!

Brian Williams
Dear Planning Commissioners,

I am writing to voice my oppositions to the proposed Family Fun Center for the property 4300 West 24th Place on Clinton Parkway. I live in the neighborhood behind Bishop Seabury Academy and have a son who attends this school.

About two weeks ago I attended a community meeting at Raintree School where the architect of the proposed development presented his design for the Family Fun Center. This Center will have Go Carts, Putt Putt Golf and a Video Arcade. Plans are to serve alcohol at the Fun Center.

In my opinion, a residential neighborhood near four schools is not an appropriate location for this kind of center. This will be a place where junior high, high school and college students gather and loiter. It will increase the traffic in our neighborhood, increase noise in the neighborhood, and will likely increase vandalism and other related crimes in our neighborhood.

I have another reason for believing that this development is not appropriate for a family neighborhood. Industries that make things for children, market heavily to them, a kind of entertainment that is fast paced and stimulating. Children have very few havens of quiet and calm. The family home as well as the school are two settings that, with thought, can provide a measure of peace and calm in the lives of our children.

The proposed Family Fun Center is a form of entertainment that is stimulating. While I believe there is a place for this kind of entertainment, having it in the middle of a residential neighborhood with family homes and schools is not, in my opinion, an appropriate setting for it. Our children need some protected time in their lives that is calm and not so stimulating, and again, the home and the school are among the few places left that can provide this to them.

For all of these reasons, I am asking you to oppose placing the proposed Family Fun Center in our neighborhood near our homes and our schools.

I write this letter from several perspectives. My home is located near the proposed development. I have a son who attend Bishop Seabury Academy which is directly across Clinton Parkway from the proposed development. I also have some understanding of how the environments that surround our children can affect their development, as I have a medical background in psychiatry and mental health.

Thank you for taking the time to read my letter.

Sincerely,
Susan Yoshida, MD
4124 Wimbledon Drive
Lawrence, Kansas 66047
SUP-14-00026: Consider a Special Use Permit for a Fast Order Food with Drive-Thru as part of the future commercial pad site development, to be located on the west portion of property located at 4300 W 24th Place. Submitted by Paul Werner Architects, for Corporate Holdings II LLC, property owner of record.

Updates to the zoning report from the February version are shown in bold purple.

STAFF RECOMMENDATION: Planning Staff recommends approval of a special Use Permit for Fast Order Food with Drive-Thru as part of a future commercial development located at 4300 W 24th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Approval contingent on approval of rezoning to CN2.
2. Prior to release of the site plan for issuance of a building permit the applicant shall;
   a. Submit a revised Special Use Permit (site plan) to include building elevations demonstrating compliance with the Commercial Design Guidelines and a photometric plan per section 20-1103 per staff approval.
3. Provision of a revised site plan to include the following notes and changes
   a. Revise note 1.7 to state that a photometric plan per section 20-1103 shall be submitted for review and approval prior to release of the Special Use Permit for issuance of a building permit.
   b. Provision of a note on the face of the plan that limits the number of Fast Order Food Drive-Thru uses for this property to one (1). Any additional Fast Order Food Drive-Thru uses for this property shall require approval of a Special Use Permit prior to construction.
   c. Provision of a revised site plan that reduces the total off-street parking and/or provides a plan for best management practices per 20-901 (c) and per the approval of the City Stormwater Engineer.
   d. Provision of a revised landscape plan that shows shrubs along the off-street parking spaces adjacent to W 24th Place.
   e. Provision of a note on the plan that states: Operating hours for Drive-Thru operation shall be restricted to 11:00 P.M. Sunday –Thursday and midnight on Friday-Saturday.
4. Prior to the Consideration of this Special Use Permit by the City Commission the applicant shall submit a revised site plan that provides pedestrian connections, pedestrian amenities, and buffer yard treatment along Inverness Drive and at the intersection of Inverness Drive and W. 24th Place consistent with the recommendations in the Inverness District Plan. This condition is not needed with this revision.
5. Operating hours for Drive-Thru operation shall be restricted to 11:00 P.M. Sunday—Thursday and midnight on Friday-Saturday. Revised as condition 3e in this report.

Applicant’s Reason for Request: A fast order food with drive-through is proposed for the site.
ASSOCIATED CASES/OTHER ACTION REQUIRED
ASSOCIATED ITEMS BEING CONSIDERED AT THE FEBRUARY PLANNING COMMISSION MEETING:
- TA-13-00488; Special Use in CN2 District – applies to the overall project but does not apply to this specific application.
- Z-13-00483; RSO to CN2
- SUP-13-00486; Family Fun Center
- SUP-14-00026; Retail/restaurant uses with drive-thru

Other Action Required
- City Commission approval of rezoning and adoption of ordinance.
- City Commission approval of Special Use Permit and adoption of ordinance.
- Publication of rezoning ordinance.
- Submission and approval of a site plan for compliance with commercial design guidelines, and photometric plans and any other conditions of approval.

KEY POINTS
- This application is intended to secure the conceptual design of a future commercial development with drive-thru uses.
- Specific tenants are not identified at this time.
- A Special Use Permit is required for drive-thru uses for Fast Order Food in the CN2 District. Other retail drive-thru uses such as a pick up window or bank teller window, not subject to a Special Use Permit.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING
- Inquiries via phone regarding proposed development.
- Communication from Wimbledon Terrace Townhomes Association

ATTACHMENTS
1. Area Map
2. Inverness Park Neighborhood Land Use Plan
3. Site Plan
4. Applicant letter updating changes dated 4.1.14

GENERAL INFORMATION
Current Zoning and Land Use: RSO (Residential Office) District, undeveloped.

Surrounding Zoning and Land Use:
To the northwest/west:
RM12 (Multi-Dwelling Residential District) a church and duplexes are located west and northwest of the subject property.

To the southwest:
RS7 (Single-Dwelling Residential) District a subdivision of single family residences is located southwest of the property to the west of Inverness Drive.

GPI (General Public and Institutional) District; elementary and middle schools located farther southwest along Inverness Drive.
To the south:
PRD-[The Grove] and PRD-[The Legends at KU]; multi-dwelling residences.

To the north:
RM12 (Multi-Dwelling Residential) District: Bishop Seabury Academy campus.

PD-[Wimbledon Terraces PRD]: existing multi-dwelling townhouse residential development.

RSO (Single-Dwelling Residential-Office) district; Clinton Parkway Animal Hospital.

To the east:
RM15 (Multi-dwelling Residential) District; multi dwelling residences. Proposed use to the immediate east will be the recreation center (SUP-13-00486).

Summary of Request
The revised site plan does not alter the proposed uses or significantly change the proposed site design. The plan is conceptual and does not include specific building elevations for review as required for compliance with Commercial Design Guidelines.

This application is for the development of property in the CN2 District to include both retail and fast food uses. At this time specific tenants are not known. The development is subject to pending approval of CN2 zoning. If approved the CN2 District would allow a variety of land uses that would be permitted subject to only site plan approval. However, Fast Order Food uses with a Drive-Thru specifically require approval of a Special Use Permit in the Neighborhood Commercial District.
Any conditional approval of the CN2 District must also be applied to this application. The review of this application assumes the approval of the proposed CN2 District and assumes restrictions on uses such as multi-dwelling residences discussed in the related rezoning application. There are no proposed residential elements included in this proposed Special Use Permit.

The proposed plan shows two drive-thru uses. One drive-thru use is anticipated to be related to retail-service uses such as a bank, dry cleaners, or other personal service use. The other drive-thru is anticipated for a *Fast Order Food* use as a stand alone pad site within this commercial development.

**Review and Decision-Making Criteria (Land Development Code Section 20-1306(i))**

1. **WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE**

   Applicant’s Response: The Development Code allows *Fast Order Food* in CN2 Districts and permits *Fast Order Food* with a Drive-in via the SUP process.

   This application is submitted concurrently with the application for CN2 (Neighborhood Commercial) District zoning and an application for a Special Use Permit for a recreation facility use to the immediate east. The primary purpose of this application is to provide a conceptual design for the establishment of a pad site likely to be developed with a *Fast Order Food* (with drive-thru) use in the future.

   The plan shows two drive-thru uses. The pad site at the south end of the site is intended as the primary drive-thru generating use as a *Fast Order Food, Drive In*. The building at the north end also shows a drive-thru use that could accommodate retail uses that include a drive-up window or a *Fast Order Food*. Some drive-thru uses are allowed in the CN2 district (non-food related) and do not require a Special Use Permit. For the purposes of this application the SUP request relates only to the *Fast Order Food with Drive-Thru* use.

   The purpose of the CN2 District is for neighborhood commercial uses. These uses can include such things as grocery stores as well as the “sale of good and services.” Uses within this specific area are expected to have strong pedestrian connections between the commercial development and the residential areas as discussed in the *Inverness Park District Plan*. The Area Plan identifies the primary uses as including “Eating and Drinking Establishments, General Office, Retail Sales and Services, Fuel Sales, Car Wash, Civic and Public Uses, and Medical Facilities. *Fast Order Food, Drive-In* would be included in this list of uses.

   A detailed discussion of the physical site plan portion of this proposed development is discussed in the second part of this report.

   At this time, the Special Use Permit plan only lays out the building and parking arrangement but does not provide any building elevations or photometric plans as required by code. As such approval of this SUP would require a condition that additional detail be submitted for review and approval prior to release of the SUP for issuance of a building permit.

   **Staff Finding** – Drive-Thru services for *Fast Order Food* uses are allowed in the proposed CN2 District subject to approval of a Special Use Permit. As conditioned, this use complies with the applicable provisions of the Development Code.
2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response: The Inverness Park District Area Plan recognizes this site would be developed with more Intensification which would lead to more activity, traffic noise and light. A larger 50’ landscape buffer has been provided along Inverness Drive to minimize light and noise for the properties west of Inverness Drive.

As noted earlier, this application was submitted concurrently with the Special Use Permit application for the recreation use. This proposed retail use is intended to be integrated and compatible with the proposed recreation use with connectivity between the two developments. The property is adjacent to Clinton Parkway, an arterial street, to the north and Inverness Drive, a collector street, to the west. Higher intensity uses are located to the south along W 24th Place (multi-dwelling residential uses). Office, religious assembly, multi-dwelling and education facilities (Bishop Seabury Academy) are located to the north. Lower density uses including detached and duplex uses are located along the west side of Inverness Drive. Public elementary and middle schools are located farther south on Inverness Drive.

The proposed retail uses would presumably have comparable operating hours similar to existing non-residential uses in the area along Clinton Parkway and the proposed recreation use to the east. As a Neighborhood Commercial Center activity is not expected to occur 24/7 as can be found with some Fast Order Food uses. Often the drive-thru use is extended beyond the hours of operation of the dining room portion of some restaurants. The Planning Commission has the authority to establish restrictions and limitations on hours of operation to ensure compatibility with the surrounding uses.

A Neighborhood Commercial Center is expected to have connectivity and sensitivity to the residential uses in the immediate area. Site lighting and pedestrian pathways are integral to achieving this compatibility. As noted earlier, a photometric plan will be required as a condition of approval.

Establishment of key elements including building arrangement and pedestrian connectivity are critical to the initial approval of this application as it will be the foundation of the ultimate development of the site. Compatibility of this site with the residential uses to the west and south should be enhanced with better aligned pedestrian connections and pedestrian amenities at the southwest corner of the property.

Staff Finding – The proposed use is compatible with the adjacent uses in terms of size & massing of non-residential uses in the immediate area. Improved pedestrian connections and amenities are needed to enhance the compatibility of the site with the residential uses in the area. A photometric plan is required to insure lighting is compatible with the surrounding uses.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant’s Response: The proposed use will not cause neighboring property to decline in value, but instead will provide great amenities to the neighborhood.

This evaluation criteria is specifically related to the intensity of the development and, more specifically, the traffic generated by the proposed Fast Order Food use. Drive-thru uses are not inherently pedestrian oriented as they function to provide auto oriented accessibility. Some Fast
Order Food uses include multiple order and pick up windows and multiple drive-thru lanes to accommodate a high volume of turn-over traffic. These types of uses often are located near major intersections, highway access points and with direct access to arterial streets. Other Fast Order Food uses are more characteristically sit-down restaurant type uses with drive-thru uses being more accessory to the business rather than the primary use. Additionally, many high-volume Fast Order Food uses include late night drive-thru only hours. These types of Fast Order Food uses are not consistent with a neighborhood commercial development.

The Development Code does not distinguish between high volume traffic oriented Fast Order Food and other types of Fast Order Food uses with a drive-thru as an accessory use. This application does not include a specific tenant. It is unlikely that well known chain store type restaurant (Fast Order Food) uses would find this particular location desirable as there is no direct access to Clinton Parkway. As a lower traffic volume class use is more probable it is likely to be patronized and supported by immediate neighborhood customers. Such uses include coffee, pastry, or specialty signature type businesses that could benefit from the existing peak hour traffic associated with the many local school and residential uses in the immediate area. This type of use would likely be considered beneficial to the neighborhood.

Appropriate site design is important to ensure compatibility and buffering standards are met. A development with multiple Fast Order Food, Drive-Thru uses would be undesirable in this location and would be considered a diminishment to very low density uses (to the west). This concern can be mitigated by restricting the number of drive-thru uses that may be permitted for this property.

**Staff Finding** – Substantial diminution of other property values in the area is not anticipated with a low volume Fast Order Food use that offer drive-thru service as secondary to seating. However, multiple Fast Order Food uses offering drive-thru services at this site would be considered to be detrimental.

4. **WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT**

The applicant has submitted the required drainage, traffic and downstream sanitary sewer studies for the overall project. City staff has accepted all of them and no off-site improvements are required. Adequate public facilities and transportation access is accommodated for this development.

**Staff Finding** – Adequate public facilities and transportation access is accommodated for this development.

5. **WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED**

The proposed request provides an enforceable tool to address the use and continued maintenance of the property with regard to landscaping, exterior activity, and off-street parking. The key consideration of this application is intended to address the approval of the drive-thru activity for the Fast Order Food use. Some uses within the CN2 district allow drive up windows and are not subject to the provisions of a Special Use Permit. Without the proposed Fast Order Food with Drive-Thru, site development would only be subject to site plan approval. Both the Site Plan and the Special Use Permit process provide adequate assurance of continuing maintenance.

This application for a Special Use Permit is specific to drive-thru use as it relates to Fast Order Food uses. This activity is intended for the Building A as shown on the site plan as the primary recipient.
of this approval. Approval of this Special Use Permit should not be considered to be transferable to any of the tenant spaces to the north as shown on this site plan. Each Fast Order Food use that intends to provide “pick up/order window” shall be required to first secure a Special Use Permit. This will ensure that neighborhood concerns are addressed as tenants change over time within the building. This will result in additional review time that must be considered by the developer when leasing spaces within the proposed building.

Staff Finding – Adequate assurances of continued maintenance are inherent in the Special Use Permit approval process.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant’s Response: The natural environment will be improved with substantial landscaping on the site and the proposed uses will not cause adverse impacts on the natural environment.

There are no identified natural features subject to special protection for this property. Existing vegetation will be augmented or rehabilitated as part of the development of this property especially along Clinton Parkway and Inverness Drive. There is no regulatory floodplain encumbering this property.

Staff Finding – The proposed development is not subject to regulatory controls to protect the significant natural features. This property is free from regulatory floodplain encumbrances.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

This Special Use Permit is required to accommodate a specific use [Fast Order Food, Drive-In] in this district. The proposed project was initially submitted as a future phase of Family Fun Center to the east. This application separates the request from the Family Fun Center but does not specify the development time frame of the property for either building.

If approved, the drive-thru feature for a Fast Order Food use would be considered a permanent and integral part of the use. Therefore, placing a time limit on the use would not be recommended. The Commission can however restrict the activity or hours of operation of the drive-thru to further ensure compatibility as discussed earlier.

Staff Finding – Staff recommends a condition on the Special Use Permit as it relates to the hours of operation for the drive-thru use.

STAFF REVIEW

The following review provides a summary of the site plan elements of this Special Use Permit request. It is probable that the commercial portion of this property may be subdivided in the future. The site summary addresses the west 3 acres of the 10.9 acre site. The east 7.7 acres is addressed in the staff report for SUP-13-00486; Family Fun Center.
A. Site Summary

<table>
<thead>
<tr>
<th>Site Summary: West portion of Lot 2, Remington Square Addition No. 1</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
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<tbody>
<tr>
<td>Total area:</td>
<td>10.9 Acres (entire platted lot)</td>
<td>3.106 Acres</td>
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<tr>
<td>Lot Size:</td>
<td>10.9 Acres (entire platted lot)</td>
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<td>Building: (SF)</td>
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<td>2,700 SF</td>
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<td>Multiple tenant building</td>
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<td>8,160 SF</td>
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</table>

Note: This property may be subdivided in the future to create a separate lot or lots.

There are several discrepancies in the site plan drawing and the site notes that need to be addressed for consistency, if approved.

B. Access and Parking

On-site Parking:
The site plan as proposed identifies a pad site and multiple tenant building with various uses. Restaurant uses require parking at a ratio of 1 space per 100 SF of customer service area plus 1 space per employee. As an example the pad site requires a minimum of 23 off-street parking spaces if 2,300 SF of customer service area is provided. Other commercial uses vary in the required off-street parking, however most are required to provide parking at 1 space per 200 SF of building area.

This site plan shows a total of 57 required spaces and 124 spaces proposed. In accordance with Section 20-901 (a) this excess parking must be mitigated through best management practices for stormwater surface runoff. A condition of approval shall be to either reduce the total number of off-street parking spaces, provide a parking lot design that includes bio-swales, permeable pavement, or other engineering solution or a combination of both parking reduction and best management practices per the approval of the City Stormwater Engineer. This design criteria does not affect the proposed request to consider a Drive-Thru for a Fast Order Food use.

Direct Access: Access to this site is provided via a single shared driveway at the east end of the property to W 24th Place. Access to Clinton Parkway and Inverness Drive is prohibited.

C. Design Standards

Basic design standards have been evaluated for this proposed commercial development. Much of the evaluation will be deferred until more specific land use plans and/or specific tenants are identified. Approval of this Special Use Permit secures the ability to provide at least one Fast Order Food with Drive-Thru use on this property. As proposed, this use would be located nearest the existing residential uses at the south end of the property. Conditions of approval reflect the need for additional documentation to demonstrate compliance with Zoning Code and Commercial Design Guidelines that are typically reviewed at the administrative level.

This property is uniquely located within the Inverness Park District Plan boundary. A recommendation contained in the plan is that any project or development subject to site planning would be required to be considered by the City Commission. Staff’s recommendation is that prior to the City Commission’s consideration of the Special Use Permit, a revised site plan be submitted to address inconsistencies in the drawing and to address any conditions of approval recommended by the Planning Commission.
In addition to site summary information required, staff recommends additional pedestrian connections, pedestrian amenities, and buffer yard treatment along Inverness Drive and at the intersection of Inverness Drive and W 24th Place be provided prior to consideration of the Special Use Permit by the City Commission. These elements were specifically identified in the District Plan to mitigate more intensive commercial activity on this site.

**Building Elevations:** Prior to issuance of a building permit, a revised plan including building elevations is required to demonstrate compliance with the Commercial Design Guidelines. This requirement is reflected as a condition of approval.

**Pedestrian accessibility and amenities:** Several pedestrian connections within the development and from the public sidewalks to the development are mislocated, inappropriate or lacking. Additional attention should be given to pedestrian connections to the recreational uses to the east. Many of the participants will be youth and safe transitions between the retail center and the recreation uses are necessary.

The revised plan dated 4.1.14 provides a better pedestrian connection within the development and between the public sidewalks surrounding the development. The plan also provides increased landscape areas adjacent to Inverness Drive and W. 24th Place compared to the previous plan. Pedestrian amenities are generally absent other than the sidewalk connections.

Previous development discussions of this property and specifically the southwest corner of this property, have focused on the need for a wide buffer that provide transition between the residential uses to the west and the commercial uses to the east. These discussions have included mini-park like areas with pedestrian amenities. The following examples of pedestrian amenities are provided for reference and can be found in the Commercial Design Guidelines (page 21).

Figure 3 Commercial Design Guideline Examples
The proposed site plan includes landscaping within a 50’ wide buffer at the south end of the development along Inverness Drive.

**Figure 4 Existing Development**

**Figure 5a Previous Development – February**

**Figure 5b Proposed Development – April**

**D. Landscaping and Screening**

**Street Trees:** The proposed plan shows the required street trees along Clinton Parkway (within the right-of-way) and along Inverness Drive. Street trees along W 24th Place are setback north of an existing utility easement and are within the parking lot landscape islands rather than spaced uniformly along the street frontage. The site plan does not clearly indicate that there are existing
utilities within the easement adjacent to W 24th Place. If the easement is vacant then street trees can be appropriately located uniformly along the street frontage. Additional clarification is needed to confirm the presence of utilities in this easement. Staff has confirmed that some utilities are using parts of the easement along the north side of W 24th Place. The proposed landscape provides trees, shrubs and berms to accommodate screening and buffering required for this development.

**Interior Landscaping:** The site plan shows the plan complies with the required interior landscape standards for interior parking. Several notes on the plan must be revised to address consistency. Notably this proposed plan includes more than double the required parking for the proposed uses. A reduction in the off-street parking area will increase the amount of landscape space within the site and along the perimeter of the development.

**Perimeter Landscaping:** This property is adjacent to public streets on three sides. Parking is proposed along Inverness and W. 24th Place. The parking areas are screened per the Development Code with the exception of W 24th Place. Staff recommends the plan be revised to add additional shrubs along the parking spaces adjacent to W 24th Place. The applicant has indicated there isn't room due to the existing easement and utilities. The applicant can redesign the site to provide the code required landscaping.

**Mechanical Equipment Screening:** At this time details of the building mechanical plans are not available. A general note on the face of the plan recognizes the requirement that these elements must be screened. Prior to issuance of a building permit the applicant shall be required to provide building elevations that demonstrate compliance with this standard.

**Bufferyard:** Bufferyard standards are applicable to the north, west, and south sides of this property.

**Clinton Parkway Buffer Yard.** The applicant has requested alternative compliance for the provision of landscaping along the north side of the property as the existing topography includes a 10’ hill and thus screening is not necessary between the proposed use and Clinton Parkway. Staff concurs the natural topography provides adequate screening. The majority of this property is much lower than Clinton Parkway the existing vegetation along the natural swale and the addition of Street Trees are sufficient to meet the intent of buffing for this property.

**Inverness Drive Buffer Yard.** Inverness Drive is the dividing line between the proposed commercial use on the east side of the street and low density residential uses on the west side of the street. The plan exceeds the required landscape planting standards for screening along Inverness Drive. This transition area is specifically shown in the *Inverness Park District Plan*. The plan does not proscribe a specific width of the buffer yard. It is assumed from the graphic representation and the text contained on page 19 of the plan the buffer would be more substantial than the minimum area requirements set out in the Development Code. The plan specifically states: “Compliance with the buffer will be required with site plan/development plan approval.” The following graphic provides a representation of the depth of the buffer yard.
The width of the buffer yard, if mapped literally and overlaid with the existing development pattern, would be 106’ wide and represent one third the total width of the proposed development.

Additionally this buffer wraps around the corner and extends past the western access drive of the apartment complex on the south side of W 24th Street.

A Type 1 Buffer yard along Inverness Drive is required for this development. The Development Code provides options for buffer yards from as narrow as 10’ to as wide as 25’. The north portion of the buffer yard proposed is 25’ wide (in the February plan). The south portion is 50’ wide. The revised plan includes a 70’ wide area along the south portion of Inverness Drive and extends around the corner along W 24th Place.

The proposed plan provides a code compliant buffer yard along Inverness Drive as shown in the following images. Staff recommends that the area at the immediate intersection be widened and extended along W 24th Place to provide a buffer consistent with the District Plan recommendations.
The revised buffer yard is 70’ wide compared to the previous width of 50’ along Inverness Drive.

The revised buffer yard is 30’-60’ wide at the southwest corner of the site. The previous plan was shown as 35’ wide along at the southwest corner of the site.

This plan also adds berms along Inverness Drive (3’ berm) and W 24th Place (2’ berm).

The revised plan has added a wider more detailed buffer along the southwest corner of the property consistent with the District Plan recommendations.

E. Lighting
The applicant has not provided a photometric plan at this time. A photometric plan will be required prior to the issuance of a building permit. Staff recommends note 1.7 be revised to clarify that a building permit for any part of this development shall not be issued until a photometric plan has been submitted for review.
F. Floodplain
There are no regulatory floodplain encumbrances on this property.

CONCLUSION
As discussed in the body of this staff report several changes are needed to the plan. Key decisions regarding this development must address the number of Fast Order Food Drive-Thru uses for the site and the applicable treatment of the intersection of Inverness Drive and W 24th Place. Appropriate pedestrian connections and amenities at the intersection should be provided to insure neighborhood connectivity and compatibility.

The revised plans are an improvement to the intersection treatment at the southwest corner of the site nearest the detached residential homes along Inverness Drive. Additional approval of the building for compliance with Commercial Design Guidelines and lighting plans are required prior to issuance of a building permit for this property.
April 1, 2014

Sandra Day
Planning and Development Services
6 East 6th St.
Lawrence, KS 66044

RE: Inverness Corner SP

Sandra:

Attached is the Inverness Corner Site Plan. We believe positive changes have been made to the site plan based on concerns the neighbors voiced. Those changes include:

- The bufferyard along the south end of Inverness Drive was widened from 50' to 68'.
- More landscaping was provided along Inverness Drive and a 3' berm was added to the bufferyard area.
- Building A was moved north to allow room for a patio on the south side of the building for customer enjoyment.
- A sidewalk has been provided from 24th Place which allows pedestrian traffic easy access to building A.
- A berm has been added along 24th Place to screen parking to the north.

With the above mentioned changes the notes on Sheet 1 have been revised to reflect accurate information regarding the site summary, parking and landscaping.

Sincerely,

Joy Rhea, RLA

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

Lawrence-Douglas County Planning Office
February 2014
Dear Mr. Halm,

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

Molly Mulloy

February 14, 2014

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

Dear Commissioners,

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

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

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

Thank you for considering our objections to this rezoning request.

Respectfully,

Wimbledon Terrace Townhomes Assn.
Molly Mulloy, Executive Committee (mmulloy@ku.edu)
Ruth Hiss, Executive Committee (mrsdeltachi@yahoo.com)
Jane Tedder, Executive Committee (jtedder@sunflower.com)
Debbie Saiz
Alice Holtz
Ann Eversole
Kathy Rauckman
Letty Seidl
Sarah Williamson
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

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

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

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

4. In terms of the planning considerations, the recreational use and the drive-ins will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”)

5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
Dear Planning Commissioners –

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

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

Debbie Galbraith
4205 Nicklaus Drive
Dear Planning Commissioners,

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

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

Please understand our concerns.

Thank you.
Dustin & Katie Huff
4424 Gretchen Ct
From: Michele Vignola-Rogers [mailto:mvr@sunflower.com]
Sent: Sunday, February 23, 2014 7:28 PM
To: montananastan62@gmail.com; amalia.graham@gmail.com; jonjoserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Family Fun Center

Dear City Planning Commissioners,

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

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

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

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

Sincerely,
Michele Vignola-Rogers
Planning Commissioners,
I write you with concerns about agenda items 4, 5A, 5B, and 5C regarding the proposed development at 4300 W. 24th Place. My family and I live at 4305 W. 26th Terrace and my daughter attends preschool at Raintree Montessori at 4601 Clinton Parkway. When she begins kindergarten she will attend Sunflower Elementary School at 2521 Inverness Drive. My main concern with the proposed development is the increase in traffic on Inverness and surrounding streets. It appears to me that the one lane traffic circle at 24th Place and Inverness is already close to full capacity. My understanding is that the proposed development may include fast food restaurants. When I see the constant flow of traffic into the McDonalds at 6th and Wakarusa it convinces me that multiple fast food restaurants at 4300 W. 24th Place would create traffic gridlock. At peak hours my guess is that the roads and traffic circle could not handle the traffic from the apartments, the schools, and two fast food restaurants. Also, I do not think that the proposed development is consistent with the surrounding neighborhood. The proposed development seems more appropriate for an area that is not right next to residential areas. I have doubts about how much meaningful noise and light mitigation is possible given the extremely close proximity to residences. Thank you for taking my concerns into account and for your service on the Planning Commission. I sincerely appreciate the time and effort you put into the consideration of this and other important issues for our community.
Respectfully,
Mark Simpson
From: Luke Sinclair [mailto:sincluke@gmail.com]
Sent: Friday, February 21, 2014 11:20 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com
Cc: Lori Sinclair
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

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

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

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

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

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

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

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

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

Thank you,
Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS  66047
The designated zoning for the area in question is the correct one--Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.

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

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

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

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

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

Respectfully,

Kenna Heim
4741 Larkspur Circle
Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

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

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

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

I am NOT in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.

I am in support of open hours until 10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday, which is a reduction from the plan.

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

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047
From: Bob Grabill [mailto:bgrabill@chiefexec.com]
Sent: Monday, February 24, 2014 10:19 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; joniosserand@gmail.com; pkelley@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Proposed development

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

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

We ask that you please not approve this.

Thank you,
Bob & Jennifer Grabill
2027 Hogan Ct.
(Masters Subdivision)
From: Leann Cooper [mailto:lcooper@gcsaa.org]
Sent: Monday, February 24, 2014 9:35 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelley@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

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

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

Thank you for your time!

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

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

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

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

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

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

Thank you for your consideration on this matter.

Steve and Tami Clark
4425 W 24th Pl
From: Angela Jacobson [mailto:angelamk@swbell.net]
Sent: Monday, February 24, 2014 10:54 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; jonjossersand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Feedback regarding proposed family fun center (Clinton Parkway and Inverness)

Commissioners:

My husband and I live at 4416 Gretchen Ct. and have concerns about the proposed family fun center. In a perfect world, I think it is fair to say that the neighborhood would love for the space to be used as a green space or park. However, as it appears that that is not an option, the family fun center is more attractive than apartments.

In regard to the proposed plan, we have two main concerns:

First, we **strongly oppose the sale of alcohol** at the proposed family fun center because of its location being so near to several schools and the certain issues that will arise from having alcohol available at a facility like this with motorized vehicles surrounded by apartments filled with college students.

Second, because of the proximity to so many neighborhoods with families, **we are opposed to the hours of operation** running so late into the evening, particularly on Thursday night. Why not 8 or 9 p.m. during the week and 10 p.m. on weekends? The proposed go carts may be quieter than others but when you have 5 or 10 of them running at the same time, that is sure to cause trouble with noise pollution, particularly when the weather permits families to have windows open.

We also believe that whatever zoning needs to happen to ensure that neighbors have a voice as this process continues, including the development of the land nearest Inverness is critical. This area began as a residential area filled with families and schools. It is important that the area (homes, property values, kids, schools, safety) be protected.

Thank you

Angela & Thomas Jacobson
4416 Gretchen Ct.

Angela Jacobson
angelamk@swbell.net
(785)841-0376
Sheila

"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."

Commissioners:

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We also believe that whatever zoning needs to happen to ensure that neighbors have a voice as this process continues, including the development of the land nearest Inverness is critical. This area began as a residential area filled with families and schools. It is important that the area (homes, property values, kids, schools, safety) be protected.

Thank you

Angela & Thomas Jacobson
4416 Gretchen Ct.

Angela Jacobson
angelamk@swbell.net
(785)841-0376
March 7, 2014

Dear Planning Commissioners,

As Head of School at Bishop Seabury Academy (4120 Clinton Parkway), I have been following with interest and concern the proposed rezoning (Z-13-00483) of the lot at 4300 W. 24th Place from a Residential area to a Neighborhood Shopping Center (CN2). I attended the meeting at Raintree Elementary School, and I appreciated Mr. Werner’s appearing to explain the project. I would not be opposed to such a development were it appearing (logically) on the outskirts of town and in an area zoned deliberately for this sort of development. However, I think this rezoning is inherently and obviously very bad news for everyone who lives or attends school in the area. Homeowners in the area have very good reason to be anxious, and they voiced their concerns at the meeting. I will focus on my own concerns.

I feel certain that this sort of an entertainment park will attract a lot of middle school, high school, and college students at all times of the day, but especially at night. (I have to think that developers conceived of this project with a captive afternoon audience in mind: the students at Bishop Seabury Academy, Southwest Middle School, and perhaps Raintree and Sunflower Elementary Schools.) The presence of alcohol in this park is unwise. It would be naïve to think that underage high school and college students who find a way to drink in other Lawrence bars will not find a way to drink at the bar in this park. And when they leave the facility at 10 pm or midnight—bedtime for adults, perhaps, but not for park guests aged 14-25—they will look around and wonder what they should do next. And they will have two schools nearby with football fields, tennis courts, baseball diamonds, and a closed, unsupervised pool with a gate that is easily climbed. They will have the secluded spaces behind Raintree. As I noted at the Raintree meeting, I am an advocate for young people and believe in their better nature, but they also make bad choices at times. If this park is allowed to be developed in this residential area, it will not be the developer, architect, management, or the city planning committee who will have to deal with this situation. It will be the people who live in this area.

I was asked by Mr. Werner if I would feel more comfortable about the situation should alcohol be taken off the table. I admit that the presence of alcohol is one of the most bewilderingly inappropriate aspects of this proposal and raises the stakes, especially when neighbors have no certainty about the future usage of this area (Family Fun Center or other entertainment feature). But focusing on this one proposed entertainment park project, the absence of liquor would not stop drinking or the potential late night behavior. The sort of features offered by the park will lend themselves to students showing up intoxicated and/or keeping liquor in their cars or on their persons. Perhaps I am excessively cynical here, but my job as Head of School is to think of worst-case scenarios, and in my experience, what I am suggesting hardly requires a dark imagination.

Also at the Raintree meeting yesterday, there was much discussion about neighborhood concerns regarding lighting, noise, security, the quality of judgment demonstrated by young seasonal park employees, and even the uncertainty of what project will inhabit this lot (again, in the center of a residential area of town) not only next year but in 5, 10, and 20 years. Despite the helpful speculations
by the architect on all of these issues—assurances which are the lubricant to get this motion passed—there is no guarantee on any of them. And if you allow this rezoning to occur, the neighbors and schools will be at the mercy of whatever development occurs in this area.

I want the planning committee members to understand that I do not envy their job, and I do not think it is for me to dictate what sort of construction occurs in the neighborhood surrounding my school. However, I think it is very reasonable to see that rezoning and special use permits are difficult hurdles for developers in a situation like this because restrictions are in place for a reason. There is logic and a reason for consistency with these decisions. There is a reason that the present zoning exists.

With respect, I strongly encourage you to oppose this rezoning. And as a final test to this decision making, I would ask you to consider if you would be willing to move into a residence alongside the Family Fun Center if it is built. If you would not, then you will understand how we feel.

Thank you for your consideration in this matter,

Dr. Don M. Schawang

Head of School
Bishop Seabury Academy
From: Scott McCullough
To: Denny Ewert; Sandra Day; Sheila Stogsdill
Subject: FW: Proposed development
Date: Monday, February 24, 2014 1:21:15 PM

In my spam

Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 10:25 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Proposed development

Peoples Banking Unusual
Bryan C. Culver
Vice President
Wealth Management Officer
4831 West 6th Street
Lawrence, KS 66049
785-842-4300 Office
785-830-4623 Fax
785-760-2820 Mobile
NMLS# 861527

From: Bob Grabill [mailto:bgrabill@chiefexec.com]
Sent: Monday, February 24, 2014 10:19 AM
To: amalia.graham@gmail.com; montanastan62@gmail.com; joniosserand@gmail.com; pkelly@usd497.org; Bryan C. Culver; denney1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; bruce@kansascitysailing.com; eric.c.struckhoff@gmail.com
Subject: Proposed development

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

Nothing could drive down home values faster not to mention disrupt sleep of we and our neighbors than this project.
We ask that you please not approve this.

Thank you,
Bob & Jennifer Grabill
2027 Hogan Ct.
(Masters Subdivision)
I just received a phone message from a Larry G. (25th & Inverness) about the project. He stated he was opposed to the rezoning and attended the meeting at Raintree along with approximately 80 others and lots of students. It was unanimous that residents were opposed to the request other than the presenters. He is a former junior high teachers and agrees that there is a need for after school activities but that this location is inappropriate. He will forward his concerns in a future email. He did not leave a phone number.

Sandra L. Day, AICP, City/County Planner- sday@lawrenceks.org
Planning Division | www.lawrenceks.org/pds
P.O. Box 708, Lawrence,KS 66044
Office (785) 832-3161 | Fax (785) 832-3160

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

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

Debbie Galbraith
4205 Nicklaus Drive
Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:42 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Planning Commission Meeting

Bryan C. Culver
Vice President
Wealth Management Officer
4831 West 6th Street
Lawrence, KS 66049
785-842-4300 Office
785-830-4623 Fax
785-760-2820 Mobile
NMLS# 861527

From: Katie Huff [mailto:kayteekate@hotmail.com]
Sent: Sunday, February 23, 2014 10:58 PM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Planning Commission Meeting

Dear Planning Commissioners,

We are writing you with concern and opposition to several items to be discussed at your meeting on Monday, February 24th. We are opposed to Item 4, Item 5A, Item 5B, and Item 5C.
We are a family with three small children, so we are not opposed to a "Family Fun Center"; in fact, we believe Lawrence could use a place like this. But we **strongly disagree** with it being built in the middle of a residential area. We own a house at 4424 Gretchen Ct and enjoy the quiet, family and school focused neighborhood that this area provides. But we believe with the addition of this proposed "Family Fun Center", it would dramatically change our neighborhood. We are opposed to the noise, traffic, alcohol near schools, lights, and late night hours that this place would promote. This is not the right location for this type of facility.

Please understand our concerns.

Thank you.  
Dustin & Katie Huff  
4424 Gretchen Ct
Bryan C. Culver  
Vice President  
Wealth Management Officer  
4831 West 6th Street  
Lawrence, KS 66049  
785-842-4300 Office  
785-830-4623 Fax  
785-760-2820 Mobile  
NMLS# 861527

-----Original Message-----
From: Eileen Jones [mailto:ejeones@ku.edu] 
Sent: Monday, March 10, 2014 9:43 AM 
To: Bryan C. Culver 
Subject: location of proposed "family fun center"

Dear Mr. Culver,

As a KU employee and a resident of Lawrence for 10 years (Fox Chase neighborhood in west Lawrence), I am writing to express my strong opposition to the proposed location at the intersection of Clinton Parkway and Inverness.

As a parent of three children who attended Southwest Junior High and the grandparent of a first-grader at Raintree Montessori School, I am familiar with the traffic patterns at that intersection. That intersection serves traffic for two public and two private schools and an entire neighborhood which does not have other avenues onto Clinton Parkway. Traffic is very heavy in the morning and afternoon - pickup and dropoff at Raintree is very busy - and I do not believe that intersection can safely handle any more traffic.

The effect of the "family fun center" on the residents of that neighborhood and on the families attending those four schools would be devastating. The safety issues created by increased traffic are obvious, and I believe there are other safety issues of a cultural nature with a rec center being so close to schools. I think it would encourage truancy and also the influence of elements outside the schools (including drug sales).

In addition to the inconvenience and danger that additional traffic would pose for neighborhood residents and student families traveling there, home values in that fairly new neighborhood will be negatively impacted. My husband and I are looking for a starter home for our daughter and her young family, and already we have eliminated that neighborhood from our real estate search, and only because of the proposed "family fun center".

I am not opposed to a new recreational center, but in my opinion this location is a very poor one. Please stay away from schools and established, quiet family neighborhoods. A location close to the new Rock Chalk park would make more sense, and the 6th-and-Folks to downtown bus could extend its route westward to go to the new rec center.

Thank you for allowing me to express my view.
Eileen Jones
1124 Summerfield Way
Lawrence, KS 66049
(785) 979-2129
Dear Planning Commissioners,

I'm Kelli Flanner, a 30-year Douglas County resident, Lawrence worker, Raintree parent, and number one fan of Lawrence. I'm reaching out to you to voice concerns about the proposed re-zoning of the Inverness & Clinton Parkway area marketed as a Family Fun Center.

There are several factors about this proposed rezoning which give me pause.

1) The location of a large commercial property serving alcohol, and fast food restaurants in close proximity to a quiet residential and four-school neighborhood. Traffic, noise, vandalism, drunk driving will surely increase in what is currently a beautiful, peaceful, quiet neighborhood that despite being developed still retains the character of the rural land it was not long ago - a peaceful ambiance that the original Horizon 2020 plan intended to preserve on Clinton Parkway.

2) A “Family Fun Center” which serves alcohol, presumably to parents and young adults, where children are playing. To me, this does not compute. I am not a prude, but let me give you an example - have you been to a Chiefs game? Adults + alcohol + rowdy 'fun' atmosphere = cursing galore and an environment that isn't conducive to family fun. Are the parents drinking while the kids engage in the fun activities? Is the alcohol a draw for young adults in our community...and if so how does that jive with the stated target audience of having a space for young kids to play and have fun? If Kansas liquor laws continue to relax as the trend has gone, will we see the 3.2 beer standard disappear and full bar possible at this site?

3) The developers. Why don't we know who they are? Is this a group of folks who respect the effects of underage drinking in our community, or are they current liquor license-holders who consider a citation from the ABC simply the cost of doing business in a college town? There is a level of trust...
involved when the city decides to deviate from a long-term strategic plan (Horizon 2020) to allow commercial development ("trust us - it won't be loud, trust us - it won't affect traffic, trust us - the alcohol will not increase crime in the neighborhood") - do these developers have a history of violating our city's trust?

4) The framing of this project by the spokesperson at the community meeting. The architect indicated that there just isn't enough for kids to do in Lawrence, as though this proposal is a community service. First, that is patently false. Find me a parent in Lawrence who can't find things for their children to do and I will show you someone who isn't looking. Second, where is the evidence that this is true? Are the current facilities at capacity?

These were my initial concerns after attending the community meeting last night at Raintree and listening to the proposal from the developers. The room was packed with local residents of all ages and parents of children at the four schools adjacent to the site and I didn't hear one word of enthusiasm or support for this idea at this location.

Thank you for your time in reviewing these concerns. I fervently hope you and the other commissioners will listen to the community and hear that this rezoning is not what is best for the people who live and educate their children at Inverness & Clinton. It is a beautiful part of our city and we would like to keep it that way.

I look forward to the Planning Commission meeting on March 24th.

Sincerely,

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

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

Respectfully

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

RECEIVED
JAN 1 0 2014
City County Planning Office
Lawrence, Kansas
Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | 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/ads/survey/satisfaction"

From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:42 AM
To: Scott McCullough; Sheila Stapsfi
Subject: FW: Rezoning of 4300 W. 24th Place

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Dear Planning Commissioners,

Regarding 4300 W. 24th Place:

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

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

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

- I am in support of the text amendment allowing outdoor use for this specific project, but not for all CN2 zoned properties.

- I am NOT in support of alcohol sales at a Family Fun Park. There should not be alcohol sales in such close proximity to four schools, and across the street from a church. Alcohol will increase the possibility of fights, the potential for underage alcohol sales/drinking, and increase the potential for adults to drink and drive in parking lots and streets with children, and with children in their vehicles.

- I am in support of open hours until 10:00 pm Sunday-Thursday, and 11:00 pm on Friday and Saturday, which is a reduction from the plan.

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

Sincerely,

Jamie Hulse
4403 Gretchen Ct.
Lawrence KS 66047
Not much to this one but still a communication received none the less.

---

From: Janet Graybill [mailto:janetgraybill@live.com]
Sent: Monday, March 10, 2014 4:57 PM
To: bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjosserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; clay.britton@yahoo.com; eric.cstruckhoff@gmail.com; Bryan C. Culver
Subject: Opposition to proposed development for corner of Inverness and Clinton Parkway

Dear City Planning Commissioners,

Please add our voices to all those opposing the Family Fun Center.

Janet and Bill Graybill
4119 Wimbledon Circle
Dear Planning Commissioners,

I'm Kelli Flanner, a 30-year Douglas County resident, Lawrence worker, Raintree parent, and number one fan of Lawrence. I'm reaching out to you to voice concerns about the proposed re-zoning of the Inverness & Clinton Parkway area marketed as a Family Fun Center.

There are several factors about this proposed rezoning which give me pause.

1) The location of a large commercial property serving alcohol, and fast food restaurants in close proximity to a quiet residential and four-school neighborhood. Traffic, noise, vandalism, drunk driving will surely increase in what is currently a beautiful, peaceful, quiet neighborhood that despite being developed still retains the character of the rural land it was not long ago - a peaceful ambiance that the original Horizon 2020 plan intended to preserve on Clinton Parkway.

2) A "Family Fun Center" which serves alcohol, presumably to parents and young adults, where children are playing. To me, this does not compute. I am not a prude, but let me give you an example - have you been to a Chiefs game? Adults + alcohol + rowdy 'fun' atmosphere = cursing galore and an environment that isn't conducive to family fun. Are the parents drinking while the kids engage in the fun activities? Is the alcohol a draw for young adults in our community...and if so how does that jive with the stated target audience of having a space for young kids to play and have fun? If Kansas liquor laws continue to relax as the trend has gone, will we see the 3.2 beer standard disappear and full bar possible at this site?

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involved when the city decides to deviate from a long-term strategic plan (Horizon 2020) to allow commercial development ("trust us - it won't be loud, trust us - it won't affect traffic, trust us - the alcohol will not increase crime in the neighborhood") - do these developers have a history of violating our city's trust?

4) The framing of this project by the spokesperson at the community meeting. The architect indicated that there just isn't enough for kids to do in Lawrence, as though this proposal is a community service. First, that is patently false. Find me a parent in Lawrence who can't find things for their children to do and I will show you someone who isn't looking. Second, where is the evidence that this is true? Are the current facilities at capacity?

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Thank you for your time in reviewing these concerns. I fervently hope you and the other commissioners will listen to the community and hear that this rezoning is not what is best for the people who live and educate their children at Inverness & Clinton. It is a beautiful part of our city and we would like to keep it that way.

I look forward to the Planning Commission meeting on March 24th.

Sincerely,

Kelli Flanner
Scott McCullough, *Director*
Planning and Development Services – [www.lawrenceks.org](http://www.lawrenceks.org)

City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:42 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Proposed Family Fun Center and Fast Food restaurants

---

From: Kenna Heim [mailto:kennahome1@yahoo.com]
Sent: Sunday, February 23, 2014 6:35 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com; montanastan62@gmail.com; jonjesserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com; squampva@aol.com; dcbritt@yahoo.com; eric.c.struckhoff@gmail.com
Subject: Proposed Family Fun Center and Fast Food restaurants

The designated zoning for the area in question is the correct one--Single-Dwelling-Residential-Office. These are the types of buildings that would suit this area so close to Sunflower Elementary and Southwest Middle School. I live on Larkspur Circle off from 27th Street and was concerned to hear new proposals for this property that involve changing the zoning.
On children's football nights, I can already barely get through on 27th due to the parking along the street. Inverness was designed to be a quiet residential and school street. Children may be much more in danger of being run over. Traffic on Wakarusa and all these local streets can become very tight and slow as citizens come and go to the ball park on the south side of the SLT. Please drive down into this area during ball games and see what congestion is present.

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

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

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

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

Respectfully,

Kenna Heim
4741 Larkspur Circle
This one was in my spam.

Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

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From: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 9:43 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Rezoning of 4300 W. 24th Place

Dear Planning Commissioners,

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

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

Thank you for your time!

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

Leann Cooper | Senior Manager, Chapter Services
Golf Course Superintendents Association of America
1421 Research Park Drive | Lawrence, KS 66049
800.472.7878, ext. 3648 | 785.832.3648 Direct |
www.gcsaa.org | www.eifg.org | FACEBOOK | TWITTER
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The noise levels of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the drive-ins will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, we ask that you not approve the SUP for Item No. 5B.

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

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

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
From: Scott McCullough
To: Denny Ewert; Sandra Day; Sheila Stogsdill
Subject: Fwd: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting
Date: Saturday, February 22, 2014 4:51:28 PM

For PC packet

Sent from my Verizon Wireless 4GLTE smartphone

----- Forwarded message -----
From: "Bryan C. Culver" <BCulver@bankingunusual.com>
To: "Scott McCullough" <smccullough@lawrenceks.org>
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting
Date: Fri, Feb 21, 2014 4:49 pm

FYI…..

Bryan C. Culver
Vice President
Wealth Management Officer
4831 West 6th Street
Lawrence, KS 66049
785-842-4300 Office
785-830-4623 Fax
785-760-2820 Mobile
NMLS# 861527

From: Luke Sinclair [mailto:sincluke@gmail.com]
Sent: Friday, February 21, 2014 11:20 AM
To: Bryan C. Culver; bruce@kansascitysailing.com; amalia.graham@gmail.com;
montanastan62@gmail.com; jonjesserand@gmail.com; pkelly@usd497.org; denny1@sunflower.com;
squampva@aol.com; Clay Britton; eric.c.struckhoff@gmail.com
Cc: Lori Sinclair
Subject: Opposition to Agenda Items 4, 5A, 5B, 5C for 2/24 PC Meeting

Dear Planning Commissioners:

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

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

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

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

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

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

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

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

Thank you,

Luke and Lori Sinclair
4400 W. 24th Pl.
Lawrence, KS 66047
Another one from Mr. Simpson.

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/

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Planning Commissioners,

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

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

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

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

Respectfully,

Mark Simpson
Scott McCullough, Director
Planning and Development Services – www.lawrences.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

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http://lawrences.org/pds/survey/satisfaction."

Bryan C. Culver
Vice President
Wealth Management Officer
4831 West 6th Street
Lawrence, KS 66049
785-842-4300 Office
785-830-4623 Fax
785-760-2820 Mobile
NMLS# 861527

Michele Vignola-Rogers
Dear City Planning Commissioners,

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

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

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

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

Sincerely,

Michele Vignola-Rogers
From: Scott McCullough
To: Sandra Day
Subject: FW: Family Fun Park
Date: Thursday, March 13, 2014 4:45:10 PM

For file.

From: Michelle Bruce [mailto:michellebland2@hotmail.com]
Sent: Thursday, March 13, 2014 10:25 AM
To: Scott McCullough
Subject: Family Fun Park

Hello.

My name is Michelle Bruce and I am a Raintree parent. I do NOT agree with the Family Fun Park being in the proposed location. My biggest concern is the traffic, both foot and car. Putting in a large commercial development in this area would ruin the current safety we feel and value in this area. This development would greatly change the atmosphere in this residential area. While I see the need for such entertainment, I do not feel this location is ideal.

Please, please reconsider the location and find a more suitable location somewhere else.

Let's keep our neighborhood schools in a neighborhood.

Sincerely,

Michelle Bruce
Greetings Planning Commission Members,

I would like to voice my opposition to the proposed development at Inverness and 24th Street. There are so many reasons this isn't a good idea, but I would like to specifically site excess noise, lights, traffic congestion, and available alcohol near several schools.

I live on W. 25th Place and the traffic before and after school is very busy it is, sometimes I can't even turn onto my own street because of the volume and drivers blocking the intersection. The increased traffic activity during the week and weekends if this proposal is accepted would be unimaginable. I am also concerned about crime, as it has already increased in our neighborhood in the last few years.

I enjoy family activities as much as the next person, but I think this is the wrong location, and not just because it's my neighborhood. I don't think any family neighborhood with schools would be appropriate for this type of entertainment. There are so many other choices that
would be better - one option would be the area closer to Rock Chalk park, or even better, the area toward the end of south Iowa, close to where the by-pass will be completed would be ideal, and attract more out of town visitors.

I plan on attending the meeting on March 24.

Thank you for your time,

Nancy Stump
4417 W. 25th Place
Lawrence
Dear Planning Commissioners,

I, Bryce Erickson, feel like what you are doing is good but if you people do it by my school it will be very very very very very hard to concentrate. I do think it's a good idea just I think it would be better if you do it some where else! And I mean it. I think it would be best if you turn it into a garden or a park.

Yours truly,

Bryce Erickson age 9
Dear Planning Commissioners,

cI greatly appreciate that you are going to build a family fun center in our community.

However, I think the Outskirts of Lawrence would be a better place for one. If we were to build anything in that area, a community garden would be absolutely wonderful. A park area would be nice to, but only if it was the outside kind with slides. The other reason I don't approve of your idea is the noise. A park full of screaming children could distract me from my school work.

Sincerely,

Madison Kühle (5th Grade)
Dear Planning Commissioners,

My name is Sophia and I'm from Raintree Montessori School.

I feel very strongly about having a Family Fun Center on this side of Lawrence. We don't have a lot of fun things to do on this side, but when you get farther into town there is all sorts of stuff to do. I think the place you're wanting to put it might not be the best place. I'm afraid if you decide you don't want it there you'll move it
way into town (and she explained why I don't want that). I found lots of farm lands East of Iowa Street and South of thirty first Street. The land is already being interrupted for the new K-10 bypass, I hope you can take my idea under consideration. Thank you.

Sincerely,

Sophia

P.S. I hope this doesn't sound like a complaint letter, I love your idea.
Dear Planning Commissioners,

I love your idea of having a Family Fun Center in Lawrence. I am sure many other people love the idea too. But lately my school, Pines Tree Montessori School has been vandalized many times and I am afraid this will increase these numbers.

I also think it would be much reasonable to have a community garden and park in that space. Will kindly ask and pray you do not chose this area. Thank you.

Love, Alyssa (5th grade)

RECEIVED

MAR 14 2014

City County Planning Office
Lawrence, Kansas
March 8, 2014

Dear Planning Commission:

On behalf of the Board of Trustees of Bishop Seabury Academy and taxpayers to the City of Lawrence, we must express deep concern and firm opposition over the proposed change to the zoning proposed for the Family Fun Center (Z-13-00483).

Bishop Seabury selected its new location a number of years ago based on the existing zoning for the area. We selected the school’s location in a residential area that would offer little risk to the school’s physical structure during non-school hours and outside of school activities. Surely, our neighbors of Raintree and the City owned schools of Southwest Junior High and Sunflower Elementary also considered this criteria in their decision process.

We are positive our decision to locate Bishop Seabury and the decision of the City for its schools would have been different if a “Family Fun Center” were originally located adjacent to a proposed school purchase or construction. Yet, the Planning Commission is entertaining the idea that we accommodate the opposite. The approval of a center that will be a congregation point for young people, after school hours, and outside of school activities, presents inherent risks to our school property, just by the very nature of creating a congregation point. The immediate adjacency of such a center invites the potential for unwanted visits and destruction of property. This is a risk we—as City taxpayers and board members who have been entrusted to ensure the safety of our school—cannot afford to undertake.

This Board of Trustees is not necessarily against such centers when located in a properly zoned (not re-zoned) location and in an area that has been more deliberately chosen to accommodate noise, lighting, security and adjacent business activity. Locating a “family fun center” in a residential area with four schools less than 1/2 mile from the proposed location, is not, in our mind, such an ideal location.

We are a volunteer Board tasked with protecting a school with a mission promising a safe environment for our students. Our Board is unified in opposing this rezoning as a threat to our mandate, and we encourage the Planning Commission to protect our property, mitigate the risk of damage to our City-owned properties, and ensure the continuation of a great neighborhood in the City of Lawrence.

Please reject this proposal.

Most Sincerely,

The Board of Trustees, Bishop Seabury Academy

Dennis Depenbusch, President
Ken Albrecht          Kara Tan Bhala          Stephen Hill          Lynn Segebrecht
Kay Almanza          Reed Dillon             Kathleen Hodge        Beth Wigen
Lori Arnold           Megan Edwards          Shane Mathis           The Right Rev. Dean Wolfe
Patti Bartley        Trip Frizell            Mark Mitchell
While necessary to the file, this one missed the cutoff to even Bryan so let’s stick to our by-laws.

Scott McCullough, Director
Planning and Development Services – www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | 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: Bryan C. Culver [mailto:BCulver@bankingunusual.com]
Sent: Monday, February 24, 2014 10:26 AM
To: Scott McCullough; Sheila Stogsdill
Subject: FW: Proposed Family Fun Center

Planning Commission Members,

Our neighbors Luke and Lori Sinclair have summed up our feelings on this matter almost perfectly. But to add our own thoughts...
We are certainly in support of small locally owned businesses having the opportunity to start, thrive and grow. This however is a bad idea doomed to fail almost immediately. Not only is it a bad idea, but it is a bad location for a business of this sort period. Factor in everything the Sinclairs have said about why it's bad for our neighborhood, but it's just a stupid location for a business of this sort.

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

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

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

Thank you for your consideration on this matter.

Steve and Tami Clark
4425 W 24th Pl
Davis Loupe  
2205 Riviera Drive  
Lawrence, KS 66047  

March 7, 2014

To the Lawrence Planning Commission:

I am writing in favor of the proposed Family Fun Center at 4300 West 24th Place but on the condition that the proposal to allow a bar at the facility be removed. This development is in the close vicinity of four schools and is not appropriate for a bar. Otherwise I support the proposal.

My wife and I own three properties (our current home on Riviera Drive, and two rental homes on West 24th Place and Prairie Elm Drive) all in the vicinity of the proposed Family Fun Center.

Apartments are a problem: I was strongly opposed and spoke against previous proposals for additional dense apartments on this site as I feel that these additional apartments would cause a decline in the safety and desirability of the area. I feel that in the long run development of more dense apartments in this area is a very bad idea. In the past few months a fatal stabbing occurred at one of the current apartment complexes and the long-term deterioration of these apartments concerns me greatly. The density of apartments in this area is excessive and further apartment development will compound the problem. I see commercial development of this corner to be a much better use in the long term.

Crime: I do not believe that Mini Golf, Go-Karts and other similar family activities will cause any significant increase in crime. There has been concern expressed that gangs of unsupervised teenagers and young adults will run wild there and cause problems. I have more faith in the teenagers in Lawrence. When I was growing up my first cousin lived in a neighborhood within walking distance of a Putt-Putt golf course and we spent many happy Saturdays and weekday afternoons there. I don’t recall there ever being a problem. I mostly remember playing Putt-Putt and having fun. We probably did drink a few too many Coca Colas.

Security and Supervision: I would think that the Fun Center operator would have it in their best interest to have security guards and employees available to maintain a safe environment. Parents today don’t generally let their kids go outside to play unsupervised so I feel that many parents will be in attendance with their children and this will help to keep other patrons in order. I think that the type of kids who are interested in illegal drinking and drug use will not want to hang out there. Too many parents and little kids around. On the contrary it will give good kids and others a legal, fun, wholesome activity to fill their time.

Traffic: Much has been discussed about the traffic problems the new development will create. I agree that Inverness does have a lot of traffic at the opening time for the schools: 8:00-9:00 am and again when they let out 3:00 - 4:30 pm. First let me say that any development on that corner will cause additional traffic. Second, the Family Fun Center will likely not see its peak traffic coincide with school opening and closing hours and its busiest season will likely be the Summer months when school is not in session.
Noise: I agree that this facility will cause some additional noise. I have lived in this neighborhood since 2001. There are four schools with about 1600 students total in the immediate vicinity. The kids attending these schools all make noise almost every weekday. The cars on Clinton Parkway make noise. The Alvamar swimming pool makes noise in the Summer. The large numbers of residents in the Apartment complexes make noise too. It is a family neighborhood and this neighborhood has never been a completely silent neighborhood. I think the horse is out of the barn regarding neighborhood tranquility.

Unless we force everyone inside at all hours of the day there will be some noise in this area. It is just the sound of a normal family neighborhood. I just don’t think that electric go-karts and people playing mini-golf will cause excessive amounts of additional noise especially if the facility closes at a reasonable hour. There should be decibel limitations on the P.A. System. My biggest noise concern would be the batting cages. Perhaps some requirements such as wood bats instead of aluminum, dimpled rubber balls, and having mesh nets instead of chain link would quiet them. Overall reasonable closing hours might be no later than 9 pm on a school night Sunday - Thursday and perhaps 10:30 on weekends.

Lighting: I think that the lighting required for this type of facility is less than say a baseball diamond or soccer field. I also think that the lighting can be designed to not shine in adjacent homeowners properties. The limited hours of the facility will ensure that neighbors will not be kept awake by the lights. Perhaps a plan could also be developed so that the lights could be dimmed after 9 pm.

I think that crime in an area is more likely when there are few people outdoors and when lighting is poor. I think a lighted area with people outdoors and having limited operating hours could actually help deter some crimes.

Landscaping Buffering / Architectural Standards: The Inverness Park Plan has a required significant landscaping buffering for the single family homes to the West. I think that if the complex is well buffered and has sprinklers systems for the maintenance of the landscaping that the facility as proposed will not be an eyesore. Buffering could also help to block noise and light. I think that having architectural standards for the buildings and having a well designed landscape plan will be a key to maintaining this property as a desirable one.

Restaurants and other commercial establishments nearby improve walkability: Many city residents like to live within walking or short driving distance of restaurants and other stores. I think that having a restaurant to walk to (fast food or otherwise) might add services to the neighborhood. I really like having the Hyvee gas station and convenience store nearby. Car-centric development is not the wave of the future, it is a relic of post WW2 suburbanization. I believe that most modern development looks towards making neighborhoods more walkable for quality of life and environmental reasons. One of the big attractions of the adjacent neighborhoods in this area is that kids can walk to school. Having additional commercial facilities will only add more services available by foot or by bike.

Yes it is Family Fun: I am completely puzzled by people opposed to the Family Fun Center on the basis that they feel it won't attract "Families". My family has had discussions about the proposed center. My 75 year old father-in-law who lives with us says he would go. My wife and I (I'm 51) would go, our 13 year old would go, my 19 year college age son would go and I'm pretty sure that most 7 or 8 year olds would love it. My
wife remarked that she remembers going with Church groups to play mini golf when she was young. It sounds like a place that truly the whole family could go.

I believe that a vibrant city requires outdoor places for people to gather and enjoy themselves. There aren't enough of these places in Lawrence. I like the idea that I could walk there on a nice evening with my family and we might have something to do close by that's better than watching TV or surfing the internet.

Sincerely,

[Signature]

Davis Loupe
Dear Mr. Halm,

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

Molly Mulloy

February 14, 2014

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

Dear Commissioners,

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

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

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

Thank you for considering our objections to this rezoning request.

Respectfully,

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

My name is Tom Cotte'; I live at 4215 Wimbledon Dr., in direct sight of the proposed Family Fun Center. Several other townhouses (35 total) in two thirty-year association-developments are located even closer to the proposed site than my town-home.

I am opposed to the development of the proposed project for the following reasons

Please **Consider:**

- The Center is flanked on four sides by residential living, not commercial businesses -- **but home living.** Our patios directly face the proposed site; upstairs bedrooms are also in clear view. One consequence from developing this project will be that we can no longer keep our windows open during the spring and fall, and will need thick shades to ward off the glare from lighting emanating from the Center. Moreover, increased noise and traffic activity will interfere with our comfortable use of the patios. Noise from braking go-carts, pinging sounds of aluminum bats on balls hit in the batting cages . . . and so on are of concern. Additional traffic, air pollution, illumination from the lighting, increased noise will violate our **reasonable, collective right** to peaceable enjoyment of this neighborhood.

- Assuming the Center will operate much of the day and night, traffic most assuredly will increase, thereby posing substantial risk to children in general, and my young grandkids in particular, who also live nearby. Case in point: About 200 feet north on Inverness from Clinton Parkway is a hill from which the traffic is not immediately noticeable from cars exiting Wimbledon Drive – a blindspot. I understand that a recent accident at this point resulted in a fatality.

- College housing is **abundant** to the south and east of the proposed Fun Thing. Recalling my frolicking days in college, I suspect the Center will be a magnet to purchase attractions, including beer, and all the noise and hoopla associated therewith. Recently, my wife visited the apartment complex directly south of the subject site and spoke with the receptionist and a dozen or so students, **all** of whom were excited about the prospects of beer and go-carts. She also mentioned
that the Developers had visited their on-site office and spoke with the
owners and manager. One wonders what proportion of college
students to “families” will be attracted to the Center.

- When you realize the drastic zoning changes and variances under
application, isn’t it reasonable to realize the city fathers apparently
intended present zoning to conform to a residential venue, not a
carnival environment. When this project becomes operable one
wonders if construction of a Ferris Wheel or thrill ride could be far
ahead. In other words under the changed zoning and variance what
other annoying attractions will be later constructed?

- Consider: The potential blight factor: If this entertainment center
goes bust, is abandoned and allowed to deteriorate, like some have in
other Kansas communities, what will replace this unique site without
substantial capital investment? How long will it remain empty to
grow unsightly? How easily could it be adapted to another purpose?

- Beer sales: The sale of beer is worrisome, not only in itself but as Dr.
Don Schawang, headmaster of Seabury Academy has stated, may
draw an un-family type of crowd. An additional thought: Will off-
site beer consumption, loitering and vandalism to surrounding
residences increase?

- Visualize the paradox between the Family Fun Center location on
Clinton Parkway and the window to north Inverness Drive through an
uncommonly beautiful neighborhood in Alvamar as one travels
toward Bob Billings Parkway.

- Finally, I won’t dwell on the effect the proposed site might have on
our property values.

Commissioner, I implore you to properly serve your constituents, not a
developer, who most likely doesn’t live in the immediate area. Please,
thoroughly tour the neighborhood and see the RESIDENTIAL character
surrounding Clinton Parkway and Inverness Dr. Then, you may understand
our concerns.

Frankly, I would not have purchased our town-home a year ago if I had
reason to suspect the prospect of a Family Fun Center in my back yard.

In conclusion, please. . . put yourself in our shoes. Honestly, aren’t there
better sites in Lawrence for this kind of project?

Thank You for your consideration.

Respectfully,

[Signature]
March 7, 2014

Dear Planning Commissioners,

As Head of School at Bishop Seabury Academy (4120 Clinton Parkway), I have been following with interest and concern the proposed rezoning (Z-13-00483) of the lot at 4300 W. 24th Place from a Residential area to a Neighborhood Shopping Center (CN2). I attended the meeting at Raintree Elementary School, and I appreciated Mr. Werner’s appearing to explain the project. I would not be opposed to such a development were it appearing (logically) on the outskirts of town and in an area zoned deliberately for this sort of development. However, I think this rezoning is inherently and obviously very bad news for everyone who lives or attends school in the area. Homeowners in the area have very good reason to be anxious, and they voiced their concerns at the meeting. I will focus on my own concerns.

I feel certain that this sort of an entertainment park will attract a lot of middle school, high school, and college students at all times of the day, but especially at night. (I have to think that developers conceived of this project with a captive afternoon audience in mind: the students at Bishop Seabury Academy, Southwest Middle School, and perhaps Raintree and Sunflower Elementary Schools.) The presence of alcohol in this park is unwise. It would be naïve to think that underage high school and college students who find a way to drink in other Lawrence bars will not find a way to drink at the bar in this park. And when they leave the facility at 10 pm or midnight—bedtime for adults, perhaps, but not for park guests aged 14-25—they will look around and wonder what they should do next. And they will have two schools nearby with football fields, tennis courts, baseball diamonds, and a closed, unsupervised pool with a gate that is easily climbed. They will have the secluded spaces behind Raintree. As I noted at the Raintree meeting, I am an advocate for young people and believe in their better nature, but they also make bad choices at times. If this park is allowed to be developed in this residential area, it will not be the developer, architect, management, or the city planning committee who will have to deal with this situation. It will be the people who live in this area.

I was asked by Mr. Werner if I would feel more comfortable about the situation should alcohol be taken off the table. I admit that the presence of alcohol is one of the most bewilderingly inappropriate aspects of this proposal and raises the stakes, especially when neighbors have no certainty about the future usage of this area (Family Fun Center or other entertainment feature). But focusing on this one proposed entertainment park project, the absence of liquor inside the park would not eliminate inappropriate late night behavior when patrons leave. Perhaps I am excessively cynical here, but my job as Head of School is to think of worst-case scenarios, and in my experience, what I am suggesting hardly requires a dark imagination.

Also at the Raintree meeting yesterday, there was much discussion about neighborhood concerns regarding lighting, noise, security, the quality of judgment demonstrated by young seasonal park employees, and even the uncertainty of what project will inhabit this lot (again, in the center of a residential area of town) not only next year but in 5, 10, and 20 years. Despite the helpful speculations...
by the architect on all of these issues—assurances which are the lubricant to get this motion passed—there is no guarantee on any of them. And if you allow this rezoning to occur, the neighbors and schools will be at the mercy of whatever development occurs in this area.

I want the planning committee members to understand that I do not envy their job, and I do not think it is for me to dictate what sort of construction occurs in the neighborhood surrounding my school. However, I think it is very reasonable to see that rezoning and special use permits are difficult hurdles for developers in a situation like this because restrictions are in place for a reason. There is logic and a reason for consistency with these decisions. There is a reason that the present zoning exists.

With respect, I strongly encourage you to oppose this rezoning. And as a final test to this decision making, I would ask you to consider if you would be willing to move into a residence alongside the Family Fun Center if it is built. If you would not, then you will understand how we feel.

Thank you for your consideration in this matter,

Dr. Don M. Schawang

Head of School
Bishop Seabury Academy
March 8, 2014

Dear Planning Commission:

On behalf of the Board of Trustees of Bishop Seabury Academy and taxpayers to the City of Lawrence, we must express deep concern and firm opposition over the proposed change to the zoning proposed for the Family Fun Center (Z-13-00483).

Bishop Seabury selected its new location a number of years ago based on the existing zoning for the area. We selected the school’s location in a residential area that would offer little risk to the school’s physical structure during non-school hours and outside of school activities. Surely, our neighbors of Raintree and the City owned schools of Southwest Junior High and Sunflower Elementary also considered this criteria in their decision process.

We are positive our decision to locate Bishop Seabury and the decision of the City for its schools would have been different if a “Family Fun Center” were originally located adjacent to a proposed school purchase or construction. Yet, the Planning Commission is entertaining the idea that we accommodate the opposite. The approval of a center that will be a congregation point for young people, after school hours, and outside of school activities, presents inherent risks to our school property, just by the very nature of creating a congregation point. The immediate adjacency of such a center invites the potential for unwanted visits and destruction of property. This is a risk we—as City taxpayers and board members who have been entrusted to ensure the safety of our school—cannot afford to undertake.

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We are a volunteer Board tasked with protecting a school with a mission promising a safe environment for our students. Our Board is unified in opposing this rezoning as a threat to our mandate, and we encourage the Planning Commission to protect our property, mitigate the risk of damage to our City-owned properties, and ensure the continuation of a great neighborhood in the City of Lawrence.

Please reject this proposal.

Most Sincerely,

The Board of Trustees, Bishop Seabury Academy

Dennis Depenbusch, President
Ken Albrecht    Kara Tan Bhala    Stephen Hill    Lynn Segebrecht
Kay Almanza    Reed Dillon    Kathleen Hodge    Beth Wigen
Lori Arnold    Megan Edwards    Shane Mathis    The Right Rev. Dean Wolfe
Patti Bartley    Trip Frizell    Mark Mitchell
I am a parent of 8 children in Lawrence, KS. We are very excited about the possibility of having this in Lawrence, and will be there quite often. My children were ECSTATIC when I told them about this possibly being built.

I am asking each commissioner to please support the proposed Family Fun Center where it is proposed at corner of Clinton Parkway and Inverness Drive. This is an excellent location close to the center of town, and it is my firm belief that the objection you have been getting from the neighborhood surrounding this location are the same objections you would see from any neighbors of any project.

Please make this decision with all Lawrencians in mind, not only the ones that live near this site.

Alex Delaney / (785) 393-6224 / alex@indepsys.com
To the Planning Commission:

I have attended the 1st meeting at which this agenda item was deferred. I was then in attendance when there was a meeting held at Raintree with the architect so citizens could voice their concern. And finally I attended the meeting in which Paul Werner tried to explain the changes they were proposing to make this project acceptable to the neighborhood.

First I will tell you that I moved to Lawrence two years ago to retire. I chose the Wimbledon Townhomes because they were situated in a very nice neighborhood which was quiet and safe. I have enjoyed sitting on my back patio (faces Clinton) when the weather permits for these last two years. It is very upsetting to me that this will not be possible if this Family Fun Center is approved. As a retired person, I am not able to just pick up and move. I had planned for this to be my home for a long time and I see this as a threat to my investment.

The thought of this zoning change is very upsetting. I do not want to see commercial of any kind in a neighborhood of residential housing. It is not appropriate to have this developing in the middle of homes and schools. It worries me that when this development, if allowed, is no longer popular that we will have an eyesore right in our neighborhood.

As a grandparent I love having family things to do with my grandchildren but even that does not get me excited about the Family Fun Center being in our neighborhood. This project needs to be developed in an area appropriate for this commercial type of development. The lights on till midnight, the noise from the batting cages and go karts (electric or not there is noise) and the additional traffic is not welcome in this residential area. It is already difficult to exit from Wimbledon onto Inverness because there is a blind area for cars coming north on Inverness. Additional traffic will only make this matter worse. Although the architect said that a beer license would not be applied for the first year, we are all smart enough to know that is something that will stay on their agenda.

This brings me to another upsetting item. We have asked at every meeting for the name of the developer and have been denied that information. If this person or persons is so honest and trustworthy with their intent on this development then why not come forward and reveal who they are. My inclination is that the architect is a part of the development and is protecting the identity of others. If they are not willing to come and talk to us, then why would we trust them.

I have been told that other projects have been opposed in the past for this land but since I am new to Lawrence I do not have all those facts. But even on this project no notices were given to neighbors – was told you had to live within 200 feet. That is an unrealistic measure – all neighbors are entitled to know what is proposed in their neighborhood especially when it will affect their home values and the safety of our homes and children. I was told that at one time a park was proposed for this area but has been turned down. If you want things for families to do, a park is a great solution and acceptable to all.

Know there is a movement by a tax group and Alex Delaney supporting this project. Obviously they do not live in our neighborhood but I will submit to them and to the Planning Commission this proposal. If you are so sure that this will not affect the home value of my home, then please buy my townhome now. I am willing to sell it to you at the price I paid plus the additional money I have invested in it. I can have it vacant in one month for any buyer. I am sure I will have many offers since none of you think this project will affect all of our home values. Many others like me, retirees on set incomes who just wanted a quiet, safe neighborhood, do not want to be betrayed by your actions.

Please consider what you will be doing if you approve this zoning change. You will take a residential area which is loved by many and turn it into a commercial zone. That is not why I originally moved to Lawrence.

Sincerely,

Viv Hammond
4227 Wimbledon Drive
Lawrence, KS 66047
To Mr. Bryan Culver, Chairman, and Planning Commissioners,
Lawrence-Douglas County Metropolitan Planning Commission

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

Dear Chairman Culver and Planning Commissioners:

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

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

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

1. We ask that you deny the rezoning of the subject tract to the CN2 District. In the future, before reconsidering any rezoning for the subject tract, the ten acres allotted to that tract for the CN2 District in the Inverness Park District Plan should be reduced to 5 acres to permit an RSO rezoning and use to take up the remaining acreage.

2. Any rezoning for that area should specifically limit the ordinance to the suggestions and approval of the Inverness Park neighborhood to allow only those uses needed by the residents.

Sincerely yours,

Cille King
President

Cille King
Attachment

Alan Black
Alan Black, Chairman
Land Use Committee
February 23, 2014

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

ITEM NO. 4 TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE; PARTICIPANT SPORTS & RECREATION,
OUTDOOR USES WITH SUP IN CN2
ITEM NO. 5B: SPECIAL USE PERMIT; FAMILY FUN CENTER; W. 24TH PLACE AND INVERNESS DRIVE
ITEM NO. 5C: SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE

Dear Chairman Culver and Planning Commissioners:

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

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

1. The applicant has indicated the proposed uses in his report to the Staff. The noise levels of the outdoor uses, specifically the batting cages, Go-Karts, and shouting customers, cannot be buffered.
2. The lights will not be able to be properly screened. Although the lights may shine down, the reflections cannot be shielded.
3. The intensity of the traffic can be predicted to be worse at times than would be the case for normal shopping areas.
4. In terms of the planning considerations, the recreational use and the drive-ins will absorb all of the available commercial space so that the uses really needed by a neighborhood such as a drug store, grocery store, sit-down restaurant, and the other uses for which the CN2 District was intended, will not be possible. The Comprehensive Plan severely limits the amount of recreational space for the Neighborhood Centers and the CC200 Centers for this reason (please see Chapter 6 of Horizon 2020, page 6-12, paragraph 2 under the Section, “Recreational Uses.”)
5. The type of outdoor commercial recreation proposed to be permitted here with the SUP we believe belongs in more regionally based commercial districts; that is, the CC4 or CC6 Districts. The more logical location for this type of use would be in the larger shopping center or centers close to the Rock Chalk Park, or for that matter, in the Rock Chalk Park itself.
For the same reasons, **we ask that you not approve the SUP for Item No. 5B.**

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

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

Sincerely yours,

Cille King, President

Alan Black, Chairman
Land Use Committee
Have heard there is a proposal on the table and would like to weigh in as IN FAVOR....have made two trips out of town in seven days to take kids to Family Fun Centers and would rather spend my money in Lawrence...thanks Mary Beth Petr
Mr. Culver,

I am writing to state my opposition to the “Family Fun Center” that is being proposed at Clinton Parkway and Inverness. This is a terrible idea that will affect my neighborhood and my home. Even with no alcohol, this is a bad location. It is too close to schools and homes. I cannot be at the meeting on Wednesday but I wanted to state my opposition to this.

Please don’t support this. Thank you.

Theresa Shively-Porter
4412 Gretchen Ct
Lawrence, KS 66047
785.842.7713
Petition
in Opposition to the Rezoning
from RSO (Single-Dwelling Residential Office) to CN2 (Neighborhood Shopping Center)
located at 4300 W 34th Place and allowing a
Special Use Permit for a Family Fun Center and Fast Food Drive-Thru Restaurant

We the undersigned oppose this development for the following reasons:
• Does not fit within the guidelines of the original Horizon 2020 development plan.
• Is an inappropriate match in a residential area.
• Will add additional traffic in an area already plagued with traffic congestion.
• Serving alcohol with four schools nearby is inappropriate and dangerous given the traffic issues.
• Outdoor recreation, walking trails, and batting cages are already available in the area.
• The noise and lights late into the night will disturb the sleep of residents.
• Increased vandalism and late night unruliness.

Name
Margaret Carlson
Ruth Sleepen
Melissa Manning
Judith Fay Shepp
Denis Hanson
Minnie Meany
Cynthia Mangan
Libby Shabler
Barbara Smith
Dagmar Koch

Name
Nadine Koch
Melanie Hamel
Jason Swann
Robert Lemire
Leo V. Bistak
Nancy Bistak
Christine Colbert
Beth C. Delaine
Harvey Thiel
Susan Nightengale
Nancy Hanson
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Name

Name

Name

Name

Name

Name
Carolee A. Cribbins
Kimberly Sharp
Rachel E. Marcouer
Cindy Edwards
Marnie S. Strayer
Wafaa Shukri
Heather Dalton
Pamela Shango
Betty Slevin
Dale McKee
Dorothy Web
Robin R. Nichol
Helen Weis
Matthew Elliot

Charles Pelzmar
Carrie Rupprecht
Megan Weh
Shirley Shattuck
Kelli Kosterlew
Gray D. Madsen
Kelli Flannan
Mary Jo O'Hanlon
Emily C. Haber
Kelli Cumpo
Larry Bohlke
Gayle Wright
Beverly Bafrutti
Megan Thomas
Kristen Williams

Tim Mingus
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Name
Christina Alwood
Michele Elder
Amy Wade
Amy Allen
Sue Hall
Debra A. Butler
Kim Adam
Rita Saline

Name
Karen
Suzy
Emily Nelson
I. Scott
Mary E. Wood
OLiver
DeWoods
Georgia Spain-Summar
Sue Bussie
Petition

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Name
Kathy Klocke
Mary Wade
Seth Alphee
Erik Haroe
Farhang Khosh
David Palmis
Donna Benosa
Nancy Benosa
Chris Grabant

Name
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in Opposition to the Rezoning
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Name
Christine Hoang
Pamela Kennedy
Clay Ryan
Marina Hoffman
William
Carly Phipps
Grace Pardee

Name
Joshua Hunsfeld
Ellen
Evelyn Meier
Drake
Carly Wagner
William
Monica Rossing
Kimberly


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Name
Cian Blake
Karon D Green
Jason Patterson
Riley Bredemus
Stella Koblenzer
Hannah Motsinger
Amelia Thies
Oliver Rubenstein
Jordan Graham
Tim Huffman
Simon Ruland

Name
Mari Risley
Allie Williams
Madie Ask
Logan Schwab
Andrew Thiesen
Petition

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Name

Danielle Dong
Ryan Malloy
Raleigh Merrill
Jack Bellmore
Theo Weiss
Tyra Speros
Sam Hertzog
Micaiah Mercado
Diego Steven King
Bailey M. Lindholm

Name
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Name
Amy Anderson
Lauren Hacker
William Burns
Sydney Miller
Maddy Work
Sam Hutfles
Laurie Schwalb
Joseph Dacre
Ella Dederion
Marley Sears
Eva Ackley

Name
Cian O'Leary
John Green
Ben Depach
Jenna Pollard
Lucas Cloud
Will Hedges
Willoughby Farm
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Name

Patrick Hoffman
Ethan Kogon
Sophia Eddinger
Matthew Demmgen
Jakiah Smith Evans
Audrey Nguyen-Huang
Abbey Hossler
Jackson Grant
Alyssa Carlson
Jacob Klein
Brege Leidson
Ruddhi Duvur
Lauren Malik
Bella Smith

Name

Luke Hornberger
Gibson Huston
Warren D. S. Alexander
Samuel J. Hindman
Briggs Macrae Orian-Lawrence
Sophia Brecker Stummer
Madison Kühle
Dariel Davis
Trent Eynes
Josh Williams
Samantha Clevenger
Mina Khosr
OLIVIA SLIDER
Samantha Freeman
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Name

Audrey Basham
Joe Ridley
Jeon Chun
Beverly Boyard
will gandrea
Maya Dee
Charlotte Lupp
Erin Heiggin
Caroline Schmidt
Lisa Khosh
Brayden Shumaker

Name

Andrea Dev.
Erinn Rose Waldson
Julie Holdor
Lynne.nlm
Anna Martello
KTH G-W
Deb Lander
Elise Sanders
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Name

Oyin Enoch
Jeremiah Lutz
Anah Lutz
Rose Bringas
Colleen Stock
Laura Hines
BrianMulher
Hyacinth C.
Sherry Mill
Kirsten Matzen
Anne Richert

Name

TOM MATZEN
MILEEN JONES
EILK TUCK
CLIFF TUCK
Sherri Soule
Amy Risley
Cynthia Sue
D Greene
becka Vicen
Leslie Miller
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Name

Name

[Signatures]
Hi Scott,

Please add my voice to support for the Family Fun Center.

When my family and I moved here in 1990 there was a putt putt and batting cages if I remember correctly out on South Iowa. As our children grew, we lamented the loss of a family suitable facility to take our kids for fun. As I understand the proposal there would also be facilities to host birthday parties, batting cages and an electric powered go kart track.

Although my kids are grown and no longer live in Lawrence, my wife and I fully support this project encourage our city commission to give the proposal every consideration possible to bring this facility to Lawrence.

Thank you.

John Ross
Lawrence-Douglas County Planning Commission
City Hall
6 East 6th Street
Lawrence, KS 66044

Dear Planning Commission Members:

I write to voice my strong opposition to

- ITEM NO. 9A RSO TO CN2; 10.97 ACRES; 4300 W 24th PLACE (SLD/Tlh)
- ITEM NO. 9B SPECIAL USE PERMIT; FAMILY FUN CENTER; 4300 W 24TH PLACE (SLD/Tlh)
- ITEM NO. 9C SPECIAL USE PERMIT; FAST ORDER FOOD WITH DRIVE-THRU; 4300 W 24TH PLACE (SLD)

A family fun center has a place in Lawrence, but it should not be in the middle of a residential area on Clinton Parkway. There are a number of reasons I oppose this rezoning.

First and foremost is that the city’s long-term plan for this area calls for only limited commercial development. Rezoning for CN2 runs contrary to Horizon 2020 and makes Clinton Parkway more like the heavily-developed region of 23rd Street east of Iowa.

Second is the impact on the quality of life for the neighbors. The whine of go-cart engines, the constant pinging of aluminum bats in batting cages, extensive lighting until late at night, and music broadcast outdoors would be very intrusive for residents in the area and diminish property values.

Finally, this development would dramatically increase motor traffic on Inverness, Crossgate, and W. 24th Street. Inverness, in particular with its divides will be negatively impacted.

There are better places for this development in Lawrence, for example, at the site for sale across from Hallmark on McDonald Drive or W. 6th Street beyond George Williams.

I urge you to deny this request for rezoning.

Sincerely,

David Weis
Dear City Commissioners,

My two sons are 18 and 19 now but I certainly wish that they had a Family Fun Center when they were growing up. Lawrence is in need of recreational activities for children. We do not have a skating rink. We do not have amusement or water parks. We do not have mini-golf. We do not have laser tag. Even the batting cages do not work half the time.

I am in FULL support of the proposed Family Fun Center. I hope you are too. Please make this happen for the children of Lawrence.

Thank you.

Kimberly Williams
Realor/Broker, ABR, GRI
McGrew Real Estate
1501 Kasold Drive
Kimberly@KiWilliams.com
Cell: 785.312.0743

“You can ge everything in life you want if you will just help enough other people get what they want.” Zig Ziglar
RE: Agenda Items 8, 9A, 9B and 9C related to proposal for family fun center at Clinton Parkway & Inverness Drive

Dear Planning Commissioners:

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

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

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

I raise four points for your consideration:

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

Neighborhood Planning and the Inverness Park District Plan

The timeline of development activity presented in the staff report for Item No. 9A begins in 1999 with the annexation of the quarter section of ground, which was an isolated unincorporated 160 acres surrounded by a neighborhood that had been developing for over 20 years. The annexation of this property was preceded by planning of the entire 160 acres to guide its development and promote integration of the uses in these areas with the already developed neighborhoods and neighborhood schools. The progression of denser/more intense uses from Clinton Parkway, on the north, to single-family residential subdivision south of the natural drainage divide followed sound planning principles in 1999. These same planning principles are espoused today for newly annexed areas in Chapter 15
Place Making and in the Lawrence Smart Code (although this specific area has not been identified on Map 15-1).

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

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

“ 4. Determine if development proposals are land use changes are in accordance with the community’s long term vision.
5. Provide a shared vision for area’s residents/owners and local government entities.” [re: Horizon 2020, pg 14-2]

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

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

**Horizon 2020’s policies regarding neighborhood commercial developments:**

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

- CN1 was designed to serve existing neighborhood needs and the policies for this type of neighborhood commercial development were revised in 2008, recognizing the usefulness of this type of zoning for new CN1 areas within established neighborhoods [RE: ]
- This site shares similar siting and neighborhood compatibility issues with sites identified in Horizon 2020 as existing inner-neighborhood commercial center sites [re: page 6-6 in Horizon 2020].
New inner-neighborhood commercial centers are designed as “an integrated part of the surrounding neighborhood so that appearance of the commercial area does not detract from the character of the neighborhood.” [re: page 6-20 in Horizon 2020]

New Neighborhood Commercial Centers (CN2 sites) are identified in Horizon 2020 [page 6-21] and planning policies recommend new neighborhood commercial centers occur “at least” (emphasis added) 1 mile radius from existing or new Commercial Centers. [page 6-33 in Horizon 2020].

The neighborhood commercial centers at Clinton Parkway and Kasold Drive and Clinton Parkway and Wakarusa Drive are 1.5 miles apart. The new CN2 at Clinton Parkway and Crossgates Drive is ½ mile from the Kasold Commercial Center and 1 mile from the Wakarusa Commercial Center.

Standards for new Inner-Neighborhood Commercial Centers, in policy 3.3 of Chapter 6 Horizon 2020, fit the neighborhoods needs more precisely than the proposal before the Commission. The standards in this policy are:

1. Inner-Neighborhood Commercial Centers shall be allowed only in those situations where the center is an integral part of an overall planned neighborhood or if the Center can be integrated into an existing neighborhood;
2. Centers shall not have gas pumps, drive-thru or drive-up facilities;
3. Centers may include residential uses;
4. Centers shall have no more than 3,000 gross square feet of commercial space; and
5. Centers shall be designed as an integrated part of the surrounding neighborhood so that their appearance does not detract from the character of the neighborhood. [page 6-31 in Horizon 2020]

The function of Zoning Regulations to implement the comprehensive plan:

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

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

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

Please consider the large outpouring from our neighbors and this written communication to you that are in opposition to this development proposal for the specific commercial uses and outdoor recreational uses. They are not meeting a need, desire, or interest of our collective neighborhoods. Please deny the outdoor recreational SUP request and the text amendments to the ZR for the CN2 district and either deny the CN2 rezoning request or recommend a lesser change to CN1, which more
accurately and adequately – without need of text amendments – meets the stated priorities for neighborhood commercial in the Inverness Park District Plan.

Thank you.

Sincerely,

Linda and Richard Finger
4117 Wimbledon Drive
The video for the community meeting held at Raintree Montessori School regarding the family fun center proposal can be found on YouTube: https://www.youtube.com/watch?v=Yd-dAUmC-ZI
Hi Jim and Jon

Since you are the only Planning Commission Members I know, you two are the lucky recipients of my concerns about this project:-)  I am an officer in the Wimbledon Terrace Townhomes Association and I know the Commission has received our February 14th letter noting the HOA's objections to this rezoning request, so I will try not to restate those issues.  Please know that I have attended both meetings convened by Paul Werner.

In his April 4th letter to neighborhood residents Mr. Warner stated that the developer will not be seeking a cereal malt beverage license until at least the second season of operation.  He seemed to think this satisfied the neighborhood concerns; however, I did not find this statement reassuring and obviously an application for a 3.2 beer license could happen at any time.  I am confident there are a number of student age residents in the several apartment complexes that adjoin this property and it seems likely it would certainly be a destination point for consumption of CMB and alcohol, not birthday parties for elementary aged children.

At the April 14th meeting both Paul Warner and Mike Riling refused to name the developers.  Obviously, that is their prerogative; however it is clear that supervision, staffing and public safety issues of this proposal have not been addressed.

Jim, you are the one who educated me about law enforcement planning as far as the campus and I clearly remember you describing the similarities between a university campus and large resort areas; this Fun Center seems to fall into the entertainment destination category.  You talked about law enforcement planning and staffing when students arrived on campus, residence halls opening, football weekends, commencement, etc.. and as nearly as I can figure out the Fun Center developers intend to have heavy usage and seasonal large crowds.

On the one hand the spokesmen for the project frame it as an entertainment area for young families, but on the other hand it is clear the intent is rezoning for commercial use which has a huge impact on the neighborhoods on both sides of Clinton Parkway.  The unknown developers have not adequately addressed the traffic, noise, lighting issues and all the accompanying public safety concerns.

One of the planning staff's documents states that the Fun Center would create an amenity that neighborhood residents could walk to.  As you both know the definition of amenity is something that makes life easier, pleasant and attractive, I do not view noisy go-karts, batting cages, miniature golf, bright lights until 10:30 at night, an arcade and beer bar as amenities enhancing this area.

Thank you both for your attention to my concerns and thank you for you service to the City of Lawrence and Douglas County; it is a time consuming and for the most part a thankless job.

Hope you both are well...
Best...
Ann Eversole
Co-President Wimbledon Terrace Townhomes Association
Mr. Kelly--

I am writing to oppose the change in zoning and special use permit requested by the developers of the "Family Fun Center" at the corner of Clinton Parkway and Inverness. My children attend Raintree Montessori, and I feel that a family fun center serving alcohol is inappropriate for that site. Instead, I suggest that the zoning remain the same and that the city of Lawrence work to bring an office development to that site. It is currently over-built with apartments, and the current road infrastructure will not support commercial development. I plan on attending the March 24th Planning Commission meeting to express my concerns in person.

Best regards,

Donna Ginther  
4716 Muirfield Drive  
Lawrence, KS 66047
Dear Planning Commissioner Members,

We recently have been reading about plans to build a Family Fun Center at 4300 W. 24th Place. We own the town homes on Adam Avenue to the west of this proposed Family Fun Center and we are adamantly opposed to the rezoning of the land to accommodate this business as well as passing of a special use permit. The area were they are proposing to build this Family Fun Center/ go-kart park is surrounded by apartments, town homes and single family homes. It is not an appropriate area to place a Family Fun Center that includes a go-kart track and outdoor facilities. The noise, lighting and traffic would be very disruptive to the neighborhood as well as bring down the property values in the neighborhood. Adding the sale of alcohol and the late hours the park would be open also increases the chance of crime (drunk driving, disorderly conduct, noise, etc.) to the area. A more appropriate area for this kind of business would be south of this neighborhood, across the by-pass next to the soccer and baseball fields where this kind of traffic and noise will not disrupt families.

Thank you for your time,

Candy Gunderson
Garber Enterprises, Inc.
Dear Members of the Planning Commission,

First, I would like to thank you for serving our community. I appreciate that you have many hours of your time in this capacity. I am writing to you regarding the upcoming vote on the rezoning/special use requests put forth to the planning commission by a project known as the Family Fun Center. I live near the intersection of 18th and Wakarusa and not far from Inverness and Bob Billings. I have seen much development along these two corridors over the years. After 13 years, the office building at 18th and Wakarusa is still only partially leased. I am wondering when this office building will be a good idea. The shopping center on the SE corner of Wakarusa and Bob Billings has had four restaurants go in and out at its anchor location and is constantly replacing tenants - there must be a lot of money to be made in strip malls even if there are empty spaces. However, the philosophy of "if you build it, they will come", doesn't really hold true in either of these locations, but the landscape has been permanently changed. The Bella Serra "complex" (oh joy, more buildings are coming!) is a "ginormous" change to the environment - good idea? - if you live on the top two floors of that building (what views!) - not so much for anyone else. These are deeds that are already done, and cannot be undone. The landscape has been permanently changed.

I ask you to PLEASE consider this before approving a zoning change. Is this the best case scenario for this property or the worse case scenario? I doubt the homeowners, who purchased single family homes, many of whom have children that attend nearby schools, but who now live with multiple apartment complexes had in mind when they purchased their property - but maybe I am making a huge assumption. I don't believe I am.

Regarding the Family Fun Center project: A potential nightmare in property values for the nearby neighborhoods, 140 parking spaces, alcohol, noise, lights - the list goes on. Here is another disturbing issue that I hate to even think about; with FOUR schools nearby and neighborhoods full of kids within walking distance of this proposed facility, many with two working parents, what type of person would most like to frequent this area - or worse - get a job there? Let's not make it so easy for them, please. What if it gets built and then vacated in a few years due to a lack of business? What will the landscape of the neighborhood look like then? Lawrence does need more kid and family entertainment - no question about that - but this belongs out on Iowa Street. Perhaps, this belongs east on 23rd street, both where commercial businesses are already part of the landscape. I am all for progress, but I think a real visionary asks themselves hard questions about what the environment will look like in the future and the long term effects of designs and uses of land. Please be a visionary before voting on this issue. Think about the name PARKWAY. Think about what this landscape will look like in 20-30 years? Thank you so much for your consideration in this matter. I look forward to Monday night's meeting.

Sincerely,

Karen S Hartnett  
4725 Carmel Place  
Lawrence, KS 66047
Dear Planning Commission Members:

The area residents of the property surrounding Inverness Drive and 23rd Street Parkway have been misled and were not publically informed of meetings concerning the proposals to re-zone the property until just prior to the meeting held in February when your committee was panning to vote on the re-zoning proposal. When the area citizens became aware of this, we appeared before your board, and were grateful that you listened to our concerns and voted to defer the vote until a later meeting. Mr. Paul Werner, the architect for this Family Fun Center, had not held any public meeting as required to inform the public of this issue. Since that deferral, two public meetings have been held, and as a resident of the Wimbledon Terrace Townhomes Association located directly across the street off 23rd Parkway to the north from the proposed fun center, I wish to express the frustration and aggravation in the lack of direct answers to our questions and concerns about this center from Mr. Werner; he and, now his lawyer Michael Riling, continue to insist that alcohol be a part of their plans for this center even though the public (even the young school children) have adamantly been opposed to this at every meeting. If you accept the re-zoning proposal to change the property to a CN-2, that will be the direction of this property development, and we do NOT want that to happen. This is a lovely neighborhood surrounded by many schools with young innocent but easily influenced children, family residential neighborhoods with strong property values. Keep our neighborhood safe and beautiful. Don't let a blight befall this area with noisy go-karts, loud aluminum batting cages, bright lights, loud amplified music, and bright lights with many issues of traffic, security, and management...nor the evils of alcohol! Preserve the Parkway!!!! Thank you for your consideration of families and youth on this issue. See you Wednesday evening.

Truly, Ruth Hiss

Wimbledon Terrace Townhomes Association, Secretary
Dear Commissioner,

Please find my attached letter regarding the Family Fun Center proposal.

Thank you for taking the time to read it and for giving this matter your attention.

We appreciate your commitment to making sure Lawrence continues to be the unique and vibrant community it is.

We shall see you Wednesday.

Regards,

Lleanna McReynolds, M.Ed.
Head of School
We are adamantly opposed to the SUP and re-zone of this property for that use.

My wife and I attended several of the recent neighborhood meetings with the architect on this matter and reviewed the plans. Although a family fun Center does sound favorable in title, bringing the proposed indoor and outdoor facility to our tranquil residential neighborhood would impact our near community in the following manner:

Noise: Emanating from the batting cages, clanking of aluminum bats on hard hit balls
Race track with screeching tires, slamming of bumpers and race-car simulated music piped in
Unruly cheering and encouragement of patrons

Workers: Having casual seasonal workers operate the facility can attract those with unstable work history

Children safety: Having this center in close proximity to a number of schools can serve as a convenient magnet for child molesters. Having open parking lots available for congregation by strangers is not conducive for family values

Traffic: Although the reports indicate that the traffic circle is only 50~60% of capacity, at school start and end times, and afterschool events (track meets, games) the area is overwhelmed.

Long-Term Viability: We will not support, visit or partake in any of these activities including electronic gaming. We feel that in the longer term, this seasonal enterprise will fail leaving behind an abandoned facility in disrepair

In summary, we feel a Family Fun Center can do better on the outskirts of town, not in this close family neighborhood. We request that you support us to oppose this rezone and permit request.

Stephen & Helen Slade
4219 Teal Drive
Sunflower Park
Lawrence KS 66047
Greetings Planning Commission Members,

I would like to voice my opposition to the proposed development at Inverness and 24th Street. There are so many reasons this isn't a good idea, but I would like to specifically site excess noise, lights, traffic congestion, and available alcohol near several schools.

I live on W. 25th Place and the traffic before and after school is very busy it is, sometimes I can't even turn onto my own street because of the volume and drivers blocking the intersection. The increased traffic activity during the week and weekends if this proposal is accepted would be unimaginable. I am also concerned about crime, as it has already increased in our neighborhood in the last few years.

I enjoy family activities as much as the next person, but I think this is the wrong location, and not just because it's my neighborhood. I don't think any family neighborhood with schools would be appropriate for this type of entertainment. There are so many other choices that would be better - one option would be the area closer to Rock Chalk park, or even better, the area toward the end of south Iowa, close to where the by-pass will be completed would be ideal, and attract more out of town visitors.

I plan on attending the meeting on March 24.

Thank you for your time,

Nancy Stump
4417 W. 25th Place
Lawrence
Hi, Patrick,

1) You’re on the Planning Commission? I didn’t know that. Your name and e-mail address were listed on the note from Raintree Montessori School. According to my wife, the Family Fun Center under consideration for the Southeast corner of Clinton Parkway and Inverness is an awful idea. (I’m not as passionate about it, because I think go-karts are pretty fun). In the interest of preserving my marital bliss, you can, however, count this e-mail as being against the Family Fun Center.

2) I’ve recently submitted my application to Lawrence Public Schools. I’m interested in Special Education openings at the High Schools, especially Free State. If you have any advice or inside information for me; or if you can share with the hiring team how amazing I would likely be for the position, I would appreciate it. If you don’t have nice things to say about me, never-mind.

Thanks!

Brian Williams
Dear Planning Commissioners,

I am writing to voice my oppositions to the proposed Family Fun Center for the property 4300 West 24th Place on Clinton Parkway. I live in the neighborhood behind Bishop Seabury Academy and have a son who attends this school.

About two weeks ago I attended a community meeting at Raintree School where the architect of the proposed development presented his design for the Family Fun Center. This Center will have Go Carts, Putt Putt Golf and a Video Arcade. Plans are to serve alcohol at the Fun Center.

In my opinion, a residential neighborhood near four schools is not an appropriate location for this kind of center. This will be a place where junior high, high school and college students gather and loiter. It will increase the traffic in our neighborhood, increase noise in the neighborhood, and will likely increase vandalism and other related crimes in our neighborhood.

I have another reason for believing that this development is not appropriate for a family neighborhood. Industries that make things for children, market heavily to them, a kind of entertainment that is fast paced and stimulating. Children have very few havens of quiet and calm. The family home as well as the school are two settings that, with thought, can provide a measure of peace and calm in the lives of our children.

The proposed Family Fun Center is a form of entertainment that is stimulating. While I believe there is a place for this kind of entertainment, having it in the middle of a residential neighborhood with family homes and schools is not, in my opinion, an appropriate setting for it. Our children need some protected time in their lives that is calm and not so stimulating, and again, the home and the school are among the few places left that can provide this to them.

For all of these reasons, I am asking you to oppose placing the proposed Family Fun Center in our neighborhood near our homes and our schools.

I write this letter from several perspectives. My home is located near the proposed development. I have a son who attend Bishop Seabury Academy which is directly across Clinton Parkway from the proposed development. I also have some understanding of how the environments that surround our children can affect their development, as I have a medical background in psychiatry and mental health.

Thank you for taking the time to read my letter.

Sincerely,
Susan Yoshida, MD
4124 Wimbledon Drive
Lawrence, Kansas  66047